considered significant impacts: North 7th Street north of Richards Boulevard would operate in the LOS F range; Richards Boulevard east of Bercut Drive would also operate in the LOS F range; Richards Boulevard east of Dos Rios Street would operate at LOS F. (DEIR, p. 6.11-69)

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

Mitigation Measures:

Mitigation Measures (2013 Plus Project)

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

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

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

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

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

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

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

Mitigation Measures:

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

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

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

would produce LOS D (v/c of 0.87). These results are shown in Appendix N of the DEIR.

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

Additionally, it will require acquisition of right-of-way and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable. (DEIR, pp. 6.11-87, 88)

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

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

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

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

E. Impacts That Are Less Than Significant Without Mitigation

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

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

The proposed project would replace existing buildings with new residential and commercial buildings ranging from a maximum height of 50 to 235 feet (Lot 13). The proposed project would also include a new circulation system and landscaping and public uses. The maximum height of the buildings would be approximately 150 to 205 feet taller than the tallest existing buildings. The proposed project would cover approximately 56.8 acres of the project site with developed uses, compared to 51.5 acres of developed uses under existing conditions. The size and scale of the proposed development, if constructed to its maximum height and density, would be a noticeable change when compared to the existing site visual character. Although the proposed development would be taller and denser than current site development, it would support the overall goals and policies set forth in the RBAP. Specifically, the project supports Land Use Policy 7.2, which calls to "create an attractive pattern of streets and blocks which is more in scale with the downtown, that accommodate a mixture of uses and activities, and that can add to the diversity and interest of the Richards Boulevard area." (DEIR, p. 6.1-13)

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

CEQA case law recognizes the highly subjective nature of an assessment of aesthetic values. According to Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572 (Bowman II), the aesthetic merits of a building's appearance, and its compatibility with neighboring structures, are not the sort of issues that lend themselves to detailed environmental analysis—at least in a highly urbanized setting. Thus, the court reasoned that CEQA

does not mandate an EIR to study what are essentially issues of individual and potentially diverse tastes. The court reasoned that these aesthetic impacts are highly subjective and, instead, such issues should be resolved through design review. Because "'[v]irtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment ' and architectural or design review ordinances, adopted 'solely to protect aesthetics,' are increasingly common," aesthetic issues regarding the visual quality of a proposed project "are ordinarily the province of local design review, not CEQA" (Id. at page 593). (RTC 9-5, FEIR, pp. 4-47 to 4-48.)

The Draft EIR's analysis of aesthetic impacts included visual simulations prepared to demonstrate the potential visual change of the site with implementation of the proposed project. Two viewpoint locations were chosen along the north side of the American River to show the change in views from these publicly accessible areas. The site plan and visual simulations for the proposed project were used to evaluate the potential effects of project development on the visual character of the project site and the nearby area. The analysis focused on the manner in which development could change the visual elements or features that exist on the proposed project site. The impacts of the proposed project are analyzed in relation to existing conditions, which are light industrial, office, and municipal uses. The impact was determined to be less than significant. Moreover, subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the American River onto the proposed project. Specifically, the exhibit demonstrates that cars on the proposed Riverfront Drive would not be visible from the River. (RTC 9-5, FEIR, pp. 4-47 to 4-48)

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

One of the City's goals is to develop the downtown area, including the Project area, as the urban core of the City. Therefore, the aesthetic impacts of urban development in the downtown area are typically considered by the City to be less than significant, as development in the downtown urban area is consistent with the existing or planned uses. This is evidenced by the aesthetic impact analysis of several other projects in the downtown area that have been recently approved by the City. These include The Metropolitan, a 420-foot-tall, 39-story mixed use residential tower located on 10th and J Streets; the EPIC Tower, 50-story tower, 638 feet at its tallest point, located on 12th and

I Streets; The Towers at Capitol Mall, two 600-foot, 53-story towers located at Capitol Mall and 4th Street; 500 Capitol Mall, a 25-story, 396-foot tall high rise building. (RTC 9-5, FEIR, pp. 4-47 to 4-48)

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

Views from the American River

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

Further, the proposed project site is located in an already developed area of the City and is consistent with the policies of the Parkway Plan and the Parkway Plan Update that relate to impacts on the Parkway from adjacent uses. Finally, the proposed project must comply with the standards set forth in the proposed Design Guidelines which would be subject to review by the City Design Commission, Planning Commission and the City Council. Therefore, visual impacts attributed to project development would be

less than significant because there would not be a demonstrable negative aesthetic effect on adjacent existing uses or on views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. (RTC 5-8, FEIR, pp. 4-22 to 4-24)

Consistency with American River Parkway Plan

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

[b]etween the confluence of the Sacramento and American rivers and the Capital City Freeway (Business-80) the Parkway context is the Sacramento downtown urban core for the Sacramento metropolitan region. Protection of the Parkway's aesthetic values in this reach should be accomplished within the context of creating a vital urban area. Development immediately adjacent to the Parkway shall respect the intent of the Parkway goals by reducing visual impacts through context sensitive site planning and building design. (Emphasis added.)
The proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance is ensured through the context-sensitive placement of Riverfront Drive (meandering) and the adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. To balance the urban development and visual setting, the Design Guidelines would require that the project be developed using natural colored building materials and low reflectivity glass, building facades along Riverfront drive will have numerous breaks and variations, landscaping shall be installed along Riverfront Drive, and lighting will be shielded to the extent possible. Moreover, the project was designed not to exceed the height of the existing tree canopy. By incorporating the Design Guidelines, the proposed project would be consistent with Policy 7.25 of the Plan Update. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

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

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

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

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

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

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

Again, the project is consistent with this Policy as it incorporates proposed Design Guidelines that require the buildings in the Riverfront area adjacent to the Parkway to include stepped facades and utilize neutral color schemes that are sympathetic to the

adjacent natural setting. Further, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento. As a result, light and glare impacts in the Parkway attributed to the tower feature identified in the Draft EIR are no longer applicable and the project is consistent with Policies aimed at discouraging intrusive lighting on the Parkway. (RTC, 5-3, 5-16; FEIR, pp. 4-13 to 4-19, 4-27)

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

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

Conclusion Regarding Significance

The proposed project would redevelop a currently predominantly developed site. While the scale and density of site development would be greater than current conditions, it would not substantially change the visual character or the views to and from the site. Proposed project development would comply with standards set forth in the proposed Design Guidelines, which would define the character of the project, and would be subject to review by the City, which includes review by the Design Commission, Planning Commission, and the City Council. The reviewing bodies would use the criteria listed in the City's adopted planning documents in analyzing the proposed project design. In addition, the proposed project would be generally consistent with General Plan and American River Parkway Plan policies. Therefore, the proposed project would not have a demonstrable negative aesthetic effect on adjacent existing uses, views from the American River Parkway, and would not substantially degrade the

visual character or quality of the site. This would be a less than significant impact. (DEIR, p. 6.1-14)

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

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

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

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

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

- Stimulate planned development along the waterfront, in turn creating a more inviting and safer waterfront environment for its residents;
- Increase office and retail job opportunities in the City and the residential

component that accompanies such jobs;

- Provide and encourage public access to the American River waterfront; and
- Enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels.

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

G. Project Alternatives.

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

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

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

where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b).)

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

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

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

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives i s subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (Residents Ad Hoc Stadium Committee v. Board of Trustees (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in Village of Laguna Beach, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of "reasonable alternatives' to the proposed project . . . 'the statutory requirements for consideration of alternatives must be judged against a rule of reason.'" (Ibid., quoting Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco (1980) 106 Cal.App.3d 893, 910.) "'Absolute perfection is

not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.'" (Id, at p. 1029.) The requirement has been fulfilled here; the DEIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project. As the following discussion demonstrates, however, only the Project as proposed is feasible in light of Project objectives and other considerations.

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

1. Alternatives Considered and Dismissed from Further Consideration

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

A. Historical Resources Alternative – Total Preservation

This alternative would include total preservation of the Bercut-Richards cannery complex, which qualifies as an historical resource under CEQA. Under this alternative the 12 buildings that contribute to the property's historical significance (Buildings 1 to 12) would be retained and rehabilitated for contemporary use. The buildings would have a mix of residential and commercial uses. This alternative would also entail new construction on other portions of the property and in non-contributing portions of the historically significant buildings. This new construction would be designed and built in a manner that would not diminish the historic integrity of the property. This alternative would not cause substantial adverse change in the significance of the historical resource and thus would not be considered a significant effect on the environment because the significance of the historical resource would not be materially impaired. Preservation of these buildings would likely be infeasible due in part to the fact that most of the buildings are in poor condition and would require extensive rehabilitation. (DEIR, p. 7-4) None of the 12 buildings meet the minimum requirements for structures

to resist seismic shaking and many buildings have vertical load supporting problems. According to a structural engineer that evaluated the project site, all 12 of the buildings would require major structural upgrades. The cost would be large – as a ratio of upgrade cost to present replacement cost, the average upgrade per building would be approximately 80% of the structural system replacement cost. (Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007.)

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

B. Historical Resources Alternative – Preservation of Building 1

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

While this alternative includes demolition of most of the existing buildings on the former cannery property, it only modestly reduces the impact on the historical resource in

comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. Specifically, this alternative would cause substantial adverse change in the significance of the historical resource — the Bercut-Richards cannery complex. This change would be considered a significant-and-unavoidable effect on the environment because the significance of the historical resource would be materially impaired as a result of development under this project alternative. The historical resource would be materially impaired through the demolition of most of the historical resource's physical characteristics (other than Building 1) that convey its historical significance and that justify its inclusion in the California Register of Historical Resources (CRHR). In addition, due primarily to this alternative's incompatibility with the proposed light rail, this alternative would not achieve most of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA light rail transit line. (DEIR, p. 7-5; RTC 11-20; FEIR, pp. 4-67 to 4-72) Moreover, the structural upgrade cost could be as much as 60% of the structural system replacement cost. (Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007.)

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

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

Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. This alternative would still materially impair a historical resource (i.e., the Bercut-Richards cannery

complex) through the demolition of most of the historical resource's physical characteristics that convey its historical significance and that justify its inclusion in the CRHR. (DEIR, p. 7-6)

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

D. Preservation of Half the Cannery

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

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

rehabilitation, and would fail to meet the project objectives. (RTC 11-20; FEIR, pp. 4-67 to 4-72)

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

E. Transfer of Density/Height

A comment to the DEIR proposed an alternate project design that places the higher density 8-15 story buildings along Richards Boulevard and the low-density, lower story live-work and townhouse buildings adjacent to the riverfront. The comment suggested "a reverse of the proposed layout" in order to achieve consistency with the Parkway policies. The project as proposed is consistent with the Parkway policies. See Response to Comment 5-3, and Appendix B for a specific discussion of the project's consistency with the Parkway Plan and Plan Update policies for adjacent land uses and zoning. (RTC 5-17; FEIR, pp. 4-27 to 4-28)

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

Reversing the proposed project layout would also be inconsistent with polices of the Richards Boulevard Area Plan. The RBAP calls for new land uses and configurations of development to enhance the American and Sacramento Rivers by being active and publicly oriented with restaurants, lodging and multi-family residential uses, so as to

attract people throughout the day and night hours and improve accessibility to the river corridor. (RBAP, p. 25.) The alternative suggested by commenter would reduce the level of activity along the Riverfront Park and the viability of mixed-use development along Riverfront Drive, both considered desirable to the vitality of the urban waterfront concept. This alternative would also increase density at the southern end of the project site to a level that creates a lop-sided development that will function more like two PUDs rather than one. (RTC 5-17; FEIR, pp. 4-27 to 4-28)

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

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

2. Alternatives Considered in the EIR

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

A. No Project/No Development Alternative

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

Comparative Environmental Effects

Because the existing buildings would remain, there would be no change in the visual character of the area. There would be no impacts to biological resources as a result of

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

Mitigation That Would No Longer Be Required

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

Significant and Unavoidable Impact That Would No Longer Occur

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

Feasibility of the Alternative

The No Project/No Development Alternative would not achieve any of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. Additional objectives related to the project's location on the DNA line, including designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity would not be achieved under the No Project/No Development Alternative. In addition, the No Project/No Development Alternative would not meet the City objectives to stimulate planned development along the waterfront, increase office and retail job opportunities, and provide and encourage public access to the American River waterfront. (DEIR, p. 7-8)

B. No Project/Existing Zoning Alternative

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

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

ownerships. The Richards Boulevard SPD is intended to implement the development standards and design guidelines in the Richards Boulevard Area Plan (RBAP).

