



# REPORT TO COUNCIL

## City of Sacramento

17

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

Public Hearing  
**November 27, 2007**

**Honorable Mayor and  
Members of the City Council**

**Title: Mercy Hospital and Sacred Heart Parish School (P04-215)**

**Location/Council District:** Various properties located on the blocks bounded by H, J, 38<sup>th</sup>, and 41<sup>st</sup> Streets, Sacramento City Unified School District; APNs: Mercy - 008-0034-029, 008-034-030, 008-0034-043, 008-0034-044, 008-0034-045, 008-0034-046, 008-0034-048, 008-0034-049, 008-0041-019, 008-0050-001-0001, 008-0050-001-0015; Sacred Heart Parish School – 008-0032-003, 008-0032-004, 008-0032-006, 008-0032-007, 008-0032-009, 008-0032-010, 008-0032-042, 008-0032-043; Residential Development Site – 008-0034-042, 008-0034-045; Council District 3.

**Recommendation:** Conduct a public hearing and upon conclusion 1) adopt a **Resolution** certifying the Environmental Impact Report (EIR) and adopting the Mitigation Monitoring Plan (MMP); 2) adopt a **Resolution** approving the entitlements for the Mercy General Hospital, Sacred Heart Parish School, and residential development project; and 3) adopt three (3) Ordinances rezoning various property for the Mercy General Hospital, Sacred Heart Parish School, and residential development sites.

**Contact:** Evan Compton, Associate Planner, 808-5260; Stacia Cosgrove, Senior Planner, 808-7110.

**Presenters:** Evan Compton, Associate Planner

**Department:** Development Services

**Division:** Current Planning

**Organization No:** 4885

### **Description/Analysis**

**Issue:** The proposed project is a joint effort between Mercy General Hospital and Sacred Heart Parish School. The plan proposes a new Heart Center on the Mercy Hospital campus. The proposal will relocate the Sacred Heart Parish School to the west side of 39th Street and remove the existing 13 multi-family units and 4 single-family homes. A new 20 unit apartment building will be constructed on H Street to replace the units being displaced by the relocation of

the school. Several structures will be demolished and converted to surface parking lots including the chapel, East Wing, and the current Sacred Heart Parish School.

### **Policy Considerations:**

General Plan: The City's General Plan is a primary tool for evaluating public and private building projects and is comprised of a series of goals, policies, programs and actions. The following General Plan policies are most relevant when evaluating the policy consistency of the proposed project:

- Provide and maintain a high quality of public facilities and services to all areas of the City. (GP, 7-1)
- In reviewing medical facility proposals, coordinate with the other agencies that are responsible for planning medical facilities to meet the health care needs of Sacramento. (GP, 7-30)
- Advocate the retention of hospitals in areas with the greater need or seek alternative methods to provide these services. (GP, 7-30)
- Evaluate medical facility proposals considering capacity, convenience to population served, impacts on adjoining uses, the medical needs of the area and proximity to existing and proposed transit services. (GP, 7-30)
- Explore alternative transportation modes that will lead to a decrease in demand of the City's surface street system. (GP, 5-13)
- Provide adequate off-street parking for new development and reduce the impact of on-street parking in established areas. (GP, 5-26)

The proposed project is consistent with the above goals and policies in the existing Sacramento City General Plan, for the following reasons:

The proposed project retains services at Mercy General Hospital in East Sacramento, which serves areas of high need that are geographically proximate to the hospital. These areas include: Oak Park (where Mercy assisted with the establishment of a County-run health clinic), Del Paso Heights (where Mercy operates MercyClinic Norwood, a primary care clinic aimed at reaching vulnerable populations) and downtown (where Mercy operates MercyClinic Loaves and Fishes, which serves transient, low income and homeless residents).

The proposed project provides necessary capacity to support the needs of both the inner city and outlying populations. Mercy General Hospital provides emergency services to the downtown, midtown, East Sacramento, Oak Park, North Sacramento, Tahoe Park, River Park and surrounding communities. More than 25% of the central city population relies on Mercy General for emergency

care.

The proposed project is convenient via public and private transportation to all the areas noted above. A light rail transit (LRT) station, served by a Mercy General Hospital public shuttle (28<sup>th</sup> and R Streets), is located 1.6 miles away, and another light rail station is located less than a mile from the hospital. Regional Transit also operates bus lines number 30 and 31 on J Street with 15 and 30 minute headways, seven days a week. The project is conditioned to expand its shuttle services to also include the 39<sup>th</sup> and R Street LRT station. The site is expected to provide adequate parking on-site to meet operational needs.

Additionally, in relation to residential development, the General Plan states:

- Prohibit the intrusion of incompatible uses into residential neighborhoods through adequate buffers, screening and zoning practices that do not preclude pedestrian access to arterials that may serve as transit corridors. (GP, 2-13)
- Provide affordable housing opportunities for all income household categories throughout the City. (GP, 2-14)
- Continue wherever possible to design street and to approve development applications in such a manner as to eliminate high traffic flows and parking problems within residential neighborhoods. (GP, 5-13)

Schools are an allowed use within virtually every zoning category that the City has adopted, and are consistently found within residential neighborhoods, directly adjacent to residential uses. Staff finds that the school use in and of itself located on the west side of 39<sup>th</sup> Street is not an incompatible use with the residential neighbors. The design of the site will improve pick-up and drop-off conditions for the children, parents, and staff, and will include adequate architectural massing, articulation, and landscaping, such that the buildings and activities of the school children will cause minimal disruption to the neighborhood while providing a safe and attractive streetscape. Staff very carefully evaluates project proposals that incorporate the demolition of residential uses and typically requires that residential units that are proposed to be removed are replaced either on the same site or within proximity to the site. In this case, the 17 residential units that would be removed with the transition of Sacred Heart Parish School to the west side of 39<sup>th</sup> Street would be replaced with 20 residential units on H Street, directly adjacent to the Mercy Hospital Campus.

A number of members of the community have made it clear to staff and to the Planning Commission and City Council during the review and comment hearings that they feel that the removal of the 13 residences on the west side of 39<sup>th</sup> Street would represent an unacceptable encroachment into the residential neighborhood in light of Mercy Hospital's history of expansion in the area. General Plan policies do not prohibit the removal of housing for other purposes,

but encourages that careful consideration be taken when locating non-residential uses adjacent to neighborhoods. Staff has been directed by Councilmember Cohn to address the issue of medical hospitals, specifically facilities located in East Sacramento, in the General Plan Update to establish policies related to the encroachment of major medical uses in residential areas.

With regards to traffic, a traffic analysis was performed to consider any potential impacts that the project would generate on surrounding streets. The impacts have been determined to be less than significant.

Smart Growth Principles: It is the policy of the City of Sacramento to promote sustainable and balanced development that makes efficient and effective use of land resources and existing infrastructure. To that end, the City adopted a set of Smart Growth Principles into the General Plan in December 2001; the proposed project is consistent with the following Smart Growth Principles:

1. Mix land uses and support vibrant city centers by giving preference to the redevelopment of city centers and transit oriented development within existing transportation corridors with vertically or horizontally integrated mixed uses to create vibrant urban places;
2. Concentrate new development and target infrastructure investments within the urban core of the region to allow for efficient use of existing facilities, infill and reuse areas;
3. Support high quality education and school facilities which are accessible to neighborhoods and critical in making desirable and livable communities.

The proposed project proposes to locate the new heart center within the developed Mercy Campus, proximate to other medical uses, and within the urban core of the region. The site is conveniently located adjacent to bus transit and will run shuttle service to Light Rail Transit for hospital employees. The hospital campus itself is open to the public and will include a "healing garden," an urban, landscaped garden area. Sacred Heart Parish School will remain within the neighborhood, conveniently located adjacent to residences.

Staff finds that the project as proposed is consistent with the City's General Plan, including the General Plan adopted Smart Growth Principles.

General Plan Update Vision and Guiding Principles: The proposed project complies with the following guiding principles and is not contrary to any of the proposed policies:

- a. Provides accessibility and connectivity between areas and safely and efficiently accommodates a mixture of cars, transit, bicyclists, and pedestrians;
- b. Includes a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels to promote stable neighborhoods; and

- c. Uses the existing infrastructure and public facilities to increase infill and re-use, while maintaining important qualities of community character.

**Committee/Commission Action:** On October 25, 2007, the Planning Commission recommended and forwarded to City Council a recommendation to approve the project. On October 16, 2007, the City Council conducted a Review and Comment hearing and on September 13, 2007, the Planning Commission conducted a Review and Comment hearing for the Mercy General Hospital and Sacred Heart Parish School project.

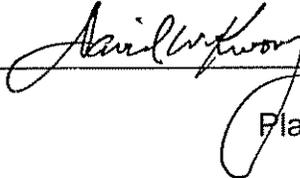
**Environmental Considerations:** In accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15081, the City, as Lead Agency, determined that an Environmental Impact Report (EIR) should be prepared for the proposed project. The Draft EIR (DEIR) identified significant impacts to biological resources, cultural resources, aesthetics and visual resources, air quality, hazardous materials, noise, and transportation and circulation. Mitigation measures were identified to reduce project impacts to a less than significant impact; however, significant and unavoidable impacts remain for increased traffic volumes on freeway ramp junctions, freeway weaving, and freeway mainline. A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached (Attachment 2, Exhibit A.2). The Draft EIR was prepared and released for a forty-five (45) day public review period, established by the State Clearinghouse, beginning on July 12, 2007 and ending on August 27, 2007. A public notice was placed in the Daily Recorder and Sacramento Bee on July 12, 2007, which stated that the Draft EIR was available for public review and comment. A public notice was posted with the Sacramento County Clerk's Office on July 12, 2007. A Notice of Availability (NOA) dated July 12, 2007 was distributed to all interested groups, organizations, and individuals for the Draft EIR. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, Environmental Planning Services, 2101 Arena Blvd., Suite 200, Sacramento, CA 95834. The NOA also indicated the forty-five day public review period.

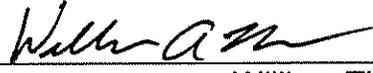
Numerous comment letters were received on the DEIR. The comment letters and responses to comments are included in the Final EIR (FEIR). The FEIR responds to all comments received on the Draft EIR and revises text and/or analyses where warranted.

**Rationale for Recommendation:** The project is consistent with the objectives of the General Plan including the General Plan adopted Smart Growth Principles and will allow the medical facility to upgrade the hospital campus to meet future seismic requirements, construct a new campus for an existing private school, and replace residential units demolished or relocated with a new multi-family development.

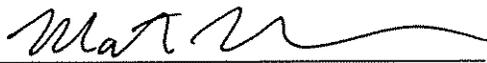
**Financial Considerations:** This project has no fiscal considerations.

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

Respectfully Submitted by:   
David Kwong  
Planning Manager

Approved by:   
William Thomas  
Director of Development Services

Recommendation Approved:

  
Ray Kerridge  
City Manager

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## Attachment 1 – Background Information

**Background Information:** The proposal to construct the Alex G. Spanos Heart Center was submitted to the City of Sacramento on October 25, 2004. The proposal has been modified during the review process to the current proposal discussed in this report. The changes include reducing the size of the proposed heart center, moving the Sacred Heart Parish School to the west side of 39<sup>th</sup> Street which requires demolition or relocation of 17 residential units, and constructing 20 replacement residential units along H Street.

*Entitlement History*

On August 13, 1987, a Special Permit was approved to construct an interim surface parking lot with tandem parking spaces while the previously approved parking garage was being constructed. On December 18, 1986, a Special Permit was approved to construct a 110,622 square foot parking garage. On October 22, 1985 a Tentative Map to allow office condominiums was approved. On July 26, 1984 the Planning Commission approved Phase 3 of the Mercy Hospital Master Plan (P84-246). On June 2, 1983 the Planning Commission approved a Special Permit to revise the phasing of the Mercy Hospital Plan. The City Council approved a zone change on June 2, 1983 from Residential Office (RO) to Hospital (H) in the approval of P82-195. On November 21, 1977 the Planning Commission approved a master plan Mercy Hospital Replacement project. (P-7620)

**Project Scope:** The Mercy General Hospital Campus has a 358,445 square foot campus with 342 hospital beds on 11.65 acres. The proposed Alex G. Spanos Heart Center is 123,350 square feet. With the current proposal, the new Mercy Campus will have 427,491 square feet with 315 hospital beds on 13.25 acres. The project for the Mercy General Hospital site includes the construction of a new heart center, renovations to the South Wing, demolition of the existing Sacred Heart Parish School, demolition of portions of the East Wing, demolition of the chapel, and construction of two enclosures for an emergency generator and a liquid oxygen storage tank.

The Sacred Heart Parish School is currently located near the southeast corner of 39<sup>th</sup> and H Streets. As part of the Mercy Hospital expansion project, the school would be relocated to the southwest corner of 39<sup>th</sup> and H Streets. The proposal includes the construction of a new school, the demolition or relocation of 17 residential units (consisting of 13 multi-family units and 4 single-family homes), the demolition of the Mercy Care facility, and the removal of two heritage trees. (Since the decision of the Parks Commission to deny the removal of the Bunya Bunya tree has been called up, the City Council has the final authority concerning whether the tree may be removed. As such, this report analyzes both the original proposal to remove the Bunya Bunya tree, located at the southwest corner of H and 39<sup>th</sup> Streets, and also an alternative plan which modifies the classroom building to retain the heritage tree.) The new school will have 41,600 square feet. This is slightly larger than the existing school which is 40,000 square feet. The proposed classroom building is 25,600 square feet and the multi-purpose building is 16,000 square feet which consists of a 9,600 square foot gym and

2,000 square foot cafeteria. There is also a 960 square foot relocatable classroom adjacent to the play area.

A portion of the current site of the Sacred Heart Parish School will be redeveloped with 20 residential units. The applicant originally presented two options including a traditional and modern multifamily building. After soliciting input from the Planning Commission and neighborhood, the applicant has selected the traditional elevations but again has provided two options for further review.

**Project Modifications Since Original Proposal:** Neighborhood input and outreach has been consistent throughout the project review for the heart center proposal. There have been changes to the project proposal in response to the input provided by the community and staff.