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

Comparative Environmental Effects

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

Impacts associated with construction activities, which include impacts to air quality and noise associated with construction equipment could be the same or slightly less than the proposed project because it is assumed the site would be developed with a variety of buildings, roads, utilities, and other infrastructure resulting in a contribution of air pollutants and construction-related noise. If the new on-site uses under this alternative were limited to industrial only, the potential for construction and operational noise impacts to disturb new or existing on-site sensitive receptors (residential uses) would be effectively eliminated. Under this alternative it is feasible that fewer buildings could be constructed compared to what is proposed under the project which could also translate into fewer cars and employees accessing the local roadways as well as fewer truck trips compared to the project and shorter construction schedules and/or reduce the need for construction equipment. Overall, industrial uses generate fewer vehicle trips compared to office or residential uses. Therefore, it is assumed under this alternative that fewer vehicle trips would occur. Mitigation Measure 6.8-1(a) through (c) included as part of

the proposed project that recommended restrictions on daytime only construction activity to reduce noise impacts would not be necessary under this alternative and this significant and unavoidable noise impact would not occur. Mitigation Measure 6.8-2 recommending further technical studies to determine the need for noise attenuation measures for on-site residential uses, and the need for project design changes to reduce noise disturbance from truck deliveries, garbage pickups, etc. would not be necessary. It is assumed that all of the air quality mitigation measures would be required if the project site were developed consistent with the existing zoning. (DEIR, p. 7-10.)

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

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

Impacts associated with the hazards of constructing buildings on unstable soils or in areas where erosion is a concern would still occur under this alternative, the same as the project. During construction there would be grading activities that could cause erosion to occur. Therefore, Mitigation Measure 6.5-1 would still be required to ensure all impacts associated with erosion are reduced to a less-than-significant level. The geotechnical investigation conducted for the project indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Because under this alternative, buildings up to 75-feet in height could be developed, this would also be an issue. In addition, there could

be buildings constructed below-grade which, as indicated in the geotechnical report, could result in the need to dewater due to the high ground water table in this area. Therefore, Mitigation Measures 6.5-3(a) through (c) and 6.5-4(a) and (b) would be required. (DEIR, p. 7-11.)

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

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

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

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

if this alternative were to be selected in place of the proposed project. (DEIR, p. 7-12.)

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

Mitigation That Would No Longer Be Required

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

Significant and Unavoidable Impact That Would No Longer Occur

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

Feasibility of the Alternative

The No Project/Existing Zoning Alternative meets the general intent of some of the project objectives by developing more employment generating uses in this area of the city. In addition, this alternative meets the intent of two of the polices to "[m]ake efficient and economically viable use of an infill development opportunity" and "[e]nsure adequate, timely, and cost-effective public services for the project". However, a majority of the project objectives set forth by the project applicant and the city that encourages development of a mixed-use community with residential, commercial, and office uses would not be achieved under this alternative. (DEIR, p. 7-13) The objectives related to

the project's location on the DNA line, including designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity would either not be achieved under the No Project/No Development Alternative, or would be achieved to a lesser degree due to the reduced density and heights under the No Project/Existing Zoning Alternative.

C. Reduced Density/Reduced Height Alternative

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

Comparative Environmental Effects

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

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

same as the proposed project. (DEIR, p. 7-14.)

Impacts associated with the loss of undeveloped land, which includes impacts to biological resources and cultural resources would be very similar to the proposed project because it is assumed under the Reduced Density/Reduced Height Alternative that the development footprint would be essentially the same as that of the proposed project. Therefore, under this alternative there could be a disturbance to nesting habitat and bats associated with project construction, loss of VELB habitat, and tree removal. It is assumed Mitigation Measures 6.3-1(a) and (b), 6.3-2(a) through (d), 6.3-4(a) through (d), 6.3-5(a) through (c), and 6.3-7(a) through (c) would also still be required under this alternative. The impact associated with the disturbance or loss of riparian vegetation on the water side of the levee would remain under this alternative because this alternative would include the construction of the overlook. Therefore, Mitigation Measures 6.3-6(a) through (e) would also be required under this alternative. Identical to the proposed project, new sources of light and glare would be introduced to the riparian area and implementation of Mitigation Measure 6.1-2 would be required to limit the potential for light spill over impacts. (DEIR, p. 7-14.)

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

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

As is the case with the proposed project, hazards associated with exposing people to detours associated with construction, and the potential exposure of people to previously unidentified hazards in the soil or groundwater, and exposure of construction workers to hazards associated with building demolition would all occur under the Reduced

Density/Reduced Height Alternative. Mitigation Measures 6.6-2, 6.6-3(a) through (c), and 6.6-4 would still be required under this alternative. Under the Reduced Density/ Reduced Height Alternative, the same impacts related to Hydrology and Water Quality would occur as under the proposed project and would require the same mitigation. (DEIR, p. 7-15.)

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

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

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

Mitigation That Would No Longer Be Required

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

Significant and Unavoidable Impact That Would No Longer Occur

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

Feasibility of the Alternative

While development of this alternative would reduce proposed project impacts related to

air quality, noise and vibration, public services, public utilities, and traffic, the alternative would not reduce impacts to a less-than-significant level or achieve all of the project's objectives. The project objectives include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. In order to provide this transit line, the City would need federal funding. Federal funding for light rail projects is extremely competitive and is usually not available unless the transit service would immediately serve at least a minimal service population. Thus, the project needs to include densities that would support the line and make funding feasible. Additional objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under the Reduced Density/Reduced Height Alternative the applicant's ability to meet all of these project objectives is limited by limiting the height of all proposed buildings, thus reducing density throughout the project site. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. Under the Reduced Density/Reduced Height Alternative the City's ability to meet this objective would be limited. The Reduced Density/Reduced Height Alternative would be consistent with project objectives related to integrating residential neighborhoods with employment opportunities and neighborhood retail, although to a lesser degree than the proposed project, as this alternative involves development of a mixed-use development of residential and commercial uses, along with office uses under Scenario B. (DEIR, p. 7-16; RTC 11-73; FEIR, pp. 4-88 to 4-89)

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

Assuming the same basic infrastructure network as the Project, the cost estimate for the Project and the Reduced Density Alternative is the same --- approximately $27,877,659. This estimate includes costs for the sanitary sewer, water and storm drainage systems along with roadway and landscaping improvements. The cost estimates do not include on-site improvements for future developers of the individual lots. Despite the reduced number of units under the Reduced Density Alternative, there is virtually no reduction in the infrastructure cost because the reduction of density is a reduction to the vertical scale of the project and not the horizontal scale which drives infrastructure needs. The proposed water system is sized based on minimum required fire flows which will not change with a reduction to the number of units. A reduction of units will also not change the size of the storm drainage system since it will not reduce the impervious surface area. Based on the layout of the sewer system, minimum pipe sizes are already being used on-site and cannot be reduced further. Thus, a reduction in density as

contemplated for the Reduced Height/Reduced Density alternative is expected to result in per unit cost increases of approximately $4,025 per unit, since the same costs would be spread over fewer units. (Letter dated June 21, 2007, to Steve Goodwin from Sean Smith, Nolte Associates, Inc.)

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

While the alternative offers the same locational advantages of the Project, the height restriction and density reduction impacts project feasibility. With 2,084 units, the alternative results in a reduction in density of approximately 30 percent which would translate to a 28.5% reduction in revenue and a 43% increase in per unit development costs. The net result is a projected loss of 30.5%. To the extent height restrictions are imposed, few view opportunities would exist. Views would be afforded from two levels in as many as three buildings along the river and perhaps three buildings along Richards Boulevard. This would be a significant reduction of views from as many as eight levels in twelve buildings throughout the Project. The loss of revenue from this reduction in view premiums is a major contributor to the projected net loss identified above. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 4.)

With residential development comes new demand for retail services. At 2,981 units and a projected population of 7,661, the Project's residents generate an estimated $111 million in retail sales or approximately $1.2 million in annual sales and use tax. In the context of a high quality, higher density neighborhood, destination retail (not relying exclusively on neighborhood customers) also becomes more viable; Project rents would be expected to be comparable to those of Midtown, Sacramento. However, the 30% reduction in residential of the Alternative reduces economic viability of retail uses at the site since there would be fewer customers and less discretionary income. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.)

A reduction in density would lead to more costly resident assessments. It is common in master-planned communities, particularly those that include condominium units or private governance and maintenance mechanisms to assess unit owners to pay for

common area maintenance, provision of services such as private security, and enforcement of private deed restrictions. It is the provision of these types of amenities that make communities more attractive to residents as reflected in the higher property values within such communities. As with Project capital costs, the fewer the number of units across which to spread operating costs, the less efficient and more costly it is to provide such services and amenities. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.)

D. Historical Resources Alternative – Preservation of Building 3

Under the Preservation of Building 3 Alternative, Building 3 of the Bercut-Richards cannery complex would be retained and rehabilitated for contemporary use. The building would include retail uses only; however, it could potentially be used as a focal point for historical interpretation on the property. While the cannery complex as a whole is a considered an historical resource under CEQA and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register, Building 3 was selected for this alternative because it is one of the more historically representative buildings within the cannery resource. Rehabilitation of this building would follow the Secretary of the Interior' s Standards for Rehabilitation and the guidelines for rehabilitating historic buildings. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 3 would be designed and built in a manner that would be as compatible as possible with the building' s historic character. (DEIR, p. 7-17.)

Under this alternative, Lot 15 of the proposed project would no longer be used for residential purposes. Thus, the number of dwelling units would be reduced by 73 units. In addition, because Lot 15 would consist of Building 3 and house only retail uses, the amount of square footage dedicated to retail uses would increase. This alternative would not change the amount of office space available. Waterfront pavilion and park uses would be the same as the proposed project under this alternative. Under this alternative, there would be a slight reduction in the amount of open space to provide community connectivity, because Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-17)

Comparative Environmental Effects

Under this alternative it is assumed that impacts associated with the change in visual character would be similar to the analysis of the proposed project. It is assumed that development of an urban environment in this area would significantly change the existing visual environment and new sources of light and glare would be introduced; therefore, Mitigation Measure 6.1-2 would still be required under this alternative. Impacts associated with construction activities, which include impacts to air quality and noise associated with construction equipment could be the same or slightly less than the proposed project, because it is assumed the site would be developed with essentially the same uses as the proposed project with the exception of preserving one

of the historic buildings. Therefore, this alternative, the same as the project, would result in a contribution of air pollutants and construction-related noise. All air quality and noise mitigation measures identified for the proposed project would be required for this alternative. (DEIR, p. 7-17.)

Impacts associated with the loss of undeveloped land, which includes impacts to biological resources and cultural resources would be very similar to the proposed project because it is assumed under the Preservation of Building 3 Alternative that the development footprint would be the same as that of the proposed project. Therefore, under this alternative there could be a disturbance to nesting habitat and bats associated with project construction, loss of VELB habitat, and tree removal. It is assumed Mitigation Measures 6.3-1(a) and (b), 6.3-2 (a) through (d), 6.3-4(a) through (d), 6.3-5(a) through (c), and 6.3-7(a) through (c) would also still be required under this alternative. The impact associated with the disturbance or loss of riparian vegetation on the water side of the levee would remain under this alternative because this alternative would include the construction of the overlook. Therefore, Mitigation Measures 6.3-6(a) through (e) would be required under this alternative. Identical to the proposed project, new sources of light and glare would be introduced to the riparian area and implementation of Mitigation Measure 6.1-2 would be required to limit the potential for light spill over impacts. (DEIR, p. 7-17.)

Mitigation would be required to decrease the impact of this alternative on historical resources. The impact to historic resources would be reduced, compared to the proposed project, because building 3 of the Bercut-Richards cannery property would be retained. As a result of rehabilitation of Building 3, the mitigation measure that addresses historical interpretation and salvage/reuse could be reduced, or possibly eliminated. Interpretative displays and materials could be consolidated in public areas in and around Building 3 and could be reduced in number. Salvage of warehouse roof trusses, brick/hollow clay tile, and steel casement windows would not be required because examples of those features would be visible on Building 3. All measures in Mitigation Measures 6.4-1 related to recordation/documentation, design guidelines, and site interpretation would be required under this alternative to reduce the impact on historical resources. Mitigation Measure 6.4-2(a) and (b), that address the identification of any unknown archaeological resource would also be required under this alternative. (DEIR, p. 7-18.)

While this alternative includes demolition of most of the existing buildings on the former cannery property, it modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Preservation and rehabilitation of Building 3 would retain a portion of the physical characteristics of the resource that convey its historical significance. This alternative would also support historical interpretation activities that could mitigat e the significant impact on cultural resources. (DEIR, p. 7-18.)

The Preservation of Building 3 Alternative would still, however, cause substantial adverse change in the significance of the historical resource. This change would be

considered a significant effect on the environment because the significance of the historical resource would be materially impaired as a result of construction under this alternative. The historical resource would be materially impaired through the demolition of most of the historical resource's physical characteristics, other than Building 3, that convey its historical significance and that justify its inclusion in the CRHR. Although mitigation strategies would reduce the impact, impacts that result from the demolition proposed under this alternative cannot be reduced to a less-than-significant level. (DEIR, p. 7-18.)

Proposed project impacts associated with the hazards of constructing buildings on unstable soils or in areas where erosion is a concern would still occur under this alternative. During construction there would be grading activities that could cause erosion to occur. Therefore, Mitigation Measure 6.5-1 would still be required to ensure all impacts associated with erosion are reduced to a less-than-significant level. The geotechnical investigation conducted for the proposed project indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Because there would be buildings up to 15 stories in height under this alternative, this would still be an issue. In addition, below-grade construction could still occur under this alternative, which, as indicated in the geotechnical report, could result in the need to de-water due to the high ground water table in this area. Therefore, Mitigation Measures 6.5-3(a) through (c) and 6.5-4(a) and (b) would be required under this alternative. (DEIR, p. 7-18.)