#### *Original Proposal*

The original proposal in October 2004 was for a 171,246 square foot heart center. The heart center was six levels and 104 feet to the top of the building. The proposal requested to locate a surface parking lot on the Mercy Care Facility (132 spaces on the west side of 39th Street), and to add another parking level to the existing parking structure on H Street.

#### *Modified Proposal*

The neighborhood voiced concern the scale of the project was inappropriate for the surrounding neighborhood and the project was subsequently modified. The current proposal proposes a heart center that is 123,350 square feet and 77.5 feet to the top of the building. The applicant withdrew the request to add a surface parking lot on the west side of 39th Street and to add another level to the parking garage on H Street which had been very controversial. The project proposes to demolish the chapel, East Wing (a four story building next to single-family residential), and the current Sacred Heart Parish School which will become surface parking. The school will be relocated on the west side of 39th Street by demolishing the Mercy Care Facility and demolishing and/or relocating 17 residential units. The proposed addition to the mechanical equipment on 39<sup>th</sup> Street has been setback further from the street and additional landscaping has been proposed to improve the streetscape view.

#### *Additional Modifications*

Previously, the applicant requested to deviate from the standard tree shading and parking maneuvering requirements, however the new school proposal was redesigned to meet the standard requirements. The multifamily units proposed on H Street have been redesigned to address neighborhood concerns that the buildings do not have the architectural interest necessary to blend into the surrounding community.

The proposed project is not within a specific Design Review District, however the City Code allows staff architectural purview to ensure that the materials used on buildings

are compatible with other buildings in the area and have pleasing aesthetic qualities. Staff has consulted with the Design Review staff regarding the design of the heart center, school, and housing components. Design comments have been incorporated into this report and staff is recommending a condition that requires the residential development, new mechanical enclosures along 39<sup>th</sup> Street, and portions of the new private school to obtain staff level review and approval from Design Review to ensure the design elements of the new construction are appropriate for the surrounding East Sacramento neighborhood.

**Public/Neighborhood Outreach and Comments:** There are still members in the community that oppose the project as proposed. A copy of the most recent concerns has been attached to this report in Attachment 8. The major points of opposition include: 1) The J Street campus is the wrong site for a regional medical center. 2) Demolishing residences and increasing traffic in residential neighborhoods violates the City's General Plan. 3) There are feasible and reasonable alternate sites for a regional heart center that will better serve the community at large. 4) Centralizing medical facilities is bad planning, creates risks and leaves some communities underserved.

Both the opposition to the project and City Council have requested that an alternative be further discussed and explored. The alternative desired by the East Sacramento Preservation Task Force (ESPTF) would be to construct the heart center, with no more than a 10% increase of square footage on the hospital campus after a portion of the East Wing is demolished, and to rebuild the Sacred Heart Parish School on the same site as it exists today. This would preserve the 17 residential units that are currently being proposed for demolition and/or relocation. The ESPTF states that the Mercy Care Facility on the west side of 39<sup>th</sup> Street could be demolished and have portable classrooms for the children of Sacred Heart while the new school is being constructed. Later, it could be converted into a park/playground area for the older students and the general neighborhood. Staff analysis of the alternative can be found in Attachment 14.

### **Tentative Map**

The tentative map will merge the nine current lots for the Mercy Hospital site and the former Sacred Heart Parish School site into one parcel for the Mercy General Hospital campus. The Mercy campus also has 15 condominium parcels for the medical practices of physicians in the Mercy Medical Plaza and these condo units will remain intact with this map. The map will also create a separate parcel for the proposed 20 residential units. Eight parcels on the Southwest corner of 39<sup>th</sup> and H Streets will be merged as part of the overall project. Each of the three final parcels proposed have public street frontage and meet the width, depth, and size requirements. The project was heard by the Subdivision Review Committee on August 15, 2007 and the committee made a recommendation to approve the tentative map subject to the conditions listed in this report.

### **Urban Forest Services (UFS) Tree Removal Hearing**

On July 13, 2007 the UFS division held a Director level hearing to discuss the removal

of one Bunya Bunya and one Oak tree from the proposed school site. The final decision by the Parks Director was to allow the removal of the trees. The decision was appealed by a third party. The appeal was heard by the Parks Commission on September 6, 2007 and the decision of the Parks Commission was to overturn the previous approval by denying the removal of the Bunya Bunya tree. (The decision to remove the Oak tree was not overturned and therefore has been approved.) The item was formally called up by a Councilmember. Therefore, the final decision regarding the removal of the Bunya Bunya tree will be determined by the City Council unless the Call Up is rescinded.

**Existing and Proposed Zoning:** The proposed project includes three rezones which includes the hospital, school, and multifamily development sites.

#### *Proposed Hospital Site*

The current Sacred Heart Parish School site is zoned as Residential Office (RO) and is the site of a proposed surface parking lot for the Mercy General Hospital. The project would rezone this portion of land to Hospital (H). The RO zone permits development of office uses subject to the granting of a special permit by the Planning Commission. In the H zone, more intense uses are allowed primarily for medically-related services such as hospitals and convalescent homes, and for group care facilities for the physically and mentally challenged. In addition, medical offices, laboratories, and pharmacies are also permitted. Some neighbors are concerned that this rezone will allow further expansion for the major medical use in the future. Staff believes the rezone to H is appropriate since it would avoid mixed zoning for a single parcel and allows parking for the hospital use to be onsite rather than offsite. Any future expansion on the Mercy site would require further entitlements and therefore review and input from the neighborhood.

#### *Proposed School Site*

The new Sacred Heart Parish School site has both Single Family (R-1) and Multifamily (R-3) zoning and the proposal would rezone the site to Single Family Alternative (R-1A). The Zoning Code allows a private school in residential zones with the issuance of a Special Permit. The proposed R-1A zoning takes into consideration that if the site is redeveloped in the future, should the school use be discontinued, the zoning would allow a low to medium density development (15 dwelling units per net acre maximum) intended to permit the establishment of single-family, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard single-family. Staff believes an R-1A zone would be more appropriate than Standard Single Family (R-1) when considering the depth of the parcel and potential future development.

#### *Proposed Residential Development Site*

The new residential development will be located on a parcel that was combined by taking a portion of the Mercy General Hospital land and a portion of the current Sacred Heart Parish School site. The parcel will be rezoned from Residential Office (RO) and Hospital (H) to Multifamily (R-3). The R-3 zone is a multi-family residential zone intended for more traditional types of apartments. This zone is located outside the

central city serving as a buffer along major streets. The maximum density is 29 dwelling units per net acre and therefore the proposed .7± acre site would allow a maximum of 20 residential units. Staff believes this zoning would allow additional residential uses to be added to the site to complement the existing multifamily development on the corner, replace units that are being demolished or relocated because of the new school site, and to act as a buffer from the hospital for the residential units on the north of H Street.

**Mercy General Hospital**

The Mercy General Hospital Campus has a 358,445 square foot campus with 342 hospital beds on 11.65 acres. The proposed Alex G. Spanos Heart Center is 123,350 square feet. With the current proposal, the new Mercy Campus will have 427,491 square feet with 315 hospital beds on 13.25 acres. The project for the Mercy General Hospital site includes the construction of a new heart center, renovations to the South Wing, demolition of the existing Sacred Heart Parish School, demolition of portions of the East Wing, demolition of the chapel, and construction of two enclosures for an emergency generator and a liquid oxygen storage tank.

<b>Table 1A: Project Information for Mercy General Hospital Campus</b>
<b>General Plan designation:</b> Public/Quasi-Public
<b>Existing zoning of site:</b> H (Hospital) and RO (Existing School Site)
<b>Proposed zoning of site:</b> H (Hospital)
<b>Existing use of site:</b> Major Medical Facility and Sacred Heart Parish School
<b>Property area:</b> 11.65 acres (Mercy’s Current Campus) and 13.25 acres (Mercy’s Proposed Campus: Includes the 2.3 acre site for the existing school and less the .7 acres for the new Residential development)

**Senate Bill 1953**

In 1994 a new law was passed to amend the Alfred E. Alquist Hospital Seismic Safety Act of 1983. The law requires all existing acute care hospitals to achieve a minimum Structural Performance Category (SPC) and Non-Structural Performance Category (NPC) and places deadlines to meet the requirements. The goal of the minimum requirements would be to ensure all general acute care hospital buildings are not only capable of remaining intact after a seismic event, but also capable of continued operation and provision of acute care medical services after a seismic event. Mercy is seeking to upgrade its facility to meet the requirement of SB 1953 so the buildings may remain in operation beyond the year 2013 (requiring a minimum SPC-2 Standard) and the year 2030 (requiring a minimum SPC-5 Standard).

**New Heart Center**

The proposed Alex G. Spanos Heart Center is a four-level building, with basement and mechanical penthouse. The building is 123,350 square feet and includes 90 private hospital beds. Approximately 16,135 square feet in the North Wing and Mercy Medical

Plaza buildings will be renovated as part of the heart center project. The heart center will connect to all floors within the North Wing.

The heart center building will become the new “front door” to the hospital campus. (Previously the main entrance to the hospital was located on the North Wing.) A new vehicular drop-off drive is located on the J Street elevation and will provide access to the main entry.

#### *Basement Level*

The basement will include a connection to the Mercy Medical Plaza (MMP) building for electrophysiology and ambulatory surgery patients and to the North Wing for logistics support.

#### *First Level*

The first level will include the new hospital main entrance and contain the main lobby public spaces and restrooms. The existing chapel and Admitting Department will be relocated to the main entrance and lobby area. The first level will also include the Cardiac Patient and Rehabilitation Centers which provide diagnostic services to heart patients, as well as registration and preparation for heart surgery and registration, prep and recovery for cardiac catheterization patients. The Emergency Department will have a new public drop off area.

#### *Second Level*

This level will include 20 rooms to provide post-surgical care for open heart surgery patients. The floor will also include four new cardiovascular operating rooms, a new interventional radiology room, and one new cardiac catheterization lab.

#### *Third Level*

There will be 35 private beds on this floor for the Cardiac Intervention Unit.

#### *Fourth Level*

There will be 35 private beds on this floor for the Progressive Care Unit.

#### *Penthouse Level*

The penthouse level will contain mechanical equipment for the heart center and existing North Building. The mechanical equipment includes air handling units, cooling towers, and medical gases and vacuum pumps.

### **Renovations to South Wing**

The demolition of the East Wing creates a need for some renovations to the South Wing

building. New stairwells and a new cafeteria will be placed in the South Wing. The new stair towers will consist of approximately 2,640 square feet of new construction and will be similar in height to the existing stair towers. These towers provide for the required exiting from the upper levels of the South Wing building. The new cafeteria scope of work includes renovating 3,475 square feet on the first level. The exterior addition to the South Wing requires a Special Permit Modification and staff supports the request because the new stairwells will provide necessary exiting and are consistent with the other two existing stairwells on the South Wing.

### **Demolition of the East Wing, Chapel, and Current Sacred Heart Parish School**

The new heart center will replace the majority of beds currently operating in the East Wing and the applicant proposes to demolish this structure after the opening of the new heart center. A freestanding one-story extension of the building with approximately 3,900 square feet will remain in use for therapy services. After the demolition the area will be converted to a parking lot and a six foot high masonry wall will be required for the areas adjacent to the residential uses. The chapel and East Wing uses will be relocated on campus, partly in the new heart center.

The project would also demolish the current Sacred Heart Parish School and a surface parking lot will replace the site after the new school is constructed on the west side of 39<sup>th</sup> Street. These demolitions have been reviewed by the Preservation Director and reviewed in the EIR. Staff does not oppose the demolitions since it will relocate major medical and hospital uses in a central location on the hospital campus and reduce the intrusiveness of uses adjacent to the single-family homes.

### **Emergency Generators and Liquid Oxygen Storage Tanks**

The project includes the construction of two enclosures adjacent to the existing Mercy Medical Plaza emergency generator and liquid oxygen tank enclosures located near the intersection of 39<sup>th</sup> and I Streets. The new enclosures will include space for an additional emergency generator that will serve the proposed heart center and an enlarged horizontal liquid oxygen tank that will serve the entire campus. The new enclosures have been redesigned from the original submittal to meet all the required setbacks. Additional screening is also being proposed to minimize the visual impact from 39<sup>th</sup> Street. Staff is recommending that the new mechanical enclosures be conditioned to obtain staff level Design Review. The review may require additional brick work or landscaping to ensure an improved streetscape view from 39<sup>th</sup> Street or possibly relocating the structures to the interior of the hospital site.

### **Hospital Beds**

With the completion of the proposed project, the hospital will have 315 hospital beds. The hospital currently has 342 hospital beds or 27 more beds than what is proposed. Although the net square footage of structures on the site will increase by 69,046 square feet after calculating the new heart center and taking into consideration the planned demolitions, the number of beds will decrease because of architectural standards

dictating larger spaces for patient care delivery. The 2006 Guidelines for the Design and Construction of Hospitals and Healthcare Facilities, produced by the American Institute of Architects, dictates 100 square feet of clear floor area per semi-private medical/surgical bed, 120 square feet of clear floor area per private medical/surgical bed, and 200 square feet of clear floor area per private intensive care unit bed. The new heart center will meet the above requirements, however, the East Wing which is proposed for demolition, is currently operating at 77 square feet of clear floor area per bed.

Hospital Building	Date Built	Existing 2007		Proposed 2012	
		Licensed Beds	Total Square Feet	Licensed Beds	Total Square Feet
<i>South Wing</i>	1925	116	110,748	110	113,388
<i>East Wing</i>	1954	107	57,804	0	3,900
<i>Northeast Building</i>	1963	65	35,237	65	32,197
<i>North Wing</i>	1981	54	154,656	50	154,656
<i>Heart Center</i>	2012	NA	NA	90	123,350
<i>Totals:</i>		342 beds	358,445	315 beds	427,491

### Helistops

There is no proposal for a helistop (a designated area where helicopters can land to drop-off critically ill patients) on the Mercy General Hospital campus. Any future requests for a helistop would require the approval of a Planning Commission Special Permit.

### Shuttle Service

The Transportation Systems Management Plan (TSMP) has been updated. A copy of the updated plan can be found in Attachment 7. Staff finds the community shuttle should include 39<sup>th</sup> Street and a condition has been placed on the project to require that this service incorporate a route to accommodate the change. The applicant has also been conditioned to cooperate with Regional Transit and other transit providers to coordinate shuttle service within East Sacramento.

### Access, Circulation, and Parking

The proposed heart center will have vehicular access on H, J, and 39<sup>th</sup> Streets. There is a drop off at the main entry on J Street with a covered canopy. The existing parking garages and the surface parking lots will be accessible from all three streets. H Street is an east-west street and has one travel lane in each direction. J Street is an east-west street and has one travel lane in each direction along with a center left-turn lane or two-way left turn lane. 39<sup>th</sup> Street is a north-south street and has one travel lane in each direction. There is a private street, often referred to as the Spine Street, running in a north-south direction which allows a connection between H and J Streets and provides an opportunity to circulate around the site. On the Mercy Hospital site, there will be designated parking spaces for the Sacred Heart Parish School, Mercy McMahon Terrace, and the new residential units. Approximately 279 spaces will be used by Sacred Heart Parish School on the Mercy Hospital site in the evenings and on weekends for assemblies and special events.

The parking spaces that exist on the southern portion of the Mercy hospital site along J Street will be reconfigured to maximize parking spaces.

*Attendant Parking*

In the parking garage, the operation is organized so that self-park spaces are occupied first. Once self-park spaces are filled, cars are directed to the roof level of the garage where the attendants offer assisted parking. Tandem spaces are occupied from the roof down each level. An attendant is stationed on each level to assist people with parking. Attendants provide a claim ticket to the vehicle owner. The vehicle will stay in the same location unless it needs to be moved to let out a self-parked vehicle. As the peak hours end, the attendants place tandem parked cars in self-park spaces. Keys to the vehicles are transferred to the cashier's booth where people can pick up their keys.

<b>Table 2: Overall Parking Requirements</b>				
<b>Use</b>	<b>Existing Parking</b>	<b>Required Parking</b>	<b>Proposed Parking</b>	<b>Difference</b>
Mercy General Hospital	1,312 spaces onsite*	1,069 spaces**	1,426***	no

\*Currently the hospital has 1,312 spaces onsite and 35 spaces on the Mercy Care Facility site for a total of 1,347 parking spaces.

\*\*As indicated in Table 3, the hospital requires 1 parking space for each hospital bed and 1 parking space for every 200 square feet of medical office. With 315 hospital beds and 150,640 square feet of medical office, the hospital use requires 1,069 parking spaces.

\*\*\*A parking inventory chart has been included to show where the parking spaces are located on the site.

<b>Table 2a: Bicycle Parking</b>			
<b>Total parking provided</b>	<b>Required bicycle parking</b>	<b>Provided bicycle parking</b>	<b>Difference</b>
1,426	71	72	no

As indicated above, the project meets or exceeds parking requirements.

**Mercy McMahon Terrace Parking (MMT)**

This adjacent use for residential care facility requires a total of 27 parking spaces (which was determined by the Planning Commission) for its use. The new loading area and drop off loop removes 11 parking spaces on their site so they will only have 16 spaces total after the new school is constructed. The offsite parking request will provide 15 designated parking spaces on the Mercy General Hospital site for the MMT use.

<b>Table 3: Parking Inventory for the Mercy Parking Onsite</b>			
<b>Location</b>	<b>Description</b>	<b>Current Spaces</b>	<b>Post Construction</b>
<b>MMP Surface</b>	Surface Lot	58	58
	<i>Subtotal</i>	<i>58</i>	<i>58</i>
<b>MMP Garage</b>	Upper Garage	84	84
	Lower Garage	72	72
	<i>Subtotal</i>	<i>156</i>	<i>156</i>
<b>MGH</b>	Physician Surface Lot	87	85
	Entry Surface Lot	26	20
	Surface Lot for SHPS	13 Faculty 9 Visitors <i>Subtotal: 22 spaces</i>	0
	Oversize Vehicle Lot	7	0
	Northwest Surface Lot (Former SHPS)	0	15 MMT

	site)		4 Residential 35 SHPS 99 Emergency Department 2 Law Enforcement <i>Subtotal: 155 spaces</i>
	Northeast Surface Lot (Former Chapel site)	0	29
	<i>Subtotal</i>	<i>142</i>	<i>287</i>
<b>MGH ED Surface</b>	Emergency Department Surface Lot	29 Patients/Visitors 2 Law Enforcement	0
	<i>Subtotal</i>	<i>31</i>	<i>0</i>
<b>MGH Parking Structure</b>	Lower Level	124 regular 5 oversized vehicle 50 tandem	124 regular 5 oversized vehicle 50 tandem
	1 <sup>st</sup> Level	157 spaces	157 spaces
	PM Lot	54 spaces 20 tandem	54 spaces 20 tandem
	2 <sup>nd</sup> Level	223 spaces 39 tandem	223 spaces 39 tandem
	3 <sup>rd</sup> Level	59 spaces	59 spaces
	4 <sup>th</sup> Level	140 spaces 54 tandem	140 spaces 54 tandem

	<i>Subtotal</i>	<i>925 spaces</i>	<i>925 spaces</i>
<b>Total Onsite Parking for Mercy</b>		<b>1,312 spaces onsite currently</b>	<b>1,426 spaces onsite post construction</b>

The net increase in parking spaces onsite for Mercy is 114 spaces. Although the site is adding a total of 226 surface parking spaces (155 spaces on the SHPS site, 42 spaces on the East Wing site, and 29 spaces on the chapel site), there is parking allocated to other uses including: 35 spaces for SHPS, 15 spaces for MMT, and 4 for the residential use. There is also parking being removed to construct the heart center and other onsite improvements.

**Setbacks, height and bulk**

The new Alex G. Spanos Heart Center is proposed to be a four-story building measuring 62 feet to the roof and 77.5 feet to the top of the mechanical penthouse. The height of this structure exceeds the 45 foot height limit in the Hospital (H) zone which will require a Planning Commission Special Permit.

<b>Table 4: Height and area standards for the Proposed Heart Center</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Deviation?</b>
Height	45'	62' to the plate line and 77.5' to the top of the parapet	yes
Front setback:			
H Street*	25'	330'	no
J Street*	25'	90'	no
Interior side setback	10'	308'	no
Street side setback (39 <sup>th</sup> Street)	25'	351'***	no

\*When the site has more than one street frontage, the Zoning Code states that the front of the lot is the narrowest frontage. Since H Street is 505 feet, J Street is 754 feet, and 39<sup>th</sup> Street is 650 feet, the H Street side is considered the front of the lot. On a through lot with a depth of 125 feet or more, each street frontage shall be considered the front yard. Therefore, both H and J Streets will be considered as the front of the lot and 39<sup>th</sup> Street will be considered the street side.

\*\*The new mechanical equipment and enclosures along 39<sup>th</sup> Street will meet the streetside setback requirements. The Zoning Code requires a minimum of 25 feet. There is an existing mechanical enclosure that is located 25 feet from the property line and the new additions provide a minimum of 25 feet to the property line, therefore no entitlement is required.

The proposed heart center is located in the center of the Mercy campus and the plate height is 5.5 feet taller than the existing South Wing structure. Staff finds that the height of the proposed heart center is acceptable because it is set back from the street, located internally between existing multistory structures, and buffered from the residential neighborhood with a new residential development to the north side of the site.

<b>Building</b>	<b>Number of Levels</b>	<b>Height to Top of Building</b>
<i>South Wing</i>	4 with mechanical penthouse	72 feet
<i>East Wing</i>	1 level	20 feet
<i>Northeast Building</i>	2 levels	38 feet
<i>North Wing</i>	3 levels with basement	47 feet 8 inches
<i>Russell Building</i>	1 level	22 feet
<i>Maintenance Building</i>	1 level	10 feet 6 inches
<i>Mercy Medical Plaza North</i>	4 levels with basement	58 feet 5 inches
<i>Mercy Medical Plaza South</i>	3 levels	47 feet 5 inches
<i>Proposed Heart Center</i>	4 levels with basement	77 feet 5 inches

### **Alex G. Spanos Heart Center building design and landscaping**

The design of the heart center contains traditional “arts and crafts” style elements which are found in the surrounding neighborhood architecture. The materials include a “Renaissance Stone” base, face brick middle, and stucco top. Additional façade elements include tower lantern elements along the west façade, recessed brick and stone detailing, arch window assemblies along west façade base, dry laid stone columns at the entry and lobby corridor, roof bracket supports, sun shade assemblies, and “arts and crafts” style exterior lighting.

A healing garden with a water feature is proposed between the existing South Wing and the proposed heart center. According to the applicant, this garden will be open to the

public during the day, however, it will be gated at night for security purposes.

Staff finds that the pedestrian access on the street frontages and on the internal site needs additional review. A condition has been placed on the project for Mercy representatives to work with the Design Director and the community to develop a “pedestrian master plan” for the site. The pedestrian master plan is to beautify the edges and the internal campus of the hospital campus not just for patients and visitors but for the general public. This could include but not be limited to: a pedestrian path from the public sidewalk to the healing garden, benches with decorative paving along the street frontages, widening the sidewalks, and improving the internal pedestrian connections on the hospital site.

**Sacred Heart Parish School:**

The Sacred Heart Parish School is currently located near the southeast corner of 39<sup>th</sup> and H Streets. As part of the Mercy Hospital expansion project, the school would be relocated to the southwest corner of 39<sup>th</sup> and H Streets. The proposal includes the construction of a new school, the demolition or relocation of 17 residential units (consisting of 13 multifamily units and 4 single-family homes), the demolition of the Mercy Care facility, and the removal of two heritage trees (with City Council call up and approval). The new school will have 41,600 square feet. This is slightly larger than the existing school which is 40,000 square feet. The proposed classroom building is 25,600 square feet and the multi-purpose building is 16,000 square feet which consists of a 9,600 square foot gym and 2,000 square foot cafeteria. There is also a 960 square foot relocatable classroom adjacent to the play area.

<b>Table 1B: Project Information for New Sacred Heart Parish School Site</b>
<b>General Plan designation:</b> Low Density Residential and Medium Density Residential
<b>Existing zoning of site:</b> R-1 (Standard Single Family) and R-3 (Multifamily Residential)
<b>Proposed zoning of site:</b> R-1A (Single Family Alternative)
<b>Existing use of site:</b> 13 multifamily units and 4 single-family homes to be demolished or relocated for new school.
<b>Property area:</b> 2.56 acres

**Original Proposal and the Alternative Proposal**

There are two versions for the proposed new private school. The original proposal, which is the preferred proposal by the applicant, removes the Bunya Bunya tree on the proposed school site at the southwest corner of H and 39<sup>th</sup> Streets. The alternative proposal, which retains the Bunya Bunya tree on the site, modifies the classroom building by moving the architectural projection of the library in a westerly direction and proposes a foundation plan that utilizes grade beams and drilled pier foundations to protect the dripline of the Bunya Bunya tree to the satisfaction of the Urban Forest Services department.

**Setbacks, height and bulk**

The proposed school has a one story element that will project into the required front setback on H Street. The rounded element will be used for the library. The setback requirement on H Street is 20 feet and the project provides 8 feet for the library element and 20 feet for the gymnasium element. Staff supports the request for the reduced setback on H Street because the library rounded element adds to the architectural interest and the majority of the multipurpose building and classroom building are set back to be consistent with the existing adjacent structures. Furthermore, the library element is only one story and will not affect the current or future tree canopy space.

The school buildings have a plate height of 28 feet which is less than the 35 foot maximum. There is a mechanical roof and tower element with a plate height of 42 feet. The Zoning Code allows architectural projections including mechanical appurtenances and towers as long as the height is no more than 20% of the allowed height and the area of the projection is less than 50% of the roof area. The projections are within the 20% allowed and the projection makes up approximately 19.2% of the roof area. Therefore an additional entitlement is not required.

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Deviation?</b>
Height	35' maximum to the plate height and 20% additional height for architectural projections less than 50% of roof area	28' to the plate line of the 2 story classroom  42' to the plate height of the tower element	no
Front setback (H Street*)	20'	8'	12'
Interior Side setback	5'	10'	No
Street side setback (39 <sup>th</sup> Street)	12.5'	20'	no
Rear setback	15'	15'	no

\*When the site has more than one street frontage, the Zoning Code states that the front of the lot is the narrowest frontage. Since H Street is 259 feet and 39<sup>th</sup> Street is 293 feet, the H Street side is considered the front of the lot.

**Demolition and/or Building Moves for 17 Residential Units and the Mercy Care Facility**

The proposed school site at the southwest corner of 39<sup>th</sup> and H Streets currently is developed with 17 residential units (13 multifamily units and 4 single-family homes) and the Mercy Care Facility. The residential units have been offered free to interested parties that would be willing to move the structures. Qualified applicants are to have a vacant lot and funds available for the building move to ensure the move can be completed without delaying the site preparation and construction of the new school. If qualified applicants are not found to move the residential units, the units will be demolished.

Residential home move requests require staff level review. The application is submitted to Design Review which coordinates the process with several other city departments. Additionally, building moves for residential structures require a Special Permit by the Zoning Administrator unless entitlements have been approved and a building permit issued for the replacement building (in this case the new school). No Special Permit has been requested with this project to move the buildings before the final decision of the project and to leave the lots vacant without a building permit issued for the new construction.

The overall project will have to be approved first before a home move request will be approved. However, the applicant may submit the move request(s) at any time and the review can be processed concurrently with the overall project. For building moves, the adjacent neighbors for both the existing and new site will be notified of the building move request. They may provide input to staff which can be considered in the staff level review process. The demolition of the existing residential structures if not moved, is being reviewed under the EIR so no additional notification will be required after the decision on the overall project. The Mercy Care Facility located at 862 39<sup>th</sup> Street is also proposed to be demolished. This facility has been vacant for the last several years.

## **Land Use**

Private schools are allowed in any zone subject to the granting of a Planning Commission Special Permit. The Sacred Heart Parish School is a private school for K-8<sup>th</sup> grades. The school enrollment is approximately 315 students. A new Special Permit is required because the school is relocating their facilities to a new site. In evaluating Special Permit proposals of this type, the Commission is required to make the following findings:

- A. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.