As is the case with the proposed project, hazards associated with exposing people to detours associated with construction, and the potential exposure of people to previously unidentified hazards in the soil or groundwater, and exposure of construction workers to hazards associated with building demolition would all occur under the Historical Resources Alternative. Mitigation Measures 6.6-2, 6.6-3(a) through (c), and 6.6-4 would still be required under this alternative. Under this alternative, the same or very similar impacts related to Hydrology and Water Quality would occur as under the proposed project and would require the same mitigation. (DEIR, p. 7-19.)

Under the Preservation of Building 3 Alternative, the demand for public services such as police, fire, schools, parks, and library facilities would decrease compared to the project because there would be a reduced number of residential uses. However, mitigation identified to ensure the provision of public services for the proposed project would still be required under this alternative. (DEIR, p. 7-19.)

Demand for public utilities under this alternative would be similar to that of the proposed project, especially for wastewater and solid waste. The amount of retail space under this alternative would increase since more would be developed on Lot 15 in lieu of 73 residences. Water demand under this alternative would be approximately 904,732 gpd, compared to the project demand of 759,473 gpd. The generation of wastewater for this alternative would be expected to be similar to that of the project, with 786,992 gpd generated for the alternative compared to 805,600 gpd generated under the proposed

project. Likewise, solid waste generation in this alternative would also be similar to that of the project, with approximately 2,306 tons per year generated. Comparatively, solid waste generation for the proposed project would be approximately 2,327 tons per year. Wastewater and solid waste generation of this alternative would be less than that of the proposed project. However, water demand under this alternative would have a greater magnitude on impacts to utilities than would the proposed project. (DEIR, p. 7-19.)

Because the uses under this alternative would be similar to the proposed project, there would be negligible differences in trip generation and the transportation impacts identified for the proposed project would be similar under this alternative. (DEIR, p. 7-19.)

Mitigation That Would No Longer Be Required

Mitigation would still be required to decrease the impact of this alternative on historical resources. However, as a result of the rehabilitation of Building 3, interpretative displays and materials required under Mitigation Measure 6.4-1 could be consolidated in public areas in and around Building 3 and could be reduced in number. Salvage of warehouse roof trusses, brick/hollow clay tile, and steel casement windows required under Mitigation Measure 6.4-1 would not be required because examples of those features would be visible on Building 3. All other requirements under Mitigation Measure 6.4-1 related to recordation/documentation, design guidelines, and site interpretation would be required under th is alternative to reduce the impact on historical resources. All other mitigations required under the proposed project would be required under the Historical Resources Alternative. (DEIR, p. 7-19)

Significant and Unavoidable Impact That Would No Longer Occur

Although the Preservation of Building 3 Alternative would reduce the impact to historical resources, historical resources would still be materially impaired as a result of construction under this alternative, resulting in significant and unavoidable project-specific and cumulative impacts. All of the significant and unavoidable project-specific and cumulative impacts identified under the proposed project would occur under the Historical Resources Alternative at approximately the same order of magnitude. (DEIR, p. 7-20)

Feasibility of the Alternative

This alternative would meet most of the project objectives because it would create a mixed-use community with access to light rail and other modes of transportation, employment opportunities, and access to open space. However, under this alternative there would be a slight reduction in the amount of open space to provide community connectivity, because Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-20)

The assumption under this scenario is that the building 3 is preserved and adaptively

reused as part of the project. The overall land values would be similar to those of the project, with values of the affected parcels (parcels 8, 14, 15) discounted to reflect the effects of preserving this building. Parcel 14 would become a more difficult to develop parcel due to reduced accessibility and size. Parcel 8 would be reduced in size and would face challenges in integrating with the rehabilitated building. Parcel 14 is assumed to be entirely occupied by the fruit salad building which would be expected to be very difficult to develop into a use of the quality of the rest of the development in the Project. The assumption is that this building would have to be provided to a builder/developer at no cost in order to make the project feasible. (Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.)

The effect of maintaining Building 3 to be adaptively reused in the Project would result in a reduction in value for two reasons. First, maintaining the building would result in a different street pattern. Rather than a direct connection between North 5th Street and North 7th Street, Signature Street would need to be rerouted around the building. The reconfiguration of this street would not affect residential uses but it would greatly impact retail uses. Accessibility of retail along this street would be reduced, and consequently the value of this retail space would be reduced. It is also questionable whether Building 3 (or the "fruit salad building") would be viable as a retail use. According to the Cordano Company, the building itself is not accessible or visible relative to traffic patterns, the cost of rehabilitation likely would exceed the finished value of the building, and the rehabilitated space would not be very efficient or functional. Consequently, the parcel upon which this building sits has negative land value (cost exceeds value). In the context of the entire Project, this parcel would be treated as a project cost, similar to the cost of dedicating land, thus reducing the overall value of the Project. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., pages 5-6; see also Building Structural Evaluation, prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007 (evaluation of Building 3).)

3. Environmentally Superior Alternative

The environmentally superior alternative would be the No Project/No Development Alternative because it would eliminate and/or reduce the significant impacts identified for the proposed project. However the No Project/No Development Alternative does not achieve any of the project's objectives. CEQA Guidelines Section 15126.6(e)(2) states that when the No Project/No Development Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. (DEIR, p. 7-20.)

The No Project/Existing Zoning Alternative would reduce impacts related to aesthetics, construction and operation air quality and noise and vibration, biological resources on the water side of the levee, and public utilities. However, it would result in equal impacts associated with ground disturbance and ground cover such as cultural resources, geology, and hydrology and water quality. It is possible that hazardous materials impacts would be greater when compared to the proposed project depending

on the type of industrial uses developed. The No Project/Existing Zoning Alternative meets the general intent of some of the project objectives by developing more employment generating uses in this area of the city. This alternative also meets the intent of two of the polices to "[m]ake efficient and economically viable use of an infill development opportunity" and "[e]nsure adequate, timely, and cost-effective public services for the project". However, a majority of the project objectives set forth by the project applicant and the city that encourages development of a mixed-use community with residential, commercial, and office uses would not be achieved under the No Project/Existing Zoning Alternative. (DEIR, p. 7-20.)

The Reduced Density/ Reduced Height Alternative would reduce proposed project impacts related to aesthetics, construction and operational air quality and noise and vibration, hazardous materials, public services, public utilities, and transportation and circulation because less units and square footage would be developed when compared to the proposed project. Impacts associated with ground disturbance and cover would be identical to the proposed project because the same footprint would be developed. The Reduced Density/ Reduced Height Alternative would achieve some but not all of the project's objectives. This alternative would not would not fully facilitate creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. In order to provide this transit line, the City would need federal funding. Federal funding for light rail projects is extremely competitive and is usually not available unless the transit service would immediately serve at least a minimal service population. Additional objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under the Reduced Density/Reduced Height Alternative the applicant's ability to meet all of these project objectives is limited by limiting the height of all proposed buildings, thus reducing density throughout the project site. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. Under the Reduced Density/Reduced Height Alternative the City's ability to meet this objective would be limited. The Reduced Density/Reduced Height Alternative would be consistent with project objectives related to integrating residential neighborhoods with employment opportunities and neighborhood retail, although to a lesser degree than the proposed project, as this alternative involves development of a mixed-use development of residential and commercial uses, along with office uses under Scenario B. (DEIR, pp. 7-20 to 7-21.)

The Preservation of Building 3 Alternative would reduce project impacts related to aesthetics, construction air quality and noise and vibration, and public services. In addition, impacts attributed to loss of historic structures would be reduced because Building 3 would be preserved. However, this alternative would not reduce the cultural resources impact to less than significant; therefore, preservation of any of the buildings

alone (such as preserving Building 3) would serve as partial mitigation by providing a structural interpretation and explanation of an historical resource. Similar, if not superior, structural interpretation would be accomplished as part of the proposed project, which would preserve, replicate, and showcase the historical resources throughout the redeveloped property, particularly at the transit station. This approach would incorporate preservation, reuse, and replication to provide the public with more prominent, visual locations to view historical resources than would preserving Building 3. (DEIR, p. 7-21.)

Impacts associated with ground disturbance and cover would be identical to the proposed project because the same footprint would be developed. Transportation and circulation impacts would be identical because the difference in trip generation would be negligible. As a result, impacts associated with operational air quality and noise attributed to vehicle trips would be identical to the proposed project. Because the amount of retail space would be increased there would be a slight increase in demand for utilities under Scenario A, including wastewater and solid waste disposal. This alternative would meet most of the project objectives; however, it would only slightly reduce the project's incorporation of open space to provide community connectivity as Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-21.)

H. Significant Irreversible Environmental Effects

Implementation of the proposed project would result in the long-term commitment of resources to urban development. The most notable significant irreversible impacts are alteration of the visual character of the site, increased generation of pollutants, and the short-term commitment of non-renewable and/or slowly renewable natural and energy resources, such as water resources during construction activities. Operations associated with future uses would also consume natural gas and electrical energy. These unavoidable consequences of urban growth are described in the appropriate sections of the EIR. (DEIR, p. 8-3.)

Resources that would be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or wasteful use of resources. For a detailed discussion of these effects, see DEIR, pages 8-3 to 8-4.

I. Growth Inducement

As required by Section 15126.2(d) of the CEQA Guidelines, an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could

encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. Although growth inducement itself is not considered an environmental effect, it could potentially lead to environmental effects. The discussion of growth inducement is included in the Draft EIR, at pages 8-4 to 8-7.

J. Consistency With Regional Plans

This section evaluates the proposed project for compatibility with existing and planned adjacent land uses and for consistency with adopted plans, policies, and zoning designations. Physical environmental impacts resulting from the proposed project are discussed in the applicable technical sections of the EIR and of these findings . This section differs from impact discussions in that only compatibility and consistency issues are discussed, as opposed to environmental impacts and mitigation measures.

A comprehensive discussion analyzing consistency with adopted plans, goals, policies, and zoning for residential, retail/restaurant, parking, and parks and open space uses proposed under the project, is included in the EIR and the Staff Report. The analysis focuses on the project's overall consistency with adopted goals and policies; however, it does not address each goal or policy individually. Appendix C to the DEIR includes a more detailed overview of the project's consistency with specific adopted and draft goals and policies.

City of Sacramento General Plan

The project site is designated as SPD in the General Plan. The proposed project would not change the land use designation and would not require any General Plan Amendments in order to be approved by the City. The project would be considered consistent with all applicable General Plan land use goals and policies pertaining to the provision of residential, retail, parking, parks, and open space facilities. (DEIR, p. 4-13.)

Central City Community Plan

The proposed project would meet the Primary Goal of the CCCP by continuing the revitalization of the Central City as a viable living, working, shopping, and cultural environment. The CCCP also sets forth goals to provide for organized development of the Central City whereby the many interrelated land use components of the area support and reinforce each other and the vitality of the community. The proposed project would add residential and retail uses, creating a dynamic by which the uses strengthen each other and provide for a full range of day and night activities, meeting the CCCP's Urban Development goal. The Project would develop office space near the

Central Business District and within the Richards Boulevard area, meeting the applicable Office Goals in the CCCP. The CCCP Environmental Goal seeks to preserve notable landmarks. The project includes demolition of buildings that are eligible for listing on the Register, but the Preservation Commission has approved the plan to integrate features of the historic building into the project design, among other measures to denote the historical significance of the prior use of this site. The proposed project would meet all of the applicable land use goals set forth in the CCCP. (DEIR, p. 4-14, 4-17.)

City of Sacramento Zoning Ordinance

The proposed project would rezone the site from American River Parkway - Flood Zone - Special Planning District (ARP-F-SPD); Heavy Industrial Zone - American River Parkway Corridor - Special Planning District - North Richards Boulevard (M-2-PC-SPD (N)); and Heavy Industrial Zone - Special Planning District - Central Richards Boulevard (M-2-SPD (C)) to Residential Mixed Use – Planning District (RMX-PUD), Office Planned Unit Development (OB-PUD) and Agriculture-Open Space – Planning District (A-OS-PUD). The zoning designations for parcels currently designated as ARP-F-SPD would remain zoned that way. (DEIR, p. 4-14.)

As currently proposed, the project's building heights would not be consistent with the height restrictions under current zoning. However, the creation of a Planned Unit Development (PUD) zoning overlay would be required to provide flexibility in project design and would establish guidelines for allowable building heights. The PUD guidelines, if approved by the City, would rectify any conflicts with the City Zoning Ordinance, and no amendments would be necessary. (DEIR, p. 4-15.)

Richards Boulevard Area Plan

The RBAP is a policy document, and are guiding principles rather than zoning regulations. (RTC 11-5; FEIR, p. 4-54) The RBAP sets forth several Land Use Objectives and Policies designed to guide development in the Richards Boulevard area. Appendix B in the FEIR includes an analysis of the project' s consistency with each of the applicable RBAP objectives and policies.