In this case, staff finds that the proposed private school use is appropriate because it is an allowed use in the existing Single Family (R-1) and Multi Family (R-3) zone and the proposed Single Family Alternative (R-1A) zone. The private school has been in operation on the other side of 39<sup>th</sup> Street and has not caused undue disruption of the nearby residential uses.

- B. Not Injurious. A Special Permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

Staff finds that the new location of the school provides separation with the existing hospital campus and a new loop entry allows adequate stacking of cars which is an improvement over the existing site design.

C. The proposed project is consistent with the General Plan land use designation and General Plan policies

Staff finds that the site is designated Low and Medium Density Residential and school facilities are permitted subject to a Special Permit and the project supports the General Plan policy on locational criteria of school facilities because the proposed school site is conveniently accessible on the corner of 39<sup>th</sup> and H Streets and is separated from incompatible land uses by relocating west of 39<sup>th</sup> Street which is adjacent to residential and senior care uses.

**Access, Circulation and Parking**

The new school campus will have a drop off loop on the site. The loop will be accessed off of 39<sup>th</sup> Street and will consist of three lanes: a drop off lane, an entry thru lane, and an exit lane. The loop provides stacking room for approximately 45 cars. The applicant is proposing 46 parking spaces for the school use. There will be eight (8) visitor spaces for the school near the entrance of the drop off. There are also three (3) spaces located off of a gated entrance on H Street. There will also be 35 spaces for the faculty and staff parking on the hospital’s surface parking lot where the existing school is located. The hard court area, which is located in the middle of the entrance loop, can be used for overflow when school is not in use and can accommodate approximately 60 vehicles. The school will also continue to work with Mercy hospital to provide additional parking on the hospital campus for special school events and assemblies. The parking requirement for a school use is determined by the Planning Commission.

<b>Table 3: Parking Requirements for Sacred Heart Parish School</b>				
<b>Use</b>	<b>Existing Parking</b>	<b>Required Parking</b>	<b>Proposed Parking</b>	<b>Difference</b>
Sacred Heart Parish School	8 spaces	TBD by Planning Commission	46 spaces	no

As indicated in Table 3, the Sacred Heart Parish School parking requirement is determined by the Planning Commission. Typically the city has applied the requirements of the Sacramento County Zoning Code as a base to determine if adequate parking is being provided. Sacramento County requires one parking space per employee for an elementary school. Sacred Heart Parish School is proposing to provide a total of 46 parking spaces which includes 11 parking spaces onsite and 35 parking spaces on the Mercy Hospital Campus. There were previously 12 parking spaces proposed on the Sacred Heart Parish School site but one space was removed in order to meet the 50% tree shading requirements. For comparison purposes, the Sacred Heart Parish School currently has eight spaces on its property with the remainder of required spaces being

provided by an agreement with Mercy Hospital.

<b>Table 3a: Bicycle Parking</b>			
<b>Total parking provided</b>	<b>Required bicycle parking</b>	<b>Provided bicycle parking</b>	<b>Difference</b>
46	1 facility for every 20 required parking spaces	2 facilities	no

**Luther Family Property at 852 39<sup>th</sup> Street:** The Luther family owns property that is surrounded on three sides by the proposed school site. The Zoning Code requires that all uses other than residential purposes must provide a minimum 6 foot high solid masonry wall along all property lines that abut a residential zone or residence. The owners of the home at 852 39<sup>th</sup> Street, the Luther family home, have requested that if the proposal is approved, they would request a wood fence for the home rather than masonry wall. Staff supports the request since the property owner does not object to the variance to waive the required masonry wall.

The Luther family has made other design requests including the following:

- A. Provide an additional 5 feet to the Luther property from the school property on the northern property line for Luther’s use.
- B. Protect the Elm tree on the Luther property during construction of the school.
- C. Preserve the 27 ft by 18 ft landscaped area on the south side of the residence. A portion of the landscaped area is actually located on the Mercy Care Facility property and is proposed to be removed to allow additional parking spaces and a sidewalk for the school.

Mercy has agreed to accommodate the Luther family on items A-B however, item C has not been resolved. Staff does not object to the current sidewalk and parking stall configuration proposed by Sacred Heart Parish School because the new parking stalls will buffer the pedestrian sidewalk and vehicles entering the school drop off loop.

**Sacred Heart Parish School Building design and landscaping**

The proposed project is not within a specific Design Review District, however the City Code allows staff architectural purview to ensure that the materials used on buildings are compatible with other buildings in the area and have pleasing aesthetic qualities. The new school will be finished in cement plaster with a full-brick wainscot and barrel tile roof similar to the vocabulary of the church and existing school building. Staff

believes the building design is very traditional and complements the surrounding neighborhood. Staff would like to work with the applicant on several items such as substituting three pipe terra cotta vents instead of the proposed metal vents and the incorporation of shed roof elements on the north elevation of the multi-purpose building and the south elevation of the classroom building. Staff would also like the proposed wrought iron fencing around the school to have an 18 inch brick base with decorative rail elements. The project has been conditioned so that the applicant shall work with Design Review staff for final approval on design.

**Residential Development**

A portion of the current site of the Sacred Heart Parish School will be redeveloped with 20 residential units. The applicant originally presented two options including a traditional and modern building. After soliciting input from the Planning Commission and neighborhood, the applicant has selected the traditional elevations. The traditional proposal in this report again provides two options: one style is entirely Craftsman and the other has both Craftsman and Spanish Colonial on the separate buildings for the multifamily complex.

<b>Table 1C: Project Information for New Residential Development Site</b>
<b>General Plan designation:</b> Public/Quasi-Public
<b>Existing zoning of site:</b> RO (Residential Office) and H (Hospital)
<b>Proposed zoning of site:</b> R-3 (Multifamily)
<b>Existing use of site:</b> Sacred Heart Parish School site and surface parking lot
<b>Property area:</b> .7 acres

**Access, Circulation and Parking**

The proposed housing has a pedestrian entrance from H Street and the vehicular entrance is located internally on the hospital campus which could be accessed from either H, J, or 39<sup>th</sup> Streets. The residential housing comprises of eight (8) units with 2 bedrooms and 2 baths. The other 12 units will have 1 bedroom and 1 bathroom configurations. The Zoning Code requires that each unit have 1.5 parking spaces and one guest space for every 15 units. Therefore, this complex will require 31 parking spaces. There are 27 parking spaces provided on the site and an additional four (4) designated parking spaces will be provided on the Mercy General Hospital site. A Special Permit is required to allow the parking spaces to be located offsite. The parking area will have a rolling gate. A Special Permit is required to establish gates at a private vehicular entrance. Staff does not object to the use of a gate in this instance since the gate may be necessary to keep the hospital visitors from parking in the residential parking lot. Additionally, pedestrian access is provided from H Street without gates.

<b>Table 2: Overall Parking Requirements</b>
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Use	Existing Parking	Required Parking	Proposed Parking	Difference
Apartments (20 units)	N/A	31 spaces	31 spaces	no

As indicated in Table 2, the apartments will require 1.5 parking spaces per unit and 1 guest space for a total of 31 parking spaces. There are 27 parking spaces proposed on the residential development site and 4 offsite parking spaces on the Mercy Hospital site.

Table 2a: Bicycle Parking			
Total parking provided	Required bicycle parking	Provided bicycle parking	Difference
31	2	2	no

As indicated above, the project meets or exceeds parking requirements.

### Setbacks, height and bulk

The proposed residential units will be located on a parcel that is 203 feet wide along H Street and with a 150 foot depth. The structure has been designed to meet the setback, height, and lot coverage requirements in the proposed R-3 zone.

Table 2C: Height and area standards for the Residential Development Site			
Standard	Required	Proposed	Deviation?
Height	35'	27'	no
Front setback (H Street)	22'4"	22'4"	no
Side setback (West)	5'	5'	no
Side setback (East)	5'	69'	no
Rear setback	15'	15'	no
Courtyard	20'	7'	yes
Lot coverage	50% max.	32%	no
Density	29 d.u./n.a.	29 d.u./n.a.	no

As indicated above, the project requires a Variance for the courtyard requirement. The Zoning Code states that where main entrances are located on two or more sides of the

court, the minimum width of said court shall be 20 feet. According to the plans submitted, there are court areas with only 7 feet. The fire department has reviewed the proposal and did not object to the layout. Staff does not have objections to the courtyard reduction request because there is adequate emergency access, an open court area is provided for light and air purposes, and the configuration allows for additional landscaping in the courtyard area.

### **Residential Development Building design and landscaping**

Staff supports the further changes to the multifamily development to incorporate the neighborhood comments into the design. The massing of the buildings on H Street is appropriate. The concept to have separate designs for the two freestanding structures (Craftsman and a Spanish Colonial style) allows a more eclectic and typical East Sacramento streetscape on H Street. Staff would like to work with the applicant and the community further on the roof forms, finishes/materials, window trims, and attic vents. Therefore, staff has placed a condition on the Plan Review entitlement that the applicant shall work with Design Review staff and the community for approval to incorporate these elements into the final design.

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**CERTIFYING THE ENVIRONMENTAL IMPACT REPORT  
AND ADOPTING THE MITIGATION MONITORING PLAN FOR THE MERCY  
GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL PROJECT (P04-  
215)**

**BACKGROUND**

A. On October 25, 2007, the City Planning Commission conducted a public hearing, and, having reviewed and considered the information contained in the Environmental Impact Report, forwarded to the City Council a recommendation to approve with conditions the Mercy General Hospital and Sacred Heart Parish School Project.

B. On November 27, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Sections 16.24.097, 17.208.020(C), 17.212.035, 17.216.035, and 17.200.010(C)(2)(a, b, and c)(publication, posting, and mail 500'), and received and considered evidence concerning the Mercy General Hospital and Sacred Heart Parish School Project.

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

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

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

Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the

EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A.1.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan as set forth in Exhibit A.2 of this Resolution.

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

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

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Mercy General Hospital and Sacred Heart Parish School Project (P04-215).

**Exhibit A.1: FOF and SOC****CEQA Findings of Fact and Statement of Overriding Considerations for the Mercy General Hospital and Sacred Heart Parish School Project.****Description of the Project**

The proposed project includes the development of a variety of new uses including construction of a 123,350 sf Alex G. Spanos Heart Center (Heart Center); surface parking lots on the existing School campus and at the northeast and southeast corners of the hospital campus; and a residential complex with 20 for-rent units along H Street. The project also includes the relocation of the School to a location west of 39th Street between H and J Streets where the existing Mercy Care facility and 17 residential units are presently located. The following buildings would be demolished in order to construct the project: Mercy General Hospital's East Wing and chapel; existing School buildings; the Mercy Care facility; and seven residential structures (4 single-family and 13 multi-family residential units). The following entitlements are requested:

- Environmental Determination: Certification of the Environmental Impact Report (EIR);
- Mitigation Monitoring Plan;
- Rezone the hospital campus from H and RO to H;
- Rezone the new school site from R-1 and R-3 to R-1A;
- Rezone the multifamily site from RO and H to R-3;
- Tentative Map to merge and resubdivide 16.51± acres into 3 lots for the Mercy Medical Campus (13.25± acres), Multifamily Development (.7± acres), and the Sacred Heart Parish Campus (2.56± acres);
- Special Permit to allow a private school and parish ministries in the R-1A zone;
- Special Permit to allow the new heart center to exceed the 45 foot height requirement and construct a structure with 62 feet to the plate line and 77.5 feet to the top of the building;
- Special Permit to allow offsite parking for the school on the Mercy site;
- Special Permit to allow offsite parking for Mercy McMahon Terrace on the Mercy Hospital site;
- Special Permit to allow 4 offsite parking spaces for the multifamily units on the Mercy Hospital campus;
- Special Permit to allow attendant parking;
- Special Permit to allow vehicular gates for a multifamily development;
- Plan Review for the development of 20 residential units in the proposed R-3 zone;
- Special Permit Major Modification to demolish the existing East Wing and replace with a 47 space surface parking lot;
- Special Permit Major Modification to demolish a chapel and replace with a 29 space surface parking lot;

- Special Permit Major Modification to demolish the Sacred Heart Parish School building and replace with a 155 space surface parking lot;
- Special Permit Major Modification to construct a new 123,350 square foot heart center;
- Special Permit Modification to renovate the South Wing which includes two new exit stair towers;
- Variance to allow the new multifamily units to deviate from the standard courtyard requirement in the R-3 zone;
- Variance to allow the new school to deviate from the required setbacks in the existing R-1 and R-3 zone and the proposed R-1A zone;
- Variance to waive the required masonry wall between the new private school and a single-family home;
- Variance to waive the required masonry wall on the residential development's south and east property lines abutting the hospital site;
- Variance to allow a trash enclosure to be located in a required setback area for a new multifamily development.

## **Findings Required Under CEQA**

### **1. Procedural Findings**

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

Based on the Initial Study conducted for Mercy General Hospital and Sacred Heart Parish School Project (P04-215), SCH # 2007022104, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and the Sacramento County Clerk Recorder's Office and was circulated for public comments from February 23, 2007 through March 27, 2007.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on July 12, 2007 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on July 12, 2007 and ended on August 27, 2007.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on July 12, 2007. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, North Permit Center, 2101 Arena Boulevard, Suite 200, Sacramento, California 95834 and that the Draft EIR was available on the Development Services Department's webpage. The letter also indicated that the official 45-day public review period for the Draft EIR would end on August 27, 2007.

e. A public notice was placed in the Daily Recorder and Sacramento Bee on July 12, 2007, which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on July 12, 2007.

g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

## **2. Record of Proceedings**

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

a. The Draft and Final EIR and all documents relied upon or incorporated by reference;

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

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

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

e. Zoning Ordinance of the City of Sacramento

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

g. The Mitigation Monitoring Plan for the Project.

h. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

### 3. Findings

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

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

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403.)