As currently proposed, the project's building heights, densities, and setbacks would not be consistent with the RBAP. However, the creation of a Planned Unit Development (PUD) zoning overlay would be required to provide flexibility in project design and would establish guidelines for allowable building heights, densities, and setbacks. The PUD guidelines, if approved by the City, would rectify any conflicts with the RBAP, and no amendments to the RBAP would be necessary. (DEIR, p. 4-16.) Section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar

to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Development Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan. (RTC 5-3, 11-4, 11-6; FEIR, pp. 4-13 to 4-19, 4-53 to 4-54, 4-54 to 4-55)

American River Parkway Plan

Following the close of the public comment period and in response to comments submitted in opposition to the overlook feature, the project applicant has removed the overlook feature from the project. Therefore, no elements of the project extend into the Parkway. (RTC 5-2; FEIR, p. 4-13) To the extent the Parkway Plan policies apply to uses adjacent to the Parkway, the project is consistent with the Parkway Plan. (RTC 5-3; FEIR, pp. 4-13 to 4-19)

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

Sacramento Area Council of Governments Blueprint

The proposed project would be in line with the smart growth principles identified in the Blueprint: provide a variety of transportation choices; offer housing choices and opportunities; take advantage of compact development; use existing assets; mixed land uses; preserve open space, farmland, natural beauty, through natural resources conservation; and encourage distinctive, attractive communities with quality design. The proposed project would construct multi-family residential and office and retail uses, providing compact development in an underutilized urban area. The project's location adjacent to a planned light rail line and station allows for additional transportation choices. Future site residents can take advantage of the existing roadway network in the area and proximity to existing regional connectors. Because the proposed project would meet the objectives set forth in the Blueprint Preferred Scenario, the project would be consistent with the Blueprint. (DEIR, p. 4-16.)

K. Statement of Overriding Considerations:

Pursuant to Guidelines section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as set out in Section A, above. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

The Project Will Help Fund Phase 1 of the Planned DNA Line.

The Project objectives for Township 9 include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned Downtown-Natomas-Airport (DNA) light rail line. The Project will provide right of way to allow for construction of the transit line and the Richards Boulevard Light Rail Station along the planned first phase of the DNA light rail transit alignment and the Project includes densities of residential and office development that would support the feasibility of this light rail line.

The Sacramento Regional Transit District (RT) has identified the DNA light rail line on its 20-year project map, the DNA line is included in SACOG's Metropolitan Transportation Plan, and RT is in the process of preparing a project-level EIR for the first phase of the DNA project that will evaluate the impacts of implementation of this portion of the DNA light rail line project. RT is also pursuing a variety of funding sources to fund the construction of the DNA light rail line. As part of the required mitigation for Project impacts, the Project applicant will provide a fair share contribution to help fund the local share of the first phase of the DNA Project costs. The amount will be based on the Project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project, with credit for the value of the station land dedication. The Development Agreement between the Project applicant and the City will detail the terms of the payment of the net fair share contribution, if any, which will be owed on a proportional basis at the time of issuance of proposed Project building permits.

By helping to secure funding for the DNA line, the Project will help the City realize its goal of completing the first phase of the DNA line which, in turn, will promote the use of transit by residents and employees within the downtown and Richards Boulevard areas, as well as allow transit riders using RT's light rail system to connect from other areas within the City and County of Sacramento to the Richards Boulevard area. Residents along the future DNA light rail corridor will benefit from a reduction in traffic congestion and increased transportation connectivity and mobility, and employees working in the

downtown, South Natomas and North Natomas communities will be provided with an alternative transportation mode, thereby reducing freeway congestion and air pollution.

By providing a contribution towards construction of the first phase of the DNA line, the Project will allow Project and City residents to utilize light rail to easily access the Sacramento International Airport, the Sacramento Amtrak Depot, and/or the downtown area with a travel option other than a single occupancy vehicle, with a resulting travel time savings by reducing and avoiding traffic congestion.

The Project Provides High Density Residential and Office Development Within ¼ Mile of a Proposed Light Rail Station.

The Project site is located along the proposed Downtown-Natomas-Airport (DNA) light rail extension. As part of the Project, the applicant will dedicate a right-of-way for the light rail alignment and station within the Township 9 Project boundaries, along Richards Boulevard. This will provide the Richards Boulevard Light Rail Station access at the Project site to serve its 2,350 residential units, as well as City residents, employees and visitors at large. The projected 1,220 average daily transit trips generated by the Project will help support operation of the DNA line. The typical walk distance to a light rail station is between ¼ and ½ mile. Therefore, existing and future developments within the Richards Boulevard Area Plan will also benefit from the Project's contributions to construction of the first phase of the DNA project and the Richards Boulevard Light Rail Station. Without the Project's right of way contribution to the DNA line and its high density residential development, the first phase of the DNA project may not otherwise be financially feasible.

The Design Guidelines provide for development of a transit area to incorporate the future Light Rail Station fronting Richards Boulevard, the arterial connecting the Project to highways east and west of the site. The transit area will also have frontage on Signature Street, the "main street" of Township 9, located parallel to Richards Boulevard and one block north. The transit area will be the front door to Township 9 and will have the highest activity, highest densities and tallest buildings.

By providing easy access to a light rail station, the Project promotes reduced vehicle miles traveled per household resulting in shortened commute times, reduced traffic congestion, lessened dependence on automobiles and reduced pollution from vehicle emissions.

The Project Will Dedicate Land for Purposes of Constructing a Light Rail Station.

RT has identified the DNA light rail line on its 20-year project map, the DNA line is included in SACOG's Metropolitan Transportation Plan, and RT is in the process of preparing a project-level EIR for the first phase of the DNA project that will evaluate the impacts of implementation of this portion of the DNA light rail line project. Construction of the DNA would occur in 3 segments (minimum operable segments [MOS]): MOS 1 would start at 7th Street and would pass through the proposed light rail station at

Township 9 and end at Richards Boulevard; MOS 2 would continue from Richards Boulevard to the Natomas Town Center; and MOS 3 would continue from the Natomas Town Center to the Sacramento International Airport. RT estimates that MOS 1 would be fully operable by 2014 with the remainder of DNA line operable by 2027.

The Project applicant will dedicate the right-of-way for the light rail alignment and station within the Township 9 Project boundaries for the MOS 1 segment of the DNA line. The Development Agreement between the Project applicant and the City will detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, will be owed on a proportional basis at the time of issuance of proposed Project building permits.

Through donation of land and payment of net fair share contribution by the Project applicant, the Project will allow the City to bring its DNA light rail line to fruition and provide the Project site with an easily accessible light rail station.

The Project is Consistent with and Supportive of Sacramento Area Council of Government's (SACOG's) Blueprint Plan.

The Sacramento Area Council of Governments' (SACOG) Blueprint Preferred Scenario designates that the Project site should be developed as Attached Residential, High Density Mixed Use Center or Corridor, and Retail. The proposed Project would be consistent with the smart growth principles identified in the Blueprint by providing high density housing and a variety of housing types at varying price ranges; focusing on compact development to maximize use of existing land; offering a range of mixed land uses (residential, retail and office); preserving open space and the natural beauty and natural resource conservation of the American River Parkway; and encouraging a distinctive, attractive community with high quality design.

The proposed Project would construct multi-family residential, office and retail uses, providing compact development in an underutilized urban area that currently supports industrial warehousing development. The Blueprint Preferred Scenario calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region.

The Project's location adjacent to a planned light rail line and station allows for alternative transportation choices. Future site residents and employees can also take advantage of the existing roadway network in the area and proximity to existing regional connectors. Because the proposed Project would meet the smart growth objectives set forth in the Blueprint Preferred Scenario, the Project would be consistent with the Blueprint. (DEIR, p. 4-16.) (See September 12, 2006 SACOG letter from Mike McKeever.)

The Project is a Logical Extension of the City's Downtown Urban Area.

One of the City's goals is to develop the downtown area, including the Project area, as the urban core of the City. The Blueprint calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region. The Project meets this objective by providing higher density urban development with residential, office and retail uses in close proximity to the downtown urban center. The DNA line extension also provides a physical connection between the Project area and the downtown center, allowing easy access for Project residents to downtown employment and nightlife. The Project's location and the proposed DNA light rail line extension and station adjacent to the Project site also promote the City's Central City Community Plan Urban Development goal of revitalizing the Central City as a viable living, working, shopping and cultural environment.

The Project will also facilitate implementation of the Richards Boulevard Facilities Element, which calls for improvements to the Richards Boulevard and I-5 freeway interchange, as well as expansion of 7th Street, a parallel facility that connects the Richards Boulevard area to the downtown and surrounding areas.

Overall, the Project adds residential, office and retail uses within close proximity to the urban core of the City, and creates a dynamic by which the uses strengthen each other and provide a full range of day and night activities.

The Project Will Provide Revenue to the City.

The Project will provide revenue to the City from sales taxes generated by the commercial portions of the Project, as well as increased property tax revenues to fund public services and facilities. The creation of temporary construction jobs and permanent office and retail jobs will also financially benefit the City, as will the increase in sales taxes from the purchase of goods by Project residents within the community. The Project will also generate revenues to the City through payment of building fees and development impact fees.

Permanent Jobs

Development of the Project would increase economic and employment activity in the Central Business District of Sacramento. The Project would include 839,628 square feet of rentable office area and 146,194 square feet of rentable retail and/or restaurant area, which would directly increase employment opportunities. (DEIR, p. 2-8.)

Construction Jobs

The Project is also expected to create a number of secondary jobs, as implementation of the Project would require construction jobs for the development of the buildings and associated site improvements. Such jobs will provide income and work experience for City residents and other workers and their families.

The revenue generated as a result of the Project will benefit the City and other governmental agencies, and their residents and constituencies by providing needed revenue for provision of required services and amenities.

The Project Will Provide Diverse Housing Opportunities in Close Proximity to an Employment Base.

The Project proposes development of approximately 2,350 residential units of various housing types, including apartments, condominiums, townhomes, and live/work units. These diverse housing types make the Project ideal for any type of household including couples, small families, single working professionals, seniors and other family groups. The proposed housing will be near the 839,628 square feet of office space and 146,194 square feet of retail/restaurant space proposed as part of the Project. The office space and retail/restaurant space will provide residents with employment opportunities close to their homes at a jobs/housing balance of 1.35:1. Thus, there would be more than one job available per housing unit on the Project site. (DEIR, p. 5-9.)

In addition, the proposed Project site is located in close proximity to the downtown urban core, which serves as a major employment center in the Sacramento region. The Project's location adjacent to the Central Business District (CBD) and the proposed DNA light rail line extension and station adjacent to the Project site will provide a direct connection to the CBD and will allow the Project's 6,040 residents to live a short distance from their work sites (DEIR p. 5-7 and 5-8).

The Project's location within the Central City will also accommodate future growth by creating housing opportunities closer to jobs, thereby reducing vehicle trips that would otherwise use the mainline freeway system. The DNA line extension will also allow ease of access for Project residents to downtown employment and nightlife, creating a convenient connection between where Central City residents live and work.

The Project Will Provide Neighborhood and Community Retail Near Residential Development to Shorten or Reduce the Number of Vehicle Trips.

The Project proposes 146,194 square feet of retail/restaurant space to serve the 6,040 projected residents of the 2,350 dwelling units, as well as existing and future residents within the Richards Boulevard area. The retail and restaurant uses will allow residents to avoid having to drive to access common neighborhood-serving retail uses, such as coffee/sandwich shops, bars, hair salons, dry cleaning, small grocery stores, flower shops and office-type services. (DEIR, p. 2-11.) SACOG reviewed the Project plans and determined that the Project would generate approximately 15-25% fewer vehicle miles traveled per household than the Blueprint Preferred Scenario when both were compared against a base case land use pattern. (See September 12, 2006 SACOG letter and the letter from the Sacramento Metropolitan Air Quality Management District dated April 17, 2007 which is attached to FEIR as Appendix C.)

The close proximity of the future light rail stop would encourage the use of alternative

modes of transportation by Project residents and employees. Project residents utilizing alternative modes of transportation, such as light rail, will reduce the number of vehicle miles traveled per household even further. In turn, the Project will result in shortened commute times, reduced traffic congestion, lessened dependence on automobiles and reduced pollution from vehicle emissions. Not driving a vehicle one day a week prevents 55 pounds of pollution each year from being emitted into the air. Overall, residents will save on fuel, vehicle maintenance and parking costs by utilizing the easily accessible light rail line.

The Project Will Activate the Riverfront and Provide Open Spaces.

The Project's development of Riverfront Drive, Riverfront Park and land uses adjacent to the American River levee would further the objectives of the RBAP by enhancing public access to the American River Parkway. The Project would improve the levee trail, create a landscaped street along the levee, and create usable green spaces and parks near the northern terminus of North 7th Street. The Project includes five foot wide bike paths along 7th Street and 5th Street, which would connect Richards Boulevard with the riverfront. The bike paths would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway.

The Project would include public and private open spaces. Public open spaces would include urban parks and plazas, parkways, and natural open space along the American River. Private open spaces would consist of central courtyards that would serve as common open space for residential buildings. Although these courtyards would probably not be open to the public, they would serve residents as relief from the higher density nature of the Project.

Riverfront Park is planned as a linear park located between the American River open space and riparian preserve and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park. In addition, 7th Street is planned as a promenade through the proposed Project, with pedestrian and bicycle access ending at the proposed Riverfront Drive.

The Project also meets the City's Central City Community Plan's Environmental Goal to "[p]rotect and enhance the unique visual features such as entrances to the Central City, attractive arterials, notable landmarks, and access to views of the rivers." By enhancing visual features such as arterials and the City's rivers, the Project will enhance the frontage along Richards Boulevard by replacing older structures, a warehouse, and dead landscaping with vibrant mixed-use buildings and improved landscaping. Development along the American River levee would provide for enhanced landscaping

along the river, improved trails, and a river overlook. Residential and office uses at the Project site would have views of the river, as well.

By enhancing the land area next to the American River Parkway with landscaped open space and parks, the Project facilitates the public's access to the riverfront and furthers the City's goal of activating public use of the riverfront.

The Project Incorporates the Historic Character of the Cannery Site into the Project Design.

The Project includes plans for potential de-construction, salvage, and/or reuse of architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. For example, the scale house (Building 11) will be preserved and relocated to one of the Project's parks. Other examples of the property's character-defining features that could be potentially salvaged, reused and/or displayed:

- Elements of the main office building façade – metal frame main entry with Moderne light fixtures, marble surround, and terrazzo floor, orange/red bricks, glass block windows, metal casement windows, corbelled side door entries with metal doors
- Portions of the can conveyor and its enclosure
- Warehouse roof trusses
- Portions of brick and/or hollow clay tile walls, including sections with decorative terra cotta tile detailing at the parapet
- Sliding metal doors
- Examples of steel frame windows with original glazing
- Light fixtures
- Railroad track
- Examples of siding – metal and wood

The larger features that might be salvaged and reused or displayed are the entry to the main office building, portions of the can conveyor, and the warehouse trusses. The steel frame entry way of the main office building (Building 1), with its Modern style light fixtures and door handles, could be cut out of the building saved and reinstalled in a new building. If feasible, the entry's marble surround and terrazzo floor would also be salvaged.

To the extent that it is reasonable and feasible as determined by the City, the Project applicant will incorporate architectural features in the property's new design. Such features will be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the Project. Salvaged and reused features will be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut-Richards cannery complex.

To facilitate this goal, a minimum of three interpretive displays will be installed on the Project property that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays will be integrated into the design of the public areas of the new housing and retail and will be installed in highly visible public areas such as the property's parks, the North 7th Street promenade, or in public areas on the interiors of buildings. The displays will include historical data taken from the HABS/HAER–like documentation or other cited archival source and will also include photographs. Displayed photographs will include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display will include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings. One of the displays will be the traveling exhibit which will be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour. A traveling exhibit of the history of the Sacramento canning industry and the Bercut-Richards Cannery complex to be loaned to local museums and, if possible, at public libraries and/or public buildings in the Sacramento region.

A sign or plaque will be installed near the corner of Richards Boulevard and North 7th Street to indicate that the Bercut-Richards Packing Company plant once stood on this property. Additional signage / plaques will be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property.

In addition, the PUD Design Guidelines for the new housing, office and retail proposed for the Project will take into account that the Project is removing a historically significant cannery and industrial site. These guidelines will encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property, which will coincide with guidelines aim to promote visual interest and diversity in the building articulation throughout the Project. Elements of the historic character of the Bercut-Richards cannery can inform the materials, building forms, and style of the buildings for the Project. While exact replication of historic features that would create a false sense of historicism is discouraged, the design guidelines will present concepts and types of architectural treatment that can be used to evoke the property's history.

The age and condition of the cannery make it currently unsafe for visitors to tour and experience its history. By displaying pertinent features of the Bercut-Richards Packing cannery complex and incorporating the character of the cannery into the design concept for the Project, the City is able to preserve the history of the cannery and convey the property's historic significance to future residents and visitors to the Project site.

The Project Realizes an Infill Development Opportunity within a Redevelopment Area.

The Project site is located in the Richards Boulevard Redevelopment Project Area and will locate 2,350 residential dwelling units, 146,194 square feet of restaurant/retail space and 839,628 square feet of office space in an infill opportunity area close to the

downtown urban core. With its mixed uses and redevelopment purpose, the Project fulfills the objectives of the Richards Boulevard Area Plan to provide for the development of a diverse mixture of uses within the Richards Boulevard area. The Project will complement Sacramento's downtown district, provide a variety of housing opportunities, and facilitate the enhancement and revitalization of the Richards Boulevard area.

As an infill project, the Project promotes the Blueprint's smart growth principles by avoiding the recent practice of building large-lot, low-density housing and instead implementing a higher-density, mixed-use development and reinvesting in an existing developed area. Following smart growth principles, the Project shortens future commute times, reduces traffic congestion, lessens dependence on automobiles and provides for housing choices that more closely align with the needs of an aging population.

The Project will Provide All Necessary On-site Infrastructure and Contribute Fair Share Funding to Upgrade the City's Infrastructure System.

Development of the Project would entail construction of a network of public streets to provide vehicle and bicycle access throughout the Project site and provide sidewalks along all public streets, paseos and parkways to encourage pedestrian activity. Installation of the water distribution system would occur in phases, corresponding to the construction phasing of the Project. Wastewater from the Project site would be conveyed to the existing pipelines in North 5th Street and North 7th Street, eventually flowing to the 33-inch main in Richards Boulevard. The storm drainage system would be a gravity-fed system of pipelines connecting to the existing system at multiple locations on North 5th Street, North 7th Street, and Richards Boulevard. The pipe system internal to the Project would consist of 12-inch to 24-inch pipes with drop inlets to collect drainage from roadways. Additional drop inlets would also be constructed in North 5th and North 7th Streets to accompany the new street intersections. Installation of the drainage system would occur in phases, corresponding to the construction phasing of the Project. The Project applicant anticipates that the following service providers would serve the proposed Project: Electric – Sacramento Municipal Utility District (SMUD); Natural Gas – Pacific Gas and Electric (PG&E); Telephone – AT&T; Cable Television – Comcast Cable. Infrastructure presently exists for these utilities on and in the vicinity of the Project site. Development of the Project would necessitate the construction of an on-site distribution system to convey these services to uses on the Project site. It is anticipated that upgrading/upsizing of existing utilities would occur on streets immediately adjacent to the Project site (i.e., Richards Boulevard, North 5th Street, and North 7th Street) in order to serve the Project.

Installation of necessary on-site infrastructure would be constructed by the Project applicant and/or the applicant would contribute its fair share of the funding for this infrastructure, resulting in the necessary revenue for the City to fund such improvements. In addition, the Project applicant will have to pay building and development impact fees that will help fund the costs for off-site infrastructure needed to serve the Project as specified in the Richards Boulevard Area Plan Facility Element.

The Project will Utilize Energy Conservation Measures in Design of Project Buildings.

Proposed office buildings would include lighting conservation elements and other energy saving measures. Lighting conservation measures would include occupancy sensors to automatically turn off lights when not in use, lighting reflectors, electronic ballasts, and energy-efficient lamps. Conservation efforts are expected to include improved HVAC systems with microprocessor-controlled energy-management systems.

In addition, the Township 9 Project applicant has been selected to submit an application for participation in the "Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program." The LEED Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. The LEED rating system is the most comprehensive program available to help design teams implement sustainable development practices. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. Although LEED places primary emphasis on architecture and design, many of its categories substantially overlap or influence CEQA issue areas. Appendix F, Energy Conservation, of the CEQA Guidelines requires that project planners assess energy usage and take steps to reduce inefficient uses of energy-an issue that can be directly addressed by LEED energy and atmosphere credits, which require reductions in energy use and promote renewable sources of energy.

Energy conservation at the Project site will result in reduced energy consumption and water savings which will benefit the community as a whole.

The Project Provides Urban Parks, Plazas and Open Spaces To Provide Community Connectivity.

The parks and open space planned for the Project promote the City's goal of providing public open spaces and community access to the riverfront. Open spaces within the Project would include urban parks and plazas, parkways, and natural open space areas along the American River. In addition, the Project also includes a paseo along 7th Street and park area at the terminus of North 7th Street as it approaches the waterfront. The PUD Design Guidelines specify that the Project will provide a variety of open space and park amenities that offer a variety of passive and active urban experiences.

Riverfront Park is planned as a linear park located between the open space and riparian preserve of the American River Parkway and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The southern edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates

the park.

The Project's development of Riverfront Drive and uses along the American River levee would enhance public access of the American River Parkway. The Project includes five foot wide bike paths along 7th Street and 5th Street, which would connect Richards Boulevard with the riverfront. The bike paths would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway.

The Project's park spaces will be designed and implemented to facilitate open space locations and linkages that create a vibrant, enjoyable community.

The Project is Consistent with and Promotes the City's Adopted Planning and Land Use Goals.

The City is currently updating the General Plan and the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. The Project meets the City's guiding principles and existing General Plan, Central City Community Plan and the Richards Boulevard Area Plan goals, policies and objectives, which include the following:

General Plan Update Vision

Promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial district.

Promote economic vitality and diversification of the local economy.

General Plan Goals and Policies

. . . provide continued support of private and public efforts that promote the Central City's role as the region's commercial office, employment, and cultural center. . .. (Sec. 1-33)

Promote the re-use and revitalization of existing developed areas, with special emphasis on commercial and industrial districts. (Sec. 4-1)

Encourage mixed use developments to generate greater pedestrian activity. (Sec 5-22)

Central City Community Plan Goals and Policies

Provide for the intensification of commercial and office uses within walking distance of the intermodal transportation terminal and planned light rail extensions. (p. 57)

Richards Boulevard Area Plan Policies

Direct the development of new office uses to the southern portion of the Richards Boulevard planning area, where such development would be served by planned regional transit facilities. (p.30)

Configure land uses and development intensity in a way that reinforces transit ridership and supports public investment in transit facilities, particularly the planned Intermodal Terminal and the extension of light rail service through the area. (p.32)

Strengthen the character and livability of the Richards Boulevard area by developing a strong system of public open space, and by preserving historic architectural resources. (p. 34)

Configure new development and land uses to enhance public access and recreational uses of the American and Sacramento River Parkways. (p. 34)

Locate housing where it can benefit from natural or planned amenities, cultural and recreational resources. (p. 41)

Provide a diversity of housing types and tenure (p. 43)

Create attractive neighborhood environments which will reinforce the sense of community and enhance the well being of residents. (p. 44)

Provide parks and community facilities in locations that are accessible to pedestrians and that will give structure and identity to residential neighborhoods. (p. 44)

Create pedestrian-oriented streets which promote an attractive and safe environment. (p. 44)

Encourage neighborhood-serving retail uses within residential neighborhoods. (p. 44)

Exhibit B

Mitigation Monitoring Plan
for the Township 9 Project

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.1 Aesthetics					
6.1-2 (A & B) (a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views.	Verify that exterior lighting has been configured to minimize glare and night sky views.	Project Applicant.[1]	Prior to issuing building permits.	Development Services/Public Works.	
(b) The project contractor shall not use highly reflective mirrored glass walls as a primary building material for façades to reduce glare on adjacent uses. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.	Verify that Low E glass is used on building façades.	Project Applicant.	Prior to issuing building permits.	Development Services/Public Works.	
6.1-4 (A & B) Implement Mitigation Measure 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	
6.2 Air Quality					
6.2-1 (A & B) The following measures shall be incorporated into construction bid documents as recommended by the SMAQMD: (a) The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet	Verify that construction bid documents include required measures to minimize ozone precursor emissions.	Project Applicant.	Prior to issuance of grading permits or building permits.	Development Services.	

1 In the event Project Applicant sells, assigns or transfers its interests in the Property or in any portion of the Property pursuant to the terms and conditions of the Development Agreement between Project Applicant and City, the purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Project Applicant, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred.

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 other options as they become available.					
(b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor.	Prior to construction activities. Monthly reports ongoing during construction.	Development Services.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) The project applicant and/or contractor shall ensure that emissions from all off- road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor.	Weekly surveys and monthly reports ongoing during construction.	Development Services.	
(d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	

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6.2-3 (A & B) The project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.	Verify that emission reduction strategies contained in the endorsed Air Quality Mitigation Plan are implemented.	Project Applicant.	Prior to issuing occupancy permits.	Development Services/Public Works.	
6.2-6 (A & B) Implement Mitigation Measures 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	
6.2-7 (A & B) Implement Mitigation Measure 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	
6.2-8 (A & B) Implement Mitigation Measures 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	
6.3 Biological Resources					
6.3-1 (A & B) (a) Prior to any demolition/construction activities that occur between February 15 and September 15 the applicant shall have a qualified biologist conduct surveys for nesting Swainson's hawk in the riparian area along the American River and within a half mile2 of demolition/ construction activities. If no active Swainson's hawk nests are identified on or within half mile of construction activities, a letter report summarizing the survey results shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts pre-construction surveys for the presence of Swainson's hawk and that the survey results are submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits every calendar year that construction activities occur.	Development Services/Public Works.	