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

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

- The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II* (1990) 52 Cal.3d 553 at 576.)
- In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

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

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

**Initial Study 7. Biological Resources**

- **Impact: 7.A** The proposed project could result in impacts to endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals and birds). Without mitigation, this is a significant impact.
- **Mitigation Measure 1**
- To prevent direct impacts on nesting birds, any tree removal shall occur between September 16 and February 28.
- **Mitigation Measure 2**

- (a) If construction activities occur during the breeding season of nesting birds (approximately March 1 through September 15), the project applicant, in consultation with the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS), shall conduct a pre-construction, breeding season survey of the project site during the calendar year that construction is planned to begin. The survey shall be conducted by a qualified avian biologist to determine if any birds are nesting on or directly adjacent to the project site.
- (b) If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.
- (c) A report shall be submitted to the project applicant and the City of Sacramento, following the completion of the nesting survey that includes, at a minimum, the following information:
  - A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited, and persons contacted.
  - A map showing the location(s) of any nests observed within the project site.
- If the above survey does not identify any nesting bird species on the project site, no further mitigation would be required. However, should any active bird nests be found on or within close proximity of the project site, one of the following mitigation measures shall be implemented.
- **Mitigation Measure 3**
  - (a) The project applicant, in consultation with CDFG and USFWS, shall avoid all active nest sites within the project area while the nest is occupied with adults and/or young. The occupied nest shall be monitored by a qualified avian biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a non-disturbance buffer zone, to be determined in consultation with CDFG, around the nest site, which will delineated by highly visible temporary construction fencing.
  - (b) Active nest trees that would not be removed, but are in close proximity to construction activities, shall be monitored weekly, until the birds leave the nest, to determine if construction activities are disturbing the adult or young birds.
- **Mitigation Measure 4**
  - If an active nest site cannot be avoided and would be destroyed, special permits would be required, depending on the bird species.
  - (a) For a State-listed bird (i.e. Swainson's hawk), the project applicant shall obtain a Section 2081 permit. Standard mitigation for the loss of an active nest tree generally requires planting of 15 trees (a mix of cottonwood, sycamore and valley oaks) and monitoring the success of the trees for five years with a 55 percent success rate.

(b) For any bird covered by the Migratory Bird Treaty Act, the project applicant would consult with the USFWS to determine appropriate mitigation measures.

○ **Mitigation Measure 5**

○ The project applicant shall salvage and plant the affected elderberry shrub and plant additional elderberry shrubs and associated native riparian plants, in compliance with ratios established by the USFWS. Mitigation planting shall occur, to the maximum extent practicable, in open space areas (or other USFWS approved mitigation site) that is preserved as wildlife habitat in perpetuity. Mitigation plantings shall be monitored annually pursuant to USFWS protocol by a qualified biologist hired by the project applicant as agreed to by the USFWS. This mitigation measure can be achieved through compliance with mitigation measures identified in the approved HCP, assuming those meet, at a minimum, the above criteria.

○ **Finding:** Mitigation measure 1 listed above would ensure that tree removal occurs outside of the breeding season to avoid impacts to nesting birds. Mitigation measure 2 would identify active nests within and adjacent to the proposed project site. If none are found, no additional mitigation would be required. If required, mitigation measure 3 outlines avoidance measures for the protection of active nest site. If avoidance is not feasible, mitigation measure 4 outlines necessary permits and the conditions required for reducing the impacts to active nest sites to a less than significant level. Mitigation measure 5 ensures that the applicant continues to comply with the Federal Endangered Species Act and a Section 10(a) consultation with and approval from USFWS. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

○ **Impact: 7.B** The proposed project could result in impacts to locally designated species (e.g., heritage or City street trees). Without mitigation, this is a significant impact.

○ **Mitigation Measure 6**

○ Avoid construction within the critical root zones of a tree. Avoidance areas shall be fenced prior to any activities on site.

○ **Mitigation Measure 7**

○ Avoid grade cuts within the critical root zone of all retained trees. The project Arborist shall supervise all grade cuts and prune and properly treat all roots subject to damage as soon as possible after excavation. Cut-faces exposed for more than two to three days shall be covered with a dense burlap fabric and watered to maintain soil moisture at least on a daily basis until areas are permanently covered.

○ **Mitigation Measure 8**

○ Avoid placement of fill exceeding one foot in depth within the critical root zone of all trees. If unavoidable, either design drainage away from the critical root zone off the tree or consider tree removal. Placement of fill materials less than one foot depth an

encroachment of less than 20 percent into the critical root zone area should not require special mitigative measures.

- **Mitigation Measure 9**

- Any proposed structure shall not encroach more than 20 percent into the critical root zone area of a retained tree. If unavoidable, tree removal should be considered.

- **Mitigation Measure 10**

- Construction equipment clearance required for proposed structures shall also be limited to 20 percent or less of the critical root zone of preserved trees.

- **Mitigation Measure 11**

- Utilities shall be planned to avoid the critical root zone of trees. In some circumstances, hand digging of utilities through the critical root zone areas may be an option. Boring beneath the critical root zone area may also be an option.

- **Mitigation Measure 12**

- Branches and limbs that have been torn, broken, or split during construction should be removed in accordance with the City's Tree Ordinance. In addition, any dead, diseased, or rubbing limbs should be removed. Other maintenance pruning should be postponed for at least one to two years.

- **Finding:** The mitigation measures listed above provide protection measures ensuring the protection of existing trees that will remain on the project site. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

- **Initial Study 14. Cultural Resources**

- **Impact: 14.A** The proposed project could disturb paleontological resources. Without mitigation, this is a significant impact.

- **Mitigation Measure 13**

- 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 on 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.

- **Finding:** The mitigation measure listed above would ensure that if any paleontological resources were encountered during project construction, these resources could be properly protected, or avoided, whichever option is deemed appropriate. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

- **5.1 Aesthetics and Visual Resources**

- **Impact: 5.1-2** The proposed project could create new sources of light and glare that could adversely affect on-site and adjacent uses. Without mitigation, this is a significant impact.

- **Mitigation Measure 5.1-2**

- (a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward and sufficiently shielded to avoid substantial light trespass on adjacent uses.

- (b) The project contractor shall use Low E glass in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

- **Finding:** Implementation of the mitigation measures listed above would ensure that all lighting is focused downward to eliminate spillover light, which would ensure that the proposed project would not cast light or glare in such a way as to cause a public hazard or annoyance for a sustained period of time. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

- **5.2 Air Quality**

- **Impact: 5.2-1** Activities for the demolition of existing on-site structures, site grading/ infrastructure installation, and construction of the proposed project structures would generate emissions of PM<sub>10</sub>. Without mitigation, this is a significant impact.

- **Mitigation Measure 5.2-1**

- To reduce fugitive dust emissions, in compliance with Rule 403 of the Sacramento Air Quality Management District (SMAQMD), the following mitigation measures would be implemented during construction:

- (a) All disturbed area, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover;

- (b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant;
- (c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container;
- (d) All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring;
- (e) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer or suppressant;
- (f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph);
- (g) Wheel washers shall be installed for all trucks and equipment exiting from unpaved areas or wheels shall be washed manually to remove accumulated dirt prior to leaving the site;
- (h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent;
- (i) Excavation and grading activities shall be suspended when winds exceed 20 mph; and
- (j) The extent of areas simultaneously subject to excavation and grading shall be limited, whenever possible, to the minimum area feasible.

○ **Finding:** The proposed project could produce substantial emissions of PM<sub>10</sub> with consequent threats to the ambient air quality at nearby sensitive receptors. Wetting-down buildings undergoing demolition is a technique employed on a regular basis by demolition contractors. The mitigation measures listed above would decrease PM<sub>10</sub> emissions from demolition, excavation, and any other earth-moving activities. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

○ **Impact: 5.2-2 Construction of the proposed project would generate emissions of ozone precursors. Without mitigation, this is a significant impact.**

○ **Mitigation Measure 5.2-2**

○ The following measures shall be incorporated into project construction contracts:

- (a) The project applicant shall require the project developer or contractor to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50

- horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.
- (b) The project applicant shall require the project developer or contractor to submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
  - (c) The project applicant shall require the project developer or contractor to ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
  - (d) The project applicant shall pay into the SMAQMD's construction mitigation fund for construction-generated emissions of NO<sub>x</sub> that exceed 85 lbs/day after credit has been taken for a 20% reduction expected from the implementation of Mitigation Measure 5.2-2(a). Fees shall be assessed based upon the current rate of \$14,300/ton of excess NO<sub>x</sub> emissions generated plus a 5% administrative surcharge. This fee shall be paid to the SMAQMD prior to issuance of building permits. Based upon the URBEMIS modeling, the estimated payment for construction NO<sub>x</sub> emissions would be \$17,527 for the excess NO<sub>x</sub> plus a \$876 surcharge. The project construction contractor shall keep records of equipment use and schedule, use these data to estimate actual NO<sub>x</sub> emissions over the course of construction, and pay additional fees quarterly to the SMAQMD, if actual emissions exceed the estimated emissions.
  - (e) Limit diesel equipment idling time to 5 minutes.
  - **Finding:** Since ozone has significant adverse health effects, it is important to consider ozone precursors ROG and NO<sub>x</sub> when addressing project development impacts. The SMAQMD has not developed a threshold of significance for ROG

associated with construction activities because the main source of ROG during construction, architectural coatings, can be effectively regulated by SMAQMD Rule 442, Architectural Coatings. Although some measures address NO<sub>x</sub> emissions from heavy-duty diesel construction equipment, the SMAQMD has found it necessary to develop a construction threshold for NO<sub>x</sub> of 85 pounds per day.

Following SMAQMD's recommended methodology and assumptions, construction emissions were modeled for the proposed project with the results illustrated in Table 5.2-65 of the DEIR. Modeling indicated that NO<sub>x</sub> emissions during construction could reach a maximum of 197 pounds per day in August of 2009. This would be above the 85 pounds-per-day threshold of significance for construction NO<sub>x</sub>, and would be a *significant impact*.

- Emission estimates of the proposed project indicate the potential of NO<sub>x</sub> emissions to exceed the thresholds during construction activities for all phases of the project throughout the duration of the project. The SMAQMD has developed mitigation measures to reduce construction related emissions by 20%. For certain phases, project impacts would remain significant after the 20% reduction; however, the SMAQMD has instituted a construction mitigation fee that goes to a program to retrofit and replace older, more polluting construction equipment. Through implementation of the measures to reduce NO<sub>x</sub> emissions by 20% and the payment of these fees, SMAQMD has determined that impacts from construction emissions can be reduced to less than significant levels.
- With implementation of the mitigation measure(s), this impact is reduced to a *less than significant level*.
  
- **Impact: 5.2-6 Construction of the proposed project, in combination with construction activities of other construction projects in the SVAB, would generate emission of ozone precursors that could combine with other precursor emissions and increase ozone levels in the Sacramento Ozone Non-attainment Area. Without mitigation, this is a significant impact.**
  
- **Mitigation Measure 5.2-6**
- **Implement Mitigation Measure 5.2-2.**
- The following measures shall be incorporated into project construction contracts:
  - (a) The project applicant shall require the project developer or contractor to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.
  - (b) The project applicant shall require the project developer or contractor to submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an

- aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
- (c) The project applicant shall require the project developer or contractor to ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
  - (d) The project applicant shall pay into the SMAQMD's construction mitigation fund for construction-generated emissions of NO<sub>x</sub> that exceed 85 lbs/day after credit has been taken for a 20% reduction expected from the implementation of Mitigation Measure 5.2-2(a). Fees shall be assessed based upon the current rate of \$14,300/ton of excess NO<sub>x</sub> emissions generated plus a 5% administrative surcharge. This fee shall be paid to the SMAQMD prior to issuance of building permits. Based upon the URBEMIS modeling, the estimated payment for construction NO<sub>x</sub> emissions would be \$17,527 for the excess NO<sub>x</sub> plus a \$876 surcharge. The project construction contractor shall keep records of equipment use and schedule, use these data to estimate actual NO<sub>x</sub> emissions over the course of construction, and pay additional fees quarterly to the SMAQMD, if actual emissions exceed the estimated emissions.
  - (e) Limit diesel equipment idling time to 5 minutes.
  - **Finding:** Since ozone has significant adverse health effects, it is important to consider ozone precursors ROG and NO<sub>x</sub> when addressing project development impacts. The SMAQMD has not developed a threshold of significance for ROG associated with construction activities because the main source of ROG during construction, architectural coatings, can be effectively regulated by SMAQMD Rule 442, Architectural Coatings. Although some measures address NO<sub>x</sub> emissions from heavy-duty diesel construction equipment, the SMAQMD has found it necessary to develop a construction threshold for NO<sub>x</sub> of 85 pounds per day.

Following SMAQMD's recommended methodology and assumptions, construction emissions were modeled for the proposed project with the results illustrated in Table

5.2-65 of the DEIR. Modeling indicated that NO<sub>x</sub> emissions during construction could reach a maximum of 197 pounds per day in August of 2009. This would be above the 85 pounds-per-day threshold of significance for construction NO<sub>x</sub>, and would be a *significant impact*.

- Emission estimates of the proposed project indicate the potential of NO<sub>x</sub> emissions to exceed the thresholds during construction activities for all phases of the project throughout the duration of the project. The SMAQMD has developed mitigation measures to reduce construction related emissions by 20%. For certain phases, project impacts would remain significant after the 20% reduction; however, the SMAQMD has instituted a construction mitigation fee that goes to a program to retrofit and replace older, more polluting construction equipment. Through implementation of the measures to reduce NO<sub>x</sub> emissions by 20% and the payment of these fees, SMAQMD has determined that impacts from construction emissions of ozone precursors can be reduced to less than significant levels. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant level*.

- **5.3 Cultural Resources**

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- **Impact: 5.3-2 The proposed project could cause a substantial change in the significance of an as yet undiscovered archaeological resource as defined in CEQA Guidelines Section 15064.5 or disturb any humans remains, including those interred outside of formal cemeteries. Without mitigation, this is a significant impact.**

- **Mitigation Measure 5.3-2**

- (a) 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 of Sacramento Development Services Department and the City Preservation Director shall be notified within 24 hours. The project applicant shall retain an archaeologist who meets the Secretary of the Interior’s professional qualifications for Archaeology. The City Preservation Director shall consult with the archaeologist 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 Interior’s Standards for Archaeological Documentation.

- 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 local Native American community 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 Interior's professional qualifications for Archaeology and/or Architectural History.