2 Swainson's Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000.

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(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[3] shall be implemented as follows: 1. Nest trees shall not be removed unless there is no feasible way of avoiding their removal. 2. If there is no feasible alternative to removing a nest tree, a Management Authorization (including conditions to offset the loss of the nest tree) shall be obtained from CDFG with the tree removal period (generally between October 1 and February 1) to be specified in the Management Authorization. 3. No intensive disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within 1,320 feet (¼ mile) (buffer zone as defined in the CDFG Staff Report) of an active nest between February 15 and September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained from CDFG for the project. The 1,320 foot buffer zone could be adjusted in consultation with CDFG.	Verify implementation of appropriate measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/CDFG.	

3 California Department of Fish and Game, *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainsonii) in the Central Valley of California*, 1994.

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4. If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest to determine if abandonment occurs. If the nest is abandoned and the nestlings are still alive, the project proponent shall retain the services of a qualified biologist to reintroduce the nestling(s) (recovery and hacking). Prior to implementing, any hacking plan shall be reviewed and approved by the Environmental Services Division and Wildlife Management Division of the CDFG.					
6.3-2 (A & B) (a) Between March 1 and August 1, the applicant shall have a qualified biologist conduct nest surveys 30 days prior any demolition/construction activities that are within 500 feet of potential nest trees. A pre-construction survey shall be submitted to CDFG and the City of Sacramento that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the project site. If no active nests of MBTA, CDFG or USFWS covered species are identified then no further mitigation is required.	Verify that a qualified biologist conducts pre-construction nest surveys and that the survey results are submitted to CDFG and the City of Sacramento.	Project Applicant.	Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.	Development Services/Public Works/CDFG.	

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(b) Should active nests of protected bird species be identified in the survey conducted in accordance with Mitigation Measure 6.3-2(a), the applicant, in consultation with the City of Sacramento and CDFG, shall delay construction in the vicinity of active nest sites during the breeding (March 1 through August 1) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.	Verify that If active nests of protected bird species are identified that construction activities are delayed or non-disturbance buffer zone enforced.	Project Applicant.	Ongoing during construction.	Development Services/Public Works/CDFG.	
(c) No intensive disturbance (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and August 1.	Verify that no use of heavy equipment occurs within established buffer zones.	Project Applicant.	Ongoing during construction.	Development Services.	

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(d) If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.	Verify that a qualified biologist is on-site during the intense site disturbing activities to monitor any active nest sites in the buffer zone.	Project Applicant.	Ongoing during construction.	Development Services/CDFG/USFWS.	
6.3-4 (A & B) (a) Prior to any demolition/construction activities, the project applicant shall retain a qualified biologist to conduct a survey to identify and document all potential VELB habitat. Survey and evaluation methods shall be performed consistent with the USFWS's 1999 VELB survey and mitigation guidelines.4 The survey shall include a stem count of stems greater than or equal to one inch in diameter and an assessment of historic or current VELB use.	Verify that a qualified biologist conducts pre-construction VELB surveys consistent with the USFWS's 1999 VELB survey and mitigation guidelines.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	

4 United States Fish and Wildlife Service, *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, 1999.

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(b) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the survey (conducted consistent with Mitigation Measure 6.3-4(a)) as having stems greater than or equal to one inch in diameter. The 100 foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.	Verify that project design avoids disturbance within 100 feet of elderberry shrub dripline and that avoidance is documented in a report submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
(c) If disturbance within 100 feet of the dripline of the elderberry shrub with stems greater than or equal to one inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop a formal VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. Prior to implementation by the applicant the mitigation plan shall be reviewed and approved by the USFWS.	Verify that a qualified biologist develops a formal VELB mitigation plan and that appropriate mitigation guidelines are implemented.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
(d) If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition, or construction activities, the project applicant shall proceed consistent with any requirements that accompany the VELB delisting notice.	Verify the implementation of any requirements consistent with the VELB delisting notice.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
6.3-5 (A & B) (a) Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including	Verify that a certified arborist t conducts a tree survey to identify	Project Applicant.	Prior to approval of final project design.	Development Services/Public Works.	

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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.	and evaluated tress that are being removed and document avoidance of protected tress in a letter submitted to the City of Sacramento.				
(b) If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.	Verify that protected trees removed are replaced consistent with the City's tree ordinance.	Project Applicant.	Prior to issuing building permits, ongoing during construction, and after construction.	Development Services/Tree Services Division.	
(c) All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The 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	See MM 6.3-5(b). Verify that a qualified arborist monitors growth and survival of replacement tress.	Project Applicant.	On-going during construction and each spring for 5 years following planting.	Development Services/Tree Services Division.	

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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.					
6.3-7 (A & B) (a) Prior to demolition activities, the project proponent shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the project site. If no roosting sites or bats are found within the project site, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works.	
(b) If bats are found roosting at the site outside of nursery season (May 1st through October 1st), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be established around the roosting site within which no construction shall occur.	Verify that proper procedures are followed as outlined in the mitigation measure to ensure if any bats are identified on-site they are removed according to the BCI methods.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works/CDFG.	

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(c) Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include but not be limited to the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI recommended exclusion professional.	Ensure that bats are removed according to the BCI methods.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works/CDFG.	
6.3-8 (A & B) Implement Mitigation Measure 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	
6.3-9 (A & B) Implement Mitigation Measures 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	

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6.4 Cultural Resources					
6.4-1 (A & B) (a) Documentation / Recordation Prior to any demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for Architectural History to prepare written and photograph documentation of the Bercut-Richards cannery complex. The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) / Historic American Engineering Record (HAER) Historical Report Guidelines. The proposed documentation standards shall meet the intent of NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The documentation prepared for former Bercut-Richards Packing Company property shall not be reviewed by NPS or transmitted to the Library of Congress and therefore, will not be a full-definition, HABS/HAER dataset. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).	Verify that the Bercut-Richards cannery complex is documented based on the NPS HABS/HAER methods of documentation and photography, as outlined in the mitigation measure and the report had been reviewed and approved by the City's Preservation Director.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	

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The written historical data for this documentation shall follow HABS / HAER Level II standards and shall be derived from the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. Both reports are on file with the City Preservation Director. Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).					
Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).					
The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset.					

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

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Photograph views for the dataset shall include: a) contextual views; b) views of each side of each building and interior views, where possible; c) oblique views of buildings; and d) detail views of character-defining features, including features on the interiors of some buildings. The size of this property would require up to five contextual views, 20 exterior and interior building views, 10 oblique views, and 15 detail views. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset. All written and photograph documentation of the Bercut-Richards cannery complex shall be approved by the City Preservation Director prior to any demolition and removal activities.					
(b) 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	Verify that the project applicant has retained a professional to conduct an oral history project of the cannery.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	

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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 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					

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recollections of the company, its management, innovations, and the day-to-day operation of the plant. The preparer of the oral history project shall conduct the following tasks. Planning / Preparation for Interviews • 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					

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interviewee) shall be recorded with a digital voice recorder and use Digital Speech Standard (DSS) Player Software to create a topic index for the interviews linked to a time counter so that the topic index would be searchable on the CD ROM (or DVD) containing the recording of the interview. Use of this software would eliminate the need for full written transcript of the interviews. • Post-Interviews • Archive quality CDs shall be prepared containing a recording of the interview, topic 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					

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

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associated with the oral history project shall be borne by the project applicant.					
(c) Documentation Dissemination The HABS/HAER–like documentation of the Bercut-Richards cannery complex shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the California Historical Resources Information System Northeast Information Center at California State University Sacramento; the California State Library in Sacramento; the Sacramento Archives and Museum Collection Center (SAMCC); the Sacramento County Historical Society; the Sacramento Public Library's Sacramento Room; the Sacramento Discovery Museum; and other local repositories determined by the City Preservation Director. If the oral history project is conducted, CDs prepared during the oral history project shall be on archive-quality discs, such as archival gold CD-Rs, and disseminated to the same repositories as the HABS/HAER–like documentation.	Disseminate documentation of cannery to appropriate repositories and interested parties.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	
(d) Interpretation of the Property Under the direction and enforcement of the City Preservation Director, measures shall be implemented to interpret the property's historic significance for the public and for residents that will inhabit the property. All costs associated with interpretation of the property shall be borne by the project applicant. Interpretive and/or educational exhibits shall include but are not necessarily	Interpret the property's historic significance for the public and for residents that will inhabit the property.	Project Applicant.	Ongoing during project development.	Development Services/City's Preservation Director.	

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limited to the following items:					

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

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

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Exhibits And Written Documentation for Publication on a Web Site The applicant shall publish exhibits and written documentation on a Web site regarding the history of the Sacramento canning industry and the Bercut-Richards Cannery complex. This information shall be derived from the HABS/HAER–like documentation, and the reports titled Historical Resource Inventory and Evaluation Report, Bercut- Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. The publication shall include text and photographs. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. Publication of these materials shall be either on an independent Web site maintained by the project applicant (or its successor property management company) or be donated for posting on a local history website, such as www.sacramentohistory.org (owned by SAMCC). The materials shall be available on the Web site for at least two years following demolition of the former Bercut-Richards cannery complex. Traveling Exhibit The applicant shall have a traveling exhibit prepared that will be loaned to local museums (such as the Sacramento Discovery Museum) and,					

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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 former cannery site. Following installation of the exhibit in local museums and other locations, the exhibit shall be permanently displayed in a highly visible location in a publicly accessible lobby on the property and will fulfill a portion of the on-site interpretation mitigations discussed above.					

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(e) <u>De-Construction, Salvage, and Reuse</u> The project applicant shall preserve and rehabilitate the scale house (Building 11) according to the Secretary of the Interior's Rehabilitation Standard and the State Historic Building Code. The rehabilitation of the building shall be submitted as a Preservation application once it is determined where the building would be located and what its use might be. The applicant shall consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. Examples of the property's character-defining features that could be potentially salvaged are illustrated in Appendix B of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC. To the extent that is reasonable and feasible as determined by the City, the project applicant shall use some architectural features in the property's new design. Such features shall be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the project. Salvaged and reused features shall be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut Richards cannery complex. Potentially salvageable features are identified in Section 6.3., Impacts Analysis and Suggested Mitigation of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing	Verify that Building 11 has been preserved and relocated, per the mitigation, consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex.	Project Applicant.	Prior to issuance of building permit and during construction.	Development Services/City's Preservation Director.	

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

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(f) Design Guidelines The final Design Guidelines for the proposed project shall take into account that the project is removing a historically significant cannery and industrial site. The final Design Guidelines shall encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. The City Preservation Director shall be given the opportunity to help review and refine the Design Guidelines to ensure that the architecture of the new buildings help convey the history and significance of the property. Character-defining features that could be included in the Design Guidelines are identified the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC.	Verify that the Design Guidelines have been reviewed by the City's Preservation Director.	Project Applicant.	Prior to the issuance of grading or construction permits.	Development Services/City's Preservation Director.	

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6.4-2 (A & B) (a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant. (b) The Project Archaeologist shall review the following documents on file with the City Preservation Director: • North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006. • Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006. • Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. (c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.	Hire a Project Archaeologist to conduct background research, conduct a pedestrian survey, conduct on-site construction monitoring, and to provide training in cultural resource identification and discovery procedures for construction personnel.	Project Applicant.	Prior to issuance of grading permit and during ground disturbance activities.	Development Services/City's Preservation Director.	

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(d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading excavation, and trenching) in the areas determined to be sensitive for significant cultural resources. (e) The archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing demolition or construction throughout the project site.					
(f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with The Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.					

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(g) If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.					
(h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner and Preservation Director shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a	If human remains are discovered, halt construction within 100 feet of discovery, notify Sacramento County coroner and Preservation Director immediately.	Project Applicant.	Ongoing during construction.	Development Services/City's Preservation Director.	

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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 100 feet of where the remains were discovered.					
.4-3 (A & B) Implement Mitigation Measure 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	
6.4-4 (A & B) Implement Mitigation Measure 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	
6.5 Geology and Soils					
6.5-1 (A & B) Prior to the commencement of any grading activities, the applicant shall retain an erosion control professional, landscape architect, or civil engineer specializing in sediment control to prepare an ESC plan consistent with Chapter 15.88.250 of the City of Sacramento Municipal Code. The ESC plan shall include a statement of purpose, proposed best management practices, and the required information from the Manual of Standards, Chapter 2, Section 3. The Plan shall be submitted with the final grading plan. The ESC plan shall be implemented by the applicant, and enforced by the City of Sacramento Department of	Verify an ESC plan was prepared consistent with City requirements.	Project Applicant.	Submitted with the final grading plan and ongoing during construction.	Development Services/ Public Works.	

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Public Works, prior to pre-construction activities and shall continue through the completion of all final improvements and permanent structures.					
6.5-3 (A & B) (a) Prior to issuance of the building permit, the project applicant shall ensure that all designs for mid- and high-rise structures within the proposed project minimize differential settlement impacts enabling the soils underlying the project site to support such structures. The most appropriate methods to mitigate the effects of differential 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.	Verify that building designs have addressed any and all soils issues.	Project Applicant.	Prior to issuance of any building permits.	Development Services/ Public Works.	
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	Verify compliance with the recommendations set forth in the Geotechnical	Project Applicant and/or contractor.	During excavation activities.	Development Services/ Public Works.	

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trenching activities. Implementation of the recommendations shall be monitored by the City of Sacramento.	Report prepared for the project.				
(c) Although the presence of high concentrations of organic refuse has not been confirmed throughout the site, any such material, such as the peach pit refuse discovered in the western portion of the project site, shall be removed prior to the commencement of site preparation activities. The project applicant shall retain a geotechnical engineer to ensure that the proper removal of organic refuse be completed to ensure structural safety.	Verify proper removal of any organic refuse.	Project Applicant.	Prior to earth disturbing activities or issuance of grading n permits.	Development Services/ Public Works.	

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6.5-4 (A & B) (a) Prior to approval of the final grading plan, the project applicant shall retain a qualified dewatering contractor to design, install, and operate a project-specific construction dewatering system. Excavation work shall be scheduled during the dry season (summer to early winter) when river levels are low and excavation is less likely to encounter groundwater, making dewatering activities as minimal as possible. A groundwater depth of at least three feet below the lowest anticipated excavation depth shall be maintained to provide a stable surface for construction equipment. When necessary, alternative methods such as sheet piles or soil cement columns may be used to allow localized dewatering and help prevent dewatering effects on adjacent sites. Implementation of the plan during dewatering activities shall be monitored by the City of Sacramento Department of Engineering and/or Department of Public Works, as appropriate.	Verify a project-specific dewatering system has been prepared and reviewed by the city.	Project Applicant.	Prior to approval of final grading plan.	City of Sacramento Department of Engineering and/or Department of Public Works.	
(b) Prior to approval of the final grading plan, the City shall ensure that all walls, foundations, and floor slabs constructed below an assumed groundwater level of +15 feet msl are sealed, waterproofed, and designed to withstand hydrostatic uplift and lateral stresses exerted by groundwater. This measure shall be implemented to the satisfaction of the Department of Engineering and/or Department of Public Works as appropriate.	Verify that all walls, foundations and floor slabs have been designed to withstand hydrostatic pressure.	Project Applicant.	Prior to approval of final grading plan.	Department of Engineering and/or Department of Public Works as appropriate.	
6.6 Hazardous Materials and Public Safety					
6.6-2 (A & B) Prior to the commencement of demolition/construction,	Verify a TMP has been prepared	Project Applicant.	Prior to issuance of	Development Services.	

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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	that addresses construction traffic and has been reviewed and approved by the city.		demolition, grading or building permits.		

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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.					

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6.6-3 (A & B) (a) In the event that previously unidentified soil or groundwater contamination, USTs, or other features or materials that could present a threat to human health or the environment are discovered during excavation and grading or construction activities, all construction within the project site shall cease immediately, and the applicant shall retain a qualified professional to evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including, if necessary, the preparation of a site remediation plan. Pursuant to Section 25401.05 (a)(1) of the California Health and Safety Code, the plan shall include: a proposal in compliance with application law, regulations, and standards for conducting a site investigation and remedial action, a schedule for the completion of the site investigation and remedial action, and a proposal for any other remedial actions proposed to respond to the release or threatened release of hazardous materials at the property. Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City and the SCEMD.	Verify that in the event an UST is discovered that work stop and the applicant retains a qualified professional to evaluate the hazards and, if necessary, prepare a site remediation plan.	Project Applicant.	During all earth disturbing activities.	Development Services and SCEMD.	

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(b) In the event site investigation and/or remediation is required, the applicant shall ensure preparation of a site-specific health and safety plan that meets the intent of OSHA hazardous materials worker requirements California Code of Regulations (CCR) Title 8). The plan shall be prepared by a qualified professional prior to the commencement of site-disturbing activities associated with the investigation and/or remediation. The plan shall provide for the identification, evaluation, control of safety and health hazards, and emergency response to hazardous waste operations. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require, but would not be limited to: the use of personal protective equipment, onsite controls (e.g., continuous air quality monitoring) during construction, and other precautions as determined to be necessary by the plan preparer.	Verify preparation of a site remediation plan if any hazards are identified on-site.	Project Applicant.	Prior to issuance of grading permits.	Development Services.	
(c) In the event contaminated groundwater is identified, any discharges to the sewer, if determined to the appropriate method of disposal, shall be in accordance with the City Department of Utilities Engineering Services Policy No. 0001, adopted as Resolution No. 92-439 by the Sacramento City Council.	Verify proper procedures are followed for disposal of contaminated groundwater.	Project Applicant.	Ongoing during construction.	Department of Utilities.	

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6.6-4 (A & B) Prior to demolition of any structures located on the project site, the project applicant shall retain a state-certified risk assessor to conduct a risk assessment or paint inspection of all structures on-site constructed prior to 1978 for the presence of lead-based paint. If lead-based paint is determined to exist on site, the risk assessor shall prepare a site-specific lead hazard control plan. Paint removal methods may include, but are not limited to: use of a heat gun, tools equipped with HEPA exhaust capability, wet scraping, and chemical removers. The plan shall also provide specific instructions for providing protective clothing	Verify that a risk assessment has been performed to determine the presence of any lead-based paint. If any lead-based paint is identified verify that the proper procedures have been followed to remove and dispose.	Project Applicant.	Prior to issuance of demolition permits and ongoing during demolition activities.	Development Services.	

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and gear for abatement personnel. The project applicant shall then retain a state-certified lead-based paint removal contractor independent of the risk assessor to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be managed and disposed of at a landfill(s) licensed to accept lead-based waste. Once all abatement measures have been implemented, a state-certified risk assessor shall conduct a clearance examination and provide written documentation to the City that lead-based paint testing and abatement, if necessary, has been completed in accordance with all federal, state, and local laws and regulations, including: lead-based paint exposure guidelines provided in "Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing" by the U.S. Department of Housing and Urban Development (HUD), Construction Safety Order 1532.1 from Title 8 of the CCR, and the California Department of Health Services.					
6.6-5 (A & B) Implement Mitigation Measures 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	
6.6-6 (A & B) Implement Mitigation Measure 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	

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6.7 Hydrology and Water Quality					
6.7-2 (A & B) Prior to the issuance of a grading permit, the project applicant shall: (a) Provide proof that a NOI for coverage under the State NPDES General Permit for Discharges of Storm Water Runoff associate with Construction Activity has been submitted to the State Water Resources Control Board. (b) Prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the State Water Resources Control Board that includes the following items: • A vicinity map showing the construction site, nearby roadways, topography, and geographic features surrounding the site; • A site map showing the proposed project in detail, including the existing and planned paved areas, buildings, topography, drainage patterns across the project site, and the proposed stormwater discharge locations; • A detailed, site-specific listing of the potential sources of stormwater pollution; • A description of the type and location of erosion and sediment control BMPs to be implemented at the project site; • The name and phone number of the person responsible for implementing the SWPPP; and	Verify that the applicant has submitted a NOI to the SWRCB and that a SWPPP has been prepared to the satisfaction of the SWRCB.	Project Applicant.	Prior to issuance of a grading permit.	Development Services.	

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• Certification by the landowner or an authorized representative of the landowner.					
(c) Obtain, if necessary, a dewatering permit or MOU from the City.	If necessary, verify a dewatering permit or MOU has been obtained from the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services.	
(d) Prepare an Erosion and Sediment Control Plan (ESC plan) in compliance with the Section 15.88.250 of the City's Municipal Code, Grading Ordinance, and Stormwater Management and Discharge Ordinance, with guidance from the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control. The ESC plan shall include erosion control BMPs, sediment control BMPs, and good housekeeping practices to be implemented during construction.	Verify a ESC plan has been prepared to the satisfaction of the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services/ Public Works.	
(e) Prepare a post construction erosion and sediment control plan (PC) plan to control surface runoff and erosion after construction of the proposed project has been completed. The plan shall contain a statement of the purposed of the proposed BMPs and all the information required and contained in the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services/ Public Works.	

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(f) Incorporate specific source control measures for: 1) commercial/industrial material storage, 2) commercial/industrial outdoor materials handling, 3) commercial/industrial vehicle and equipment fueling, 4) commercial/ industrial vehicle and equipment maintenance, repair, and washing, 5) commercial/industrial/multi-family residential waste handling, 6) multi-family residential vehicle wash areas, and 7) permanent "no dumping-drains to river" storm drain markings. Since this project is not served by a regional water quality control facility and is greater than one acre, the project shall be required to incorporate regional and/or on-site stormwater quality control measures such as water quality basins, vegetated swales, stormwater planters, and/or sand filters. The project applicant shall be required to provide a mechanism to fund the maintenance of the treatment control measures including entering into a maintenance agreement.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant	Prior to issuance of a grading permit.	Development Services/ Public Works.	
6.7-3 (A & B) Prior to the issuance of grading permits, the project applicant shall implement the Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters, as established by the CVRWQCB, which shall be enforced by the City. The permit states that construction dewatering activities may occur provided that discharges do not contain significant quantities of pollutants and are either four months or less in duration or the average dry weather discharge does not exceed 0.25 mgd.	Verify the WDR will be implemented during construction.	Project Applicant.	Prior to issuance of a grading permit and ongoing during construction.	Development Services/ Public Works.	

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6.7-5 (A & B) Implement Mitigation Measures 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	
6.7-6 (A & B) Implement Mitigation Measure 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	

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6.8 Noise and Vibration					
6.8-1 (A & B) The contractor shall ensure that the following measures are implemented during all phases of project construction: (a) Whenever construction during later project stages occurs near residential and other noise-sensitive uses built on site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5 dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If for practical reasons, which are subject to the review and approval of the City, a barrier can not be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.	Verify noise reduction and attenuation measures are implemented as set forth in MM 6.8-1.	Project Applicant and/or contractor.	Prior to issuance of a building permit; implement measures during ground disturbing and construction activities.	City of Sacramento Building Division.	

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(b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7 a.m. to 6 p.m. Monday through Saturday, the hours of 9 a.m. to 6 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. (c) Construction equipment staging areas shall be located away from residential uses; pre-drill pile holes and use quieter "sonic" pile-drivers, where feasible; and restrict high noise activities, such as pile driving, the use of jackhammers, drills, and other generators of sporadic high noise peaks, to the hours of 7 a.m. to 6 p.m. Monday through Friday, or other such hours satisfactory to the City.					
6.8-2 (A & B) For pile driving within 100 feet of an existing building, the project applicant shall drill pilot holes for piles, to the extent feasible, prior to commencement of impact pile driving. Prior to issuance of a building permit, the project applicant shall submit to the City for approval the anticipated depth to which piles will be drilled and the estimated start date and end date of impact pile driving.	Verify that the applicant has submitted documentation showing the depth of the piles and estimated start and end dates.	Project Applicant.	Prior to issuance of building permits and ongoing during pile driving.	Development Services.	
6.8-3 (A & B) (a) Prior to the issuance of building permits, the applicant shall have a certified acoustical professional prepare a site-specific acoustical analysis for residential uses that details how the outdoor common areas would achieve an exterior noise level of less than 60 dB L_{dn} and an interior noise level of less than 45 dB L_{dn} consistent with City of Sacramento General Plan noise standards.	Verify preparation of a site-specific acoustical analysis has been prepared that addresses MM 6.8-3(a) and has been submitted to the	Project Applicant.	Prior to issuance of building permits.	Development Services.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.	city for review and approval.				
(b) Prior to issuance of occupancy permits, at least one 24 hour noise measurement per residential unit fronting Richards Boulevard shall be completed to ensure that interior noise levels attain legal requirements. The results of each measurement shall be reported to both the applicant and the City.	Verify that the applicant has completed a 24-hr noise measurement for units fronting Richards Boulevard with the results reported to the city.	Project Applicant.	Prior to issuance of occupancy permits.	Development Services.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.8-4 (A & B) (a) Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.	Verify engineering and acoustical specifications for HVAC equipment has been provided to the city's Planning Director.	Project Applicant.	Prior to issuance of building permits.	Development Services.	
(b) Garbage storage containers and building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses.	Verify that the project design does not place garbage containers or loading docks in areas that would disturb residences.	Project Applicant.	Prior to issuance of building permits.	City of Sacramento Building Division.	
(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.	Verify all stationary equipment is adequately shielded.	Project Applicant.	Prior to issuance of building permits.	Development Services.	
6.8-5 (A & B) Implement Mitigation Measure 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.9 Public Services					
6.9-13 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate neighborhood park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-14 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate community park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-15 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate citywide or regional park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/Parks Department.	
6.9-16 (A & B) Implement Mitigation Measure 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	
6.9-17 (A & B) Implement Mitigation Measure 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	
6.9-18 (A & B) Implement Mitigation Measure 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	
6.11 Transportation and Circulation					
6.11-1 (A & B) (a) At the I-5 southbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one southbound left-turn lane to provide two left-turn lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide	The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd Interchange and provide a fair share contribution to help fund the local share of the	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
"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.	DNA project costs.				