- (b) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (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 Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendent, including the excavation and removal of the human remains. The City of Sacramento Development Services Department 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 of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.
- **Finding:** The project site has been occupied and disturbed by human activities for decades and the majority of the site is currently paved or covered with existing buildings. However there is a possibility that subsurface historical resources or unique archaeological resources existing on the project site that could be uncovered during grading, excavation, and other earth-moving activities during construction. The project area also retains a low sensitivity for the presence of human remains. However, there is a possibility that human remains, including those interred outside of formal cemeteries; exist on the project site that could be disturbed during grading, excavation, and other earth-moving activities during construction. If encountered during construction such resources could be damaged or destroyed. The mitigation measures listed above provides discovery and evaluation procedures for any previously unknown archaeological resources on the project site and requires that a professional archaeologist employ data recovery or other methods that meet the Secretary of Interior's Standards for Archaeological Documentation to reduce impacts on unique archaeological resources. The above mitigation measures also include direction per State law as to how human remains would be handled if discovered. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

- **5.4 Hazardous Materials and Public Safety**
- **Impact: 5.4-2 Demolition of existing buildings within the project site could expose people to hazardous materials, resulting in potential health hazards. Without mitigation, this is a significant impact.**
- **Mitigation Measure 5.4-2**
- (a) Prior to any demolition activities, the project applicant shall submit a written plan to the Sacramento County Environmental Management Department (SCEMD) describing methods to be used to: (1) identify locations that could contain hazardous residues (e.g., mercury in sink traps); (2) remove plumbing fixtures known to contain or potentially containing hazardous substances; (3) determine the waste classification for the debris; (4) package contaminated items and wastes; and (5) identify disposal site(s) permitted to accept such wastes. Demolition shall not occur until the plan has been accepted by the City and SCEMD and all hazardous components have been removed to the satisfaction of the City and SCEMD staff.
- (b) Prior to any demolition activities, the project applicant shall retain a qualified environmental specialist (e.g., a Registered Environmental Assessor or similarly qualified individual) to inspect all existing buildings subject to demolition for the presence of PCBs, mercury, or other hazardous materials. The project applicant shall submit the report to the City, together with an explanation of how the project would mitigate any issues identified in the report. If found at levels that require special handling (i.e., removal and disposal as hazardous waste), the applicant shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, SCEMD, Cal/OSHA, and any other agency with jurisdiction over these hazardous materials.
- **Finding:** Construction of the proposed project would involve the demolition and removal of the vacant Marcy Care building and seven residential buildings west of 39<sup>th</sup> Street, Sacred Heart Parish School, the East Wing building, and the Chapel building east of 39<sup>th</sup> Street. Because the buildings were constructed when asbestos and lead-based paint were used in building construction (prior to 1978), there is a chance that the building components contain asbestos or lead-based paint. The above mitigation measure would ensure the asbestos containing building materials (ACBM), lead-based paint, or other hazardous substances in building components are identified, removed, packaged, and disposed of in accordance with applicable state laws and regulations. This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health of the environment. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

- **5.5 Noise**
- **Impact: 5.5-1 Construction and demolition activities associated with the project would temporarily increase noise at nearby existing residences, the existing Sacred Heart Parish School (SHPS), and the newly constructed Sacred Heart Parish School. Without mitigation, this is a significant impact.**
- **Mitigation Measure 5.5-1**
- The project developer shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:
  - (a) Two weeks prior to the commencement of construction, provide notification to surrounding land uses, disclosing the construction schedule, including the various types of activities that would occur throughout the duration of the construction period.
  - (b) Ensure that construction equipment is properly muffled according to industry standards.
  - (c) Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
  - (d) Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses.
  - (e) Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.
  - (f) Locate construction staging areas along with the operation of earthmoving equipment within the SHPS and MGH sites as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
  - (g) Where feasible, limit construction activities during Heart Center excavation immediately adjacent to the existing Sacred Heart Parish School while school is in season.
- **Finding:** Construction activities associated with demolition and construction of the Heart Center, new SHPS, and residential apartments would generate daytime noise levels above the City's 55 dBA exterior limit. The impacts associated with construction noise are considered by the City to be less than significant. Sensitive uses in the vicinity of construction activities, including students at the existing SHPS, residents located to the north and west of the project site and residential uses adjacent to the proposed SHPS would be exposed to construction noise during the daytime. Residents in these areas could be present during the day and would be exposed to higher noise levels generated during daytime hours.

- The placement of sound absorbing barriers would be a method to reduce excessive noise levels generated by construction activities. The placement of such a barrier would reduce noise levels by approximately 5 to 10 dBA. Additionally accommodation during construction activity for National Standardized testing days of children at SHPS, including curtailing activities that would disturb or interfere with the testing environment would minimize the impacts of construction of the Heart Center to the extent feasible during preparation and testing periods.
- Implementation of the mitigation measures listed above may include the use of noise barriers (e.g., sound walls) or noise blankets. The erection of temporary sound barriers, as required by Mitigation Measure 5.5-1, construction noise exposure at the residential uses along J Street would be reduced by 5 to 10 dBA, and would therefore be at or below the existing ambient noise levels. In addition, Mitigation Measure 5.5-1(f), which requires that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible would also reduce construction-related noise levels. No other feasible mitigation measures are available. While construction noise levels would be reduced to the extent feasible, noise levels would still exceed the 55 dBA exterior noise level set forth by Section 8.68.060 of the City Code. However, since construction noise would be reduced where feasible with implementation of the mitigation measures, and because construction noise is exempted by the provisions of the City Code, this impact is reduced to a *less than significant* level.
- **Impact: 5.5-4 Construction Activities would contribute to cumulative noise levels in the project vicinity. Without mitigation, this is a significant impact.**
- **Mitigation Measure 5.5-4**
- Implement Mitigation Measure 5.5-1
- The project developer shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:
  - (a) Two weeks prior to the commencement of construction, provide notification to surrounding land uses, disclosing the construction schedule, including the various types of activities that would occur throughout the duration of the construction period.
  - (b) Ensure that construction equipment is properly muffled according to industry standards.
  - (c) Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
  - (d) Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses.
  - (e) Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.

- (f) Locate construction staging areas along with the operation of earthmoving equipment within the SHPS and MGH sites as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- (g) Where feasible, limit construction activities during Heart Center excavation immediately adjacent to the existing Sacred Heart Parish School while school is in season.

- **Finding:** Construction activities associated with demolition and construction of the Heart Center, new SHPS, and residential apartments would generate daytime noise levels above the City's 55 dBA exterior limit. The impacts associated with construction noise are considered by the City to be less than significant. Sensitive uses in the vicinity of construction activities, including students at the existing SHPS, residents located to the north and west of the project site and residential uses adjacent to the proposed SHPS would be exposed to construction noise during the daytime. Residents in these areas could be present during the day and would be exposed to higher noise levels generated during daytime hours.

- The placement of sound absorbing barriers would be a method to reduce excessive noise levels generated by construction activities. The placement of such a barrier would reduce noise levels by approximately 5 to 10 dBA. Additionally accommodation during construction activity for National Standardized testing days of children at SHPS, including curtailing activities that would disturb or interfere with the testing environment would minimize the impacts of construction of the Heart Center to the extent feasible during preparation and testing periods.

- Implementation of the mitigation measures listed above may include the use of noise barriers (e.g., sound walls) or noise blankets. The erection of temporary sound barriers, as required by Mitigation Measure 5.5-1, construction noise exposure at the residential uses along J Street would be reduced by 5 to 10 dBA, and would therefore be at or below the existing ambient noise levels. In addition, Mitigation Measure 5.5-1(f), which requires that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible would also reduce construction-related noise levels. No other feasible mitigation measures are available. While construction noise levels would be reduced to the extent feasible, noise levels would still exceed the 55 dBA exterior noise level set forth by Section 8.68.060 of the City Code.

- While construction of the proposed project could combine with other construction activities in the project vicinity and cumulative construction noise levels could be in excess of the 55 dBA  $L_{dn}$  threshold established by the City; however, The City exempts noise generated from construction from the City noise standards. Because compliance with the mitigation measures, the construction time limits required by the City Code, and the proposed project and all other cumulative development would be exempted by the provisions of the City Code, this impact is reduced to a *less than significant* level.

- **5.7 Transportation and Circulation**
- **Impact: 5.7-14 Construction would include disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Pedestrian and transit access may be disrupted. Heavy vehicles would access the site and may need to be staged for construction. Existing parking areas would be disrupted during construction. The addition of construction personnel would result in a need for additional parking. There would also be a need for the staging of construction materials and vehicles on-site. These changes could result in an on-site parking shortage.**
- **Mitigation Measure 5.7-14**
- (a) Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and subject to review and all affected agencies and will contain the following (at a minimum):
  - Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.
  - Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.
  - Prohibition of construction traffic using any of the existing residential roadways in the vicinity of the project.
  - 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.
- (b) Prior to any demolition or grading activities, the applicant shall provide notification to all residences and businesses in the vicinity of the project site of the construction starting date and duration.
- (c) The applicant shall monitor parking occupancy on a regular basis during construction, particularly upon the closure of any parking facility. Adequate parking shall be maintained at all times. As necessary, remote parking (with shuttle service) shall be provided for employees, including construction workers.

**Finding:** Mercy's parking plan during construction reports 1,332 existing parking spaces. The number would decrease to 1,307 spaces during phase 1 of construction,

increase to 1,339 spaces during phase 2 of construction, and increase to 1,390 spaces during phase 3 of construction. However, given the current observed parking demand of 1,309 vehicles, the available parking during construction may not be adequate to accommodate construction parking. In addition, some parking spaces beyond those shown in the Mercy construction-parking plan may be needed for construction purposes, at least on an occasional basis. With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

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

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

**5.7 Transportation and Circulation**

**Impact: 5.7-2 The project would increase traffic volumes on the freeway mainline. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the 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 that 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. Regional traffic

improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals 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.

- The California Department of Transportation (Caltrans) through coordination with the City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level based on the very low number of peak hour trips. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-3      The project would increase traffic volumes at freeway ramp junctions. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.

- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals 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.

The California Department of Transportation (Caltrans) through coordination with the City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level based on the very low number of peak hour trips. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-10 The project would increase traffic volumes on the freeway mainline. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.

- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

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- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals 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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- The California Department of Transportation (Caltrans) through coordination with the City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level based on the very low number of peak hour trips. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-11 The project would increase traffic volumes at freeway ramp junctions. Without mitigation, this is a *significant impact*.**

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- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the the District and has a 20-year planning horizon.

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- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

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- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals 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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- The California Department of Transportation (Caltrans) through coordination with the City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level based on the very low number of peak hour trips. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-13 The project would increase traffic volumes on the freeway weaving segments. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.

- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

○ 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals 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.

The California Department of Transportation (Caltrans) through coordination with the City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level based on the very low number of peak hour trips. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

### **C. Significant and Unavoidable Impacts.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section G, the statement of overriding considerations.

#### **5.7 Transportation and Circulation**

**Impact: 5.7-2 The project would increase traffic volumes on the freeway mainline. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
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- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.
- Consequently, the City has been unable to identify any feasible mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.
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- **Impact: 5.7-3 The project would increase traffic volumes at freeway ramp junctions. Without mitigation, this is a *significant impact*.**

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- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
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- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

Consequently, the City has been unable to identify any feasible mitigation measures impossible on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-10 The project would increase traffic volumes on the freeway mainline (cumulative with project). Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

Consequently, the City has been unable to identify any feasible mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-11 The project would increase traffic volumes at freeway ramp junctions cumulative with project. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
  
- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
  
- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

Consequently, the City has been unable to identify any feasible mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

**Impact: 5.7-13 The project would increase traffic volumes on the freeway weaving segments. Without mitigation, this is a *significant impact*.**

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near

the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.

- Some of the 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 that 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. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- 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 impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans 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 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 principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

Consequently, the City has been unable to identify any feasible mitigation measures impossible on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

#### **D. 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:

- i. As the project is implemented, certain impacts would occur on a short term level. Such short term impacts are discussed fully above. Such short term impacts include, without limitation, impacts relating to biological resources, cultural resources, aesthetics and visual resources, air quality, hazardous materials and public safety, noise, and transportation and circulation increases due to the project, although measures have been incorporated in the project to mitigate these potential impacts.
- ii. The long term implementation of the project would serve to retain jobs by providing updated medical and school facilities while retaining residential uses within the East Sacramento Area. The project would be developed in an existing urbanized area and not contribute to urban sprawl. Notwithstanding the foregoing, some long term impacts would result. These impacts include adverse impacts on air quality, cultural resources, aesthetics and visual resources, and transportation and circulation. However, implementation of the project would provide long term benefits, including, without limitation, a new cardiac center for treatment of cardiac medical problems, alternative residential opportunities, and a new updated school facility separated from the hospital facility.
- iii. Although there are short term adverse impacts from the project, the short and long term benefits of the project justify its immediate implementation.

#### **E. Project Alternatives.**

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

##### **Alternatives Considered and Dismissed from Further Consideration**

- Consistent with the CEQA Guidelines, 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 following alternatives for the Mercy General Hospital and Sacred Heart Parish School's Mixed Use Project were considered but rejected from further analysis because none of the alternatives listed below were determined to be feasible under CEQA.

**Convert Mercy General Hospital to a Heart Center Campus:** This alternative assumes the existing Mercy General Hospital would be converted into a specialized cardiovascular hospital by building the Heart Center but demolishing the South and East

Wings and eliminating all non-cardiovascular services. This alternative was not considered further because it does not assure the community can receive continued, uninterrupted delivery of full-service, general acute care services at Mercy General Hospital's current East Sacramento site, by building long-term replacement beds. This alternative would reduce local community access to general medical services, including emergency services, obstetrics, and general medical-surgical care, which is a primary goal of the project.

- Construct the Heart Center on the site of the South Wing building. This alternative was suggested in comments on the Notice of Preparation. It assumes that the South Wing building would be demolished and the Heart Center would be constructed on that site. One of the primary goals of the project is to continue to provide uninterrupted general acute care services at Mercy General Hospital. This alternative was not considered further because the demolition of the South Wing building, with no replacement space, would substantially hinder the ability of hospital to provide these general acute care services.

- Construct the Heart Center without relocating Sacred Heart Parish School (SHPS). This alternative would reduce construction-related impacts of the proposed project because there would be less demolition (the existing school, the Mercy Care facility, and the 17 residential units southwest of H and 39<sup>th</sup> streets would not be demolished). However, under current conditions, there is substantial traffic congestion during school pick-up and drop-off where cars queue on the "spine" street (the north-south street through the MGH campus) and back up onto H and J streets. This alternative would increase the intensity of use on the site and exacerbate the existing circulation deficiency associated with the school. One of the primary objectives of the project is to respond to the identified traffic and parking issues in the immediate neighborhood. Continued operation of SHPS at its current location along with the new Heart Center would exacerbate the traffic congestion on the site, which would be inconsistent with one of the main objectives of the project which is to respond to identified traffic and parking issues in the immediate neighborhood.

- **Summary of Alternatives Considered**

- The significant and unavoidable impacts identified for the proposed project include increased traffic on Caltrans freeway facilities, including increased congestion on freeway mainlines and ramps under project-specific and cumulative conditions and impacts on weaving segments under cumulative conditions. Because the significant and unavoidable impacts identified for the proposed project are related to the location of the project (project-related traffic added to already-congested urban freeways), the alternatives considered in this Draft EIR are intended to reduce or eliminate impacts at the proposed project site. The alternatives analyzed include the No Project Alternative, which evaluates the effects of not building the project and, thus, not increasing traffic related to the additional square footage at the MGH site. This analysis also includes two off-site alternatives, which would similarly eliminate the additional square footage at the MGH site, though these alternatives assume construction of cardiac services at another location. The alternatives considered in this analysis include the following:

- **No Project Alternative**, which assumes that the proposed project would not be constructed as proposed. This alternative considers two scenarios that could result if the proposed project is not approved: 1) leave the existing buildings on the MGH campus as-is and do not retrofit; and 2) retrofit the buildings to comply with Senate Bill 1953 (SB 1953).
- **Alternate Campus Alternative**, which assumes the proposed Heart Center would be developed at another Catholic Healthcare West (CHW) Sacramento area campus and maintain existing hospital services on the MGH campus.
- **Off-Site Hospital Alternative**, which assumes construction of a new campus including the proposed Heart Center on an undeveloped site at the northwest corner of Interstate 5 (I-5) and Del Paso Road in the City of Sacramento.

### **No Project Alternative**

○ If the proposed project were not approved, the Heart Center would not be constructed, Sacred Heart Parish School would not be relocated west of 39<sup>th</sup> Street, and the residences west of 39<sup>th</sup> Street would not be removed. However, if the project were not constructed, MGH would have only two SB 1953-compliant buildings in year 2013: the North Wing and Northeast Wing, which together have an acute care capacity of 110 beds. Thus, with the No Project Alternative in which no retrofits are performed on any of the buildings, MGH would have an acute care capacity of 110 beds in 2013, which would be a reduction from the current total capacity of 304 beds.

• CHW has indicated that operation of a 24-hour-a-day, seven day a week emergency department is an important part of its role as a full-service community hospital and that 36 percent of the hospital's admissions, or approximately 84 hospitalized patients on an average day, are admitted through the Emergency Department (ED). Because the ED cannot legally reject access to ED services to emergency patients, the ED may have to be closed to prevent the admission of more patients than the hospital's capacity. The lack of sufficient bed capacity to support the inpatient demand generated by emergency services, particularly during times of higher patient volume (generally, winter months) would reduce the community's access to emergency care, placing a greater strain on the emergency departments of nearby hospitals, such as Sutter General Hospital and UC Davis Medical Center. In addition, many cardiovascular patients arrive through the ED and/or are hospitalized in conjunction with other chronic conditions. Without an emergency department and other complementary services to address other chronic conditions these patients may have, the cardiovascular program could be compromised. The cardiovascular program and other medical/surgical services could be further compromised due to the lack of necessary procedural space with only the North and Northeast buildings in operation. The decrease of acute care beds could also affect other hospitals in the Sacramento region. Even with planned expansions at Sutter General, UC Davis Medical Center, Mercy San Juan, Kaiser, and Sutter Roseville hospitals, there is a projected deficit of inpatient beds to serve the growing population in the region. A reduction of beds at MGH would further exacerbate this deficit.

- MGH would not be able to leave the buildings as is (without being retrofitted to address SB 1953 requirements) without having a significant effect on its own acute care capacity, emergency department, and hospitals in the Sacramento region. The South and East Wing buildings together account for 223 acute care beds. In order to be able to use the South and East Wing buildings for acute care after 2013, MGH would be required to comply with SB 1953 to ensure that the hospital is capable of remaining intact, maintaining current operations, and providing acute care medical services after a seismic event (please see Chapter 2, Project Description for a discussion of the requirements of SB 1953). Under the No Project Alternative, MGH would likely opt to retrofit the South and East Wings in order to be operational after 2013 under SB 1953. With the retrofits, MGH would have a bed capacity of 283 (compared to 316 with the proposed project). The South and East Wing buildings would need to be retrofitted for structural compliance, as well as interior renovations to modernize the buildings to meet current standards for patient care. For instance, as discussed in Chapter 2, Project Description, the architectural standard for inpatient acute care hospitals has increased from less than 1,000 gross square feet (sf) per bed to at least 2,000 gross sf per bed. Current guidelines also dictate 100 sf of clear floor area per semi-private medical/surgical bed, 120 sf of clear floor area per private medical/surgical bed, and 200 sf of clear floor area per private intensive care unit bed.
- Retrofits to the South and East Wing buildings would require entire units to be taken out of service at one time, thus affecting hospital capacity and the ability to provide uninterrupted service during retrofitting. As discussed in Chapter 2, one to two floors of each hospital building (approximately 30 to 60 beds) would have to be taken out of service at a time to accommodate the retrofit requirements. When determining the capacity of the hospital, not only the number of beds but also the type of bed, such as intensive care (ICU) or medical/surgery, must be considered. If a disproportionate number of a particular type of bed is removed from service, the ability of the hospital to provide general acute care would be less than the absolute number of beds out of service would indicate. For instance, there are 130 general medical-surgical beds at MGH that are not dedicated for specialized treatment. If 30 to 60 beds out of service were medical-surgical beds, the hospital's ability to provide service in that area would be reduced by 25 to nearly 50 percent during this period.
- Nonetheless, even with the 2013 retrofits, the South and East Wing buildings would not be able to meet the 2030 retrofit requirements (see Chapter 2, Project Description). Thus, with the No Project Alternative in which building retrofits are performed on the South and East Wing buildings, MGH would have an acute care capacity of 54 beds (from the North and Northeast buildings) after 2030. In 2030 with the proposed project, MGH would have an acute care capacity of 141 beds.
  - Under the No Project Alternative, MGH would operate at a substantially reduced level compared to current operations due to the reduction in acute care beds (after 2013 or 2030) and the disparity between the ED patient load and the hospital's acute care

bed capacity. The reduction in capacity at MGH would result in a diversion of patients to other area hospitals, which could require further expansions of those facilities.

○ **Facts in Support of Finding of Infeasibility**

○ The No Project Alternative is rejected because it does not achieve the project's objectives and would ultimately result in the need for new or modified hospital facilities on the project site or other location. The No Project Alternative would generally fail to meet the objectives of the proposed project. The No Project Alternative would allow MGH to comply with the State of California's SB 1953 seismic retrofit requirement, but acute care services at MGH's current East Sacramento site would be temporarily affected during the retrofit process. It would take a large capital investment to allow MGH to continue to function as a full-service hospital up to 2030, at which time the hospital capacity would be substantially reduced. The No Project Alternative would not increase cardiovascular procedural and intensive care capacity and consolidate cardiovascular services in a site that is proximate to the existing MMP buildings. One of the primary objectives of the proposed project is to allow MGH to provide continued, uninterrupted delivery of full-service, general acute care services at the East Sacramento site. In order to do so, modifications other than seismic retrofits are required. Thus, the No Project Alternative would be inconsistent with this objective.

**Alternate Campus Alternative**

• The Alternate Campus Alternative would include development of the Heart Center at another CHW Sacramento area campus and the continuation of non-cardiovascular hospital services on the MGH campus. According to CHW, Methodist Hospital and Mercy Hospital of Folsom are configured to support the current technology and are flexible to adapt to new trends in healthcare delivery, such that they would be able to support the uses in a new heart center. Therefore, this alternative assumes the construction of the approximately 123,000-square foot Heart Center building at the Methodist Hospital in south Sacramento or at Mercy Hospital of Folsom. Methodist is located in south Sacramento, adjacent to State Route 99 to the east, with commercial uses to the north and south and single-family residential to the west. Mercy Folsom is located in the City of Folsom with medical office uses to the north and west and single-family residential to the south and east.

• It is assumed that the building would be the same size and constructed in a similar manner as the proposed project. Therefore, the type and number of construction equipment, the length of construction, and the amount and type of building materials at either of these campuses would be the same as that of the Heart Center portion of the proposed project. This alternative does not assume demolition or any other construction on either of the other campuses, so the overall construction schedule and construction impacts would be less than that of the proposed project.

• Because this alternative would involve construction of the Heart Center at another campus, no new structures would be constructed on the MGH campus, so this

alternative would result in a scenario the same as that described above for the No Project Alternative for the MGH campus. No new buildings are assumed on the MGH campus; however, it would be necessary to retrofit the existing MGH buildings to remain an acute care facility beyond 2013, which would be at a level less intense than currently achieved by MGH (283 beds versus 342 beds). As with the No Project Alternative, with the retrofits to existing buildings, MGH would have acute care beds similar to current levels, until 2030, at which time the South and East Wing buildings would be non-compliant for acute care. Therefore, the acute care bed capacity would be reduced to 54 in 2030 under the Alternate Campus Alternative, as is described under the No Project Alternative.

This alternative assumes that all non-emergency cardiac services would occur at the alternate site and that all existing non-emergency cardiac services that occur at MGH would be relocated to the new site. The alternate site would need to accommodate not only the increase that would be experienced at the existing MGH campus caused by the new facilities under the proposed project, but would also have to absorb the patients that are currently being treated at MGH. Therefore, the increase in cardiac-related services at the alternate site would be greater than the increase experienced at the MGH campus under the proposed project.

○ **Facts in Support of Finding of Infeasibility**

• The Alternate Campus Alternative would generally fail to meet the objectives of the proposed project. The Alternate Campus Alternative would allow MGH to comply with the State of California's SB 1953 seismic retrofit requirement, but acute care services at MGH's current East Sacramento site would ultimately be reduced, even if the South and East Wings were retrofitted. The Alternate Campus Alternative would allow for an increase in CHW's cardiovascular procedural and intensive care capacity, but not at a site that is proximate to the Mercy Medical Plaza. In order to allow MGH to provide continued, uninterrupted delivery of full-service, general acute care services at the East Sacramento site beyond 2030, modifications other than seismic retrofits would be required on the MGH campus. This alternative would not fulfill this objective.

• The traffic volumes experienced at the Methodist and Mercy Folsom campuses would be greater than those experienced at the MGH campus because cardiac-care services would be moved from the East Sacramento location to a location that does not currently provide these services. The extent to which traffic increases could result in significant impacts at the alternate sites cannot be determined without a detailed traffic study. However, as noted above, because the Caltrans facilities are projected to operate at unacceptable levels of service with or without the proposed project, the Alternate Campus Alternative would not improve the substandard conditions identified under the proposed project.

**Off-Site Hospital Alternative**

• Several comments received in response to the Notice of Preparation suggested that MGH be moved to another location. Therefore, the Off-Site Hospital Alternative

assumes that a new hospital to replace MGH, including the proposed new Heart Center, would be constructed at another location on an undeveloped site in the City of Sacramento. A site at the northwest corner of I-5 and Del Paso Road was chosen as representative to provide a comparative analysis of the effects of this alternative; however, similar effects would be anticipated at other “greenfield” or undeveloped locations in the City. Because this alternative would occur on an undeveloped site independent of any other hospital facilities, this analysis assumes construction and operation of a full-service hospital, similar in size to the MGH facilities that would be available with the proposed project. Thus, this alternative assumes construction of approximately 425,000 square feet of hospital buildings on approximately 10 acres.

- With the relocation of all the hospital uses from the MGH campus to the Off-Site Hospital site, the existing MGH hospital would be vacated and available for reuse. Because the medical office buildings are independent of MGH, it is likely that those buildings would continue to operate; however, the existing hospital buildings could reasonably be occupied by another medical-related use, such as medical office or some type of assisted-care residential living facility. Another potential scenario would include demolition of the hospital buildings and construction of a different use, such as residential or commercial. However, this would require a general plan amendment and rezone to the appropriate designation.

### **Facts in Support of Finding of Infeasibility**

The Off Site alternative would be inconsistent with the objective to develop the Heart Center use at the MGH campus, which is intended to take advantage of the adjacency to the independently-owned Mercy Medical Office buildings. In addition, the Off-Site Alternative on a greenfield site would not have the same access to alternate modes of transportation as would the MGH campus, and thus would not fulfill the objective to reduce energy consumption, such as could be accomplished through the use of alternate travels modes. Inconsistency with these objectives would result in physical environmental effects beyond that identified for the proposed project.

Significant and unavoidable traffic impacts under the proposed project occurred on Caltrans freeway facilities. Because this alternative would be constructed in a newly developing area, it is likely that the freeway would be capable of handling the volume of cars that could be generated from this alternative. However, unless a detailed traffic study was completed for this alternative, it is speculative to assume that I-5 or the surrounding surface streets would be capable of handling the alternative-related traffic. In addition, because this alternative would be developed on a greenfield site, other significant and unavoidable impacts may occur that would not occur under the proposed project, such as impacts related to biological resources, agricultural resources, and hydrology.

### **F. Statement of Overriding Considerations:**

Pursuant to Guidelines section 15092, the City Council finds that in approving the

Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.6. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

**Statement of Overriding Considerations:**

The project will achieve the goals of SB 1953 and ensure that the general acute care hospital buildings at MGH are not only capable of remaining intact after a seismic event, but also capable of continued operation and provision of acute care medical services after a seismic event.

The project will allow the development of a new school facility for the Sacred Heart Parish School separated from the Mercy General Hospital campus.

The project will improve the pedestrian safety and access of the Sacred Heart Parish School students.

The project will provide for alternative housing opportunities in the East Sacramento area.

The project will provide for better traffic circulation in the area by separating the Mercy General Hospital and the Sacred Heart Parish School.

The project will ensure MGH's compliance with the 2006 Guidelines for the Design and Construction of Hospitals and Healthcare Facilities which dictate the amount of area required per hospital bed depending on its use.

The project will allow MGH, while continuing to serve as a community hospital to focus its service mix on the specialty referral services it offers the greater Sacramento community, including cardiovascular services, specialized orthopedic surgery, and neurosciences services.

The project will minimize the decrease of available bed capacity and related need for the Emergency Department to redirect ambulances to other facilities.

The project will increase cardiovascular procedural and intensive care capacity to support current and projected volumes of cardiac surgery and catheterization procedures and enable the cardiovascular program to function more efficiently. Additionally, the proposed project would locate cardiovascular services in a site that is proximate to the Mercy Medical Plaza (physician office building) to ensure maximum

physician accessibility in the event of an emergency.

The project will expand Mercy General Hospital's existing employee, community and environmental programs, including TSM (ride share, public transit subsidies, etc.), and environmentally-sensitive and energy-conservation design practices.

The project will assist in addressing neighborhood parking issues by maximizing existing parking capacity through construction of a surface parking lot on the current Sacred Heart Parish School site; provide 35 parking spaces for faculty and staff of SHPS and provide a parking lot to Sacred Heart Parish for use on weekends.

The project will provide fiscal benefits to the City in the form of development fees and construction jobs.

## Exhibit A.2: Mitigation Monitoring Plan (MMP)

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**5.0 MITIGATION MONITORING PLAN**

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**INTRODUCTION**

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Mercy General Hospital and Sacred Heart Parish School Mixed Use Project Draft EIR.

**MITIGATION MEASURES**

The mitigation measures are taken from the Mercy General Hospital and Sacred Heart Parish School Mixed Use Project DEIR, measures added as part of preparation of the Final EIR, and any mitigation measures included in the Initial Study (attached as Appendix A of the Draft EIR). The mitigation measures are assigned the same number they had in the DEIR or section number from the Initial Study. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

**MMP COMPONENTS**

The components of each monitoring form are addressed briefly, below.

Impact: This column summarizes the impact stated in the Draft EIR or the Initial Study.

Mitigation Measure: All mitigation measures that were identified in the Mercy General Hospital and Sacred Heart Parish School Mixed Use Project Draft EIR are presented, and numbered accordingly. The mitigation measure from the Initial Study is identified by topic and number.

Action: For every mitigation measure, one or more action is described. These are the center of the MMP, as they delineate the means by which EIR measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN			
Mitigation Measure	Initial Study 7. Biological Resources	Implementing Party	Monitoring Party
	Action	Timing	
<p><u>Mitigation Measure 1</u></p> <p>To prevent direct impacts on nesting birds, tree removal shall occur between September 16 and February 28.</p>	<p>Limit tree removal to the time between September 16 and February 28.</p>	<p>Project applicant</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 2</u></p> <p>If construction activities would occur during the breeding season (approximately March 1 through September 15), the project applicant, in consultation with the CDFG and USFWS, shall conduct a pre-construction, breeding season survey of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified avian biologist to determine if any birds are nesting on or directly adjacent to the project site.</p> <p>If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.</p> <p>A report shall be submitted to the project applicant and the City of Sacramento, following the completion of the nesting survey that includes, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>• A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited, and persons contacted.</li> <li>• A map showing the location(s) of any nests observed within the project site.</li> </ul>	<p>If construction activities occur during the breeding season, consult with CDFG and USFWS and prepare a pre-construction breeding season survey as described in Mitigation Measure 2.</p>	<p>Prior to project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 3</u></p> <p>The project applicant, in consultation with CDFG and USFWS, shall avoid all active nest sites within the project area while the nest is occupied with adults and/or young. The occupied nest shall be monitored by a qualified avian biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a non-disturbance buffer zone, to be determined in consultation with CDFG, around the nest site, which will be delineated by highly visible temporary construction fencing.</p> <p>Active nest trees that would not be removed but are in close proximity to construction activities shall be monitored weekly to determine if construction activities are disturbing the adult or young birds, until the birds have left the nest.</p>	<p>Consult with CDFG to establish a non-disturbance buffer zone, if active nest sites are identified within the project area, and monitor active nests in trees not to be removed.</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p><u>Mitigation Measure 4</u></p> <p>If an active nest site cannot be avoided and would be destroyed, special permits would be required, depending on the bird species.</p> <p>(a) For a State-listed bird (i.e. Swainson's hawk), the project applicant shall obtain a Section 2081 permit. Standard mitigation for the loss of an active nest tree generally requires planting 15 trees (a mix of cottonwood, sycamore and valley oaks) and monitoring the success of the trees for five years with a 55% success rate. Locating these trees would likely not be feasible so an alternative approach could be to participate in mitigation deemed appropriate by the CDFG.</p> <p>(b) For any bird covered by the Migratory Bird Treaty Act, the project applicant would consult with the USFWS to determine appropriate mitigation measures.</p>	<p>Obtain Section 2081 permit and implement mitigation for loss of active nest tree if nests cannot be avoided; consult with USFWS and implement appropriate mitigation measures.</p>	<p>Project applicant</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 5</u></p> <p>The project applicant shall salvage and plant the affected elderberry shrub and plant additional elderberry shrubs and associated native riparian plants according to a ratio determined by the City, in compliance with ratios established by the USFWS. Mitigation planting shall occur, to the maximum extent practicable, in open space areas (or other USFWS approved mitigation site) that is preserved as wildlife habitat in perpetuity. Mitigation plantings shall be monitored annually pursuant to USFWS protocol by a qualified biologist hired by the project applicant as agreed to by the USFWS. This mitigation measure can be achieved through compliance with mitigation measures identified in the approved HCP, assuming those measures meet, at a minimum, the above criteria.</p>	<p>Consult with USFWS and implement mitigation planting as described in Mitigation Measure 5.</p>	<p>Project applicant/qualified biologist</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 6</u></p> <p>Avoid construction within the critical root zones of a tree. Avoidance areas shall be fenced prior to any activities on site.</p>	<p>Fence all root zone areas of trees prior to any activities on site.</p>	<p>Project applicant</p>	<p>Prior to project construction</p>	<p>City of Sacramento Development Services Department</p>

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p><u>Mitigation Measure 7</u></p> <p>Avoid grade cuts and excavation within the critical root zone of all retained trees. Pneumatic and hand excavation shall be permitted for fence post locations, but fence post locations shall be moved if roots two inches or larger in diameter are encountered. The Project Arborist shall supervise all grade cuts and prune and properly treat all roots subject to damage as soon as possible after excavation. Cut-faces exposed for more than two to three days shall be covered with a dense burlap fabric and watered to maintain soil moisture at least on a daily basis until areas are permanently covered.</p>	<p>Ensure the Project Arborist supervises all grade cuts and prune and properly treat all roots subject to damage as described in Mitigation Measure 7.</p>	<p>Project applicant/ project arborist</p>	<p>Prior to and during grading and excavation</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 8</u></p> <p>Avoid placement of fill exceeding one foot in depth within the critical root zone of all trees. If unavoidable, either design drainage away from the critical root zone of the tree or consider tree removal. Placement of fill materials less than one foot in depth and encroachment of less than 20 percent into the critical root zone area should not require special mitigative measures.</p>	<p>Ensure placement of fill exceeds one foot in depth within the critical root zone of any tree or if unavoidable, design drainage away from the critical root zone of the tree or remove the tree.</p>	<p>Project applicant/ project contractor</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 9</u></p> <p>Any proposed structure shall not encroach more than 20 percent into the critical root zone area of a retained tree. If unavoidable, tree removal should be considered.</p>	<p>Ensure that no proposed structure encroaches more than 20 percent into the critical root zone of a retained tree.</p>	<p>Project applicant/ project contractor</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 10</u></p> <p>Construction equipment clearance required for proposed structures shall also be limited to 20 percent or less of the critical root zone of preserved trees.</p>	<p>Ensure that all construction equipment maintains clearance of 20 percent or less of the critical root zone of a tree.</p>	<p>Project applicant/ project contractor</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>
<p><u>Mitigation Measure 11</u></p> <p>Utilities shall be planned to avoid the critical root zone of trees. In some circumstances, hand digging of utilities through the critical root zone areas may be an option. Boring beneath the critical root zone area may also be an option.</p>	<p>Ensure that utilities are planned to avoid critical root zones of any tree either by hand digging through or boring beneath the zone.</p>	<p>Project applicant/ project contractor</p>	<p>Prior to and on-going during project construction</p>	<p>City of Sacramento Development Services Department</p>

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<b>Mitigation Measure 12</b> Branches and limbs that have been torn, broken, or split during construction should be removed in accordance with the City's Tree Ordinance. In addition, any dead, diseased, or rubbing limbs should be removed. Other maintenance pruning should be postponed for at least one to two years.	Maintain branches and limbs according to guidelines set forth by Mitigation Measure 12.	Project applicant/ project contractor	On-going during project construction	City of Sacramento Development Services Department
<b>Initial Study 14. Cultural Resources</b>				
<b>Mitigation Measure 13</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 on 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.	Cease construction and retain a qualified paleontologist to determine the significance of the resource. Prepare an excavation plan if necessary.	Project applicant/ qualified paleontologist	During project excavation and construction	City of Sacramento Development Services Department
<b>DEIR Section 5.1 Aesthetics and Visual Resources</b>				
<b>5.1-2</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 and sufficiently shielded to avoid substantial light trespass on adjacent uses.  (b) The project contractor shall use Low E glass in order to reduce the reflective qualities of the building, while maintaining energy efficiency.	Design lighting system to avoid lighting of adjacent properties; include Low E glass to minimize glare.	Project applicant/ project contractor	Prior to the approval of final development plans and specifications	City of Sacramento Building Division
<b>5.1-4</b> Implement Mitigation Measure 5.1-2.	See Mitigation Measure 5.1-2	See Mitigation Measure 5.1-2	See Mitigation Measure 5.1-2	See Mitigation Measure 5.1-2

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	DEIR Section 5.2 Air Quality	Action	Implementing Party	
			Timing	
			Monitoring Party	
<p>5.2-1 To reduce fugitive dust emissions, in compliance with Rule 403 of the SMAQMD, the following mitigation measures would be implemented during construction:</p> <p>(a) All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover;</p> <p>(b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant;</p> <p>(c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container;</p> <p>(d) All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring;</p> <p>(e) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer or suppressant;</p> <p>(f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph);</p> <p>(g) Wheel washers shall be installed for all trucks and equipment exiting from unpaved areas or wheels shall be washed manually to remove accumulated dirt prior to leaving the site;</p> <p>(h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent;</p> <p>(i) Excavation and grading activities shall be suspended when winds exceed 20 mph; and</p> <p>(j) The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.</p>	Ensure that the project applicant has included required measures in construction bid documents.	Project applicant	Prior to construction activities	City of Sacramento Development Services Department

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
5.2-2 The following measures shall be incorporated into project construction contracts:				
(a) The project applicant shall require the project developer or contractor to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO <sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.	Ensure that the project applicant has included required measures in construction bid documents.	Project applicant	Prior to construction activities	City of Sacramento Development Services Department
(b) The project applicant shall require the project developer or contractor to submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used in aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.	Ensure that the project applicant has submitted equipment inventory to the SMAQMD.	Project applicant/ Project Contractor	Prior to construction activities; monthly updates thereafter	City of Sacramento Development Services Department
(c) The project applicant shall require the project developer or contractor to ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted 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.	Perform a visual survey for equipment emission opacity; prepare monthly report.	Project applicant	Perform weekly surveys and monthly reports	City of Sacramento Development Services Department

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN					
	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
(d)	The project applicant shall pay into the SMAQMD's construction mitigation fund for construction-generated emissions of NO <sub>x</sub> that exceed 65 lbs/day after credit has been taken for a 20% reduction expected from the implementation of Mitigation Measure 5.2-2(a). Fees shall be assessed based upon the current rate of \$14,300/ton of excess NO <sub>x</sub> emissions generated plus a 5% administrative surcharge. This fee shall be paid to the SMAQMD prior to issuance of building permits. Based upon the URBEMIS modeling, the estimated payment for construction NO <sub>x</sub> emissions would be \$17,527 for the excess NO <sub>x</sub> plus a \$876 surcharge. The project construction contractor shall keep records of equipment use and schedule, use these data to estimate actual NO <sub>x</sub> emissions over the course of construction, and pay additional fees quarterly to the SMAQMD, if actual emissions exceed the estimated emissions.  Limit diesel equipment idling time to 5 minutes.	Ensure that the project developer has paid the SMAQMD NO <sub>x</sub> fees.	Project applicant	Prior and during grading and construction activities	City of Sacramento Development Services Department
(e)		Ensure that the project applicant has included required measure in construction bid documents.	Project applicant	Prior to construction activities	City of Sacramento Development Services Department
5.2-6	Implement Mitigation Measure 5.2-2.	See Measure 5.2-2	See Measure 5.2-2	See Measure 5.2-2	See Measure 5.2-2
<b>DEIR Section 5.3 Cultural Resources</b>					
5.3-2	In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("middens"), 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 of Sacramento Development Services Department and the City Preservation Director shall be notified within 24 hours. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's professional qualifications for Archaeology. The City Preservation Director shall consult with the archaeologist 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.	Ensure that the project developer has implemented the cultural resources measures set forth by Mitigation Measure 5.3-1	Project applicant/ Archaeologist	Prior to and during construction activities	City of Sacramento Development Services Department

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>If a Native American archaeological, ethnographic, or spiritual resource 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 local Native American community 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.</p> <p>(b) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Sacramento Development Services Department 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 of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p>	<p>Suspend work if any remains are discovered during site work. Comply with notification, investigation, and mitigation requirements set forth in MM 5.3-3.</p>	<p>Project applicant/ Project Contractor</p>	<p>During any phase of archaeological testing, excavation, or construction</p>	<p>City of Sacramento Development Services Department and the Sacramento County Coroner</p>

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<b>DEIR Section 5.4 Hazardous Materials and Public Safety</b>				
5.4-2 (a) Prior to any demolition activities, the project applicant shall submit