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (56.4 seconds delay) in the a.m. peak hour and LOS D (37.8 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS E (77.9 seconds delay) in the a.m. peak hour and LOS D (49.5 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level in the a.m. peak hour but the impact in the p.m. peak hour would remain significant and unavoidable. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the west. However, the freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane to the west. Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. These results are shown in Table 6.11-13.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

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

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) At the I-5 northbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one westbound right-turn lane to provide two right-turn lanes and two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.	The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd interchange and provide a fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services / Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (57.4 seconds delay) in the a.m. peak hour and LOS D (40.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

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

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) At the Bercut Drive / Richards Boulevard intersection, under Scenario A, the City shall increase the cycle length to 120 seconds and modify signal phasing. 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. Under Scenario B, 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. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (24.1 seconds delay) in the a.m. peak hour and LOS B (18.2 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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.	The applicant shall pay a fair share contribution to modify the signal phasing and construct the roadway improvement stated in MM 6.11-1(c).	Project Applicant/City of Sacramento Department of Transportation.	Prior to issuance of building permits.	Development Services / Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
These results are shown in Table 6.11-13.					
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.					
(d) At the N. 5th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, prior to 1/3rd of the vehicle trip generation (Trip Generation, Table 6.11-10 of the Draft EIR) 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.	The applicant shall construct the roadway improvements set forth in MM 6.11-1(d).	Project Applicant.	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.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (13.2 seconds delay) in the a.m. peak hour and LOS C (24.9 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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 under Scenario B 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 6.11-1.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(f) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, 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 (36 seconds delay) in the a.m. peak hour and LOS E (59.9 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce LOS D (43 seconds delay) in the a.m. peak hour and LOS E (76.4 seconds delay) in the p.m. peak hour. 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.	The project applicant shall dedicate sufficient ROW and construct the modifications to 7th Street.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 (131 seconds delay) in the a.m. peak hour and LOS F (142 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce 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. The project impact would remain significant and unavoidable.					
(f) At the Dos Rios Street / Richards Boulevard intersection, under both Scenario A and Scenario B, 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.	The City shall monitor and retime the signal timing when required and the applicant shall pay their fair share. Verify the applicant has paid their faire share.	Project Applicant/City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.2 seconds delay) and the level of service under Scenario B 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.					
(g) At the 12th / 16th Streets / Richards Boulevard intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(h) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, 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. 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. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (16 seconds delay) in the a.m. peak hour and LOS C (26.2 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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.	The applicant shall pay their fair share contribution to implement the future roadway improvement stated in MM 6.11-1(h). Verify the applicant has paid their fair share.	Project Applicant/City of Sacramento Department of Transportation.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(i) At the 12th Street / North B Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(j) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, 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.	The applicant shall pay their fair share to the City of Sacramento for future implementation of the roadway improvements stated in MM 6.11-1(j). Verify the applicant has paid their fair share.	Project Applicant/City of Sacramento Department of Transportation.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (10.7 seconds delay) in the a.m. peak hour and LOS B (13.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(k) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, 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. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (19.5 seconds delay) in the a.m. peak hour and LOS A (8.5 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS 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.	The applicant shall pay their fair share to the City of Sacramento for future implementation of the roadway improvements stated in MM 6.11-1(k) Verify the applicant has paid their fair share.	Project Applicant/City of Sacramento Department of Transportation.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(l) At the 7th / Signature Street intersection, the applicant shall install a traffic signal under Scenario A and Scenario B and 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.	The project applicant shall dedicate sufficient ROW and construct the roadway modifications and the traffic signal set forth in MM 6.11-1(l).	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.6 seconds delay) in the a.m. peak hour and LOS D (40.1 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable; the level of service under Scenario B 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-2 (A & B) (a) Widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would reduce the project impact of Scenario A to less than significant; while the project impact of Scenario B would be lessened but remain significant and unavoidable. After implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (v/c of 0.74) and the level of service under Scenario B would be reduced to LOS D (v/c of 0.88). These results are shown in Appendix N. To fully mitigate the project impact under Scenario B, it would 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.	Verify that the roadway widening has been completed.	Project Applicant.	Prior to the approval of the Final Map.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.	N/A	N/A	N/A	N/A	N/A
6.11-3 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Widening the freeway mainline right of way would create adverse impacts by potentially requiring modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system. 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

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

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-4 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-5 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-6 (A & B) 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.	Verify RT has been consulted with to provide adequate bus service to the site.	Project Applicant/City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-7 (A & B) 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.	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 Services, Development Engineering Division.	Project Applicant.	Prior to the approval of the site plans.	Development Services/ Development Engineering Division.	
6.11-8 (A & B) 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.	Design pedestrian facilities to meet city standards and/or be designed to the satisfaction of the city traffic engineer.	Project Applicant.	Prior to the approval of the site plans.	Development Services/ Department of Transportation.	
6.11-9 (A & B) (a) The gateway roundabout on 7th Street at New Street "A" shall be designed in compliance with the	Design roundabouts according to the	Project Applicant.	Prior to the approval of the Final Map.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.	standards set forth in MM 6.11-9(a) and (b).				
6.11-10 (A & B) The project applicant shall provide sufficient on-site bicycle parking spaces to comply with the City's Zoning Code requirement.	Provide sufficient on-site bicycle parking spaces to comply with the City's Zoning Code requirement.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-12 (A & B) (a) At the I-5 southbound ramps/Richards Boulevard intersection, under both Scenario A and Scenario B, 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. 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.	The applicant shall pay their fair share towards this improvement and fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	
(b) At the I-5 northbound ramps / Richards Boulevard intersection, optimizing signal timing would lessen the project impact; however, to fully mitigate the	The applicant shall pay their fair share towards	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 under Scenario B. 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.	this improvement and fair share contribution to help fund the local share of the DNA project costs.				
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.					
(c) At the Bercut Drive / Richards Boulevard intersection, under both Scenario A and Scenario B, 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	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
(d) At the N. 5th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, optimize signal timing would lessen the project impact to less-than-significant level under Scenario A, but the impact under Scenario B 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.	The applicant shall pay their fair share towards this improvement.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(e) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, 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 under Scenario A would be reduced to LOS E (57.3 seconds delay) in the a.m. peak hour and LOS E (63.8 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant during both a.m. and p.m. peak hours; and the level of service under Scenario B would be reduced to LOS F (106.9 seconds delay) in the a.m. peak hour and LOS F (87.4 seconds	The applicant shall pay their fair share towards this improvement and dedicated the appropriate ROW.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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. These results are shown in Table 6.11-20. 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.					
(f) At the 12th / 16th Streets / Richards Boulevard intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(g) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, 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	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
(h) At the 12th Street / North B Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(i) At the 7th Street / Big Four Boulevard intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(j) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(k) At the 6th Street / G Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(l) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(m) At the 6th Street / H Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
(n) At the 7th Street / H Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(o) At the 6th Street / I Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(p) At the 6th Street / J Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.					
(q) At the 7th / Signature Street intersection, under both Scenario A and Scenario B, with implementation of Mitigation Measure 6.11-1(l), the level of service under Scenario A would be reduced to LOS B (13.5 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 less-than-significant; and the level of service under Scenario B 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.	N/A	N/A	N/A	N/A	N/A
6.11-13 (A & B) (a) Implementation of Mitigation Measure 6.11-2(a) would reduce the project impact of Scenario A to less-than-significant; while the project impact of Scenario B would be lessened but remain significant and unavoidable. Further widening 7th Street in order to fully mitigate the impact of Scenario B is infeasible because it would create an unfriendly pedestrian environment which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. After implementation of this mitigation measure, Scenario A would produce LOS C (v/c of 0.75) and Scenario B would produce LOS D (v/c of 0.88). These results are shown in Appendix N.	See MM 6.11-2(a).	See MM 6.11-2(a).	See MM 6.11-2(a).	See MM 6.11-2(a).	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

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

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-14 (A & B) 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. 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	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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. 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					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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) 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system. 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.					

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-15 (A & B) 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. 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	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
6.11-16 (A & B) 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. 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 applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
6.11-17 (A & B) 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.	City to coordinate with RT to ensure adequate bus service is provided to the site.	City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/ Department of Transportation.	
6.11-18 (A & B) (a) 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.	The applicant shall pay their fair share towards this improvement and fair share to help fund the local share of the DNA costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) At the Bercut Drive / Richards Boulevard intersection, under both Scenario A and Scenario B, 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. 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. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (12.7 seconds delay) in the a.m. peak hour and LOS C (21.1 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant; and the level of service under Scenario B 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.	The City shall modify the signal phasing and construct the roadway improvements stated in MM 6.11-18(b) and the applicant shall pay their fair share. Verify the applicant has paid their fair share.	Project Applicant/City of Sacramento Department of Transportation.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) At the N. 5th Street / Richards Boulevard intersection, under Scenario B, 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 under Scenario B 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.	The applicant shall dedicate the appropriate ROW and construct the roadway improvements.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
However, the implementation of Mitigation Measure 6.11-18 d) at 7th Street/Richards Boulevard would create a downstream secondary impact at the N. 5th Street/ Richards Boulevard intersection during the p.m. peak hour under Scenario A, where the level of service would degrade to LOS E. The secondary impact may be mitigated by implementing Mitigation Measure 6.11-18c and modifying the signal phasing splits during the p.m. peak hour, which would reduce the secondary impact to a less-than-significant level. With implementation of this measure, the level of service under Scenario A would be reduced to LOS C (24.7 seconds delay) in the a.m. peak hour and LOS D (33.5 seconds delay) in the p.m. peak hour. These results are shown in Table 6.11-26. These mitigation measures shall be implemented by the applicant.					
(d) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, 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.	The applicant shall dedicate the appropriate ROW and construct the roadway improvements.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS D (36.3 seconds delay) in the a.m. peak hour and LOS C (26.3 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant during the p.m. peak hour while the impact during the a.m. peak hour remains significant and unavoidable; and the level of service under Scenario B 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.					
(e) At the N. 5th Street / Bannon Street intersection, under Scenario B 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.	The City shall modify the signal phasing stated in MM 6.11-18(e) and the applicant shall pay their fair share. Verify the applicant has paid their fair share.	Project Applicant/ City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/City Department of Transportation.	
(f) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, 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	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
beyond the capability of the project and not controlled by the project applicant.					
(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.	N/A	N/A	N/A	N/A	N/A
(h) At the 7th Street / Big Four Boulevard intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(i) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(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.	N/A	N/A	N/A	N/A	N/A
(k) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, 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	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.					
(l) At the 6th Street / H Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(m) At the 6th Street / I Street intersection, under both Scenario A and Scenario B, 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.	N/A	N/A	N/A	N/A	N/A
(n) At the 6th Street / J Street intersection, under both Scenario A and Scenario B, 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	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.					
(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.	N/A	N/A	N/A	N/A	N/A
(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.	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(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 under Scenario A would be reduced to LOS C (31.8 seconds delay) in the a.m. peak hour and LOS F (215.9 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable; and the level of service under Scenario B 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. 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.	The applicant shall implement MM 6.11-1(l) and construct the other roadway improvements identified.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	
6.11-19 (A & B) (a) Widening of 5th Street between Richards Boulevard and Signature Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would reduce the	Verify that the roadway widening has been completed.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
project impact of Scenario B to a less-than-significant level.					
(b) Under both Scenario A and Scenario B, widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would improve the roadway operations but the impacts of the 7th Street roadway segment would remain significant and unavoidable. As described in Mitigation Measure 6.11-12(a), further widening of 7th Street would necessitate acquisition of right-of-way and would create an unfriendly pedestrian environment. After implementation of this mitigation measure, Scenario A would produce LOS D (v/c of 0.87) and Scenario B would produce LOS D (v/c of 0.87). These results are shown in Appendix N.	Verify that the roadway widening has been completed.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	
c) Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable.	N/A	N/A	N/A	N/A	N/A

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(d,e) Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Bannon Street roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable.	N/A	N/A	N/A	N/A	N/A
6.11-20 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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) 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.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.					
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.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-21 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-22 (A & B) 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.	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
6.11-23 (A & B) 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.	City to coordinate with RT to ensure adequate bus service is provided to the site.	City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/ Department of Transportation.	
6.11-24 (A & B) Prior to the issuance of grading permits for the Township 9 project, the project applicant shall prepare a Construction Management Plan (CMP) 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	The project applicant shall prepare the CMP that specifically addresses construction traffic to the satisfaction of the city.	Project Applicant.	Prior to issuance of grading permits.	Development Services/ Department of Transportation.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Initial Study - 14. Cultural Resources					
Cult-1 (A & B) Should paleontological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Sacramento Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Sacramento Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	Stop work should paleontological resources be identified at any project construction sites. Hire a paleontologist to evaluate any find and implement appropriate mitigation (including avoidance, if feasible).	Project Applicant.	Ongoing during construction.	Development Services.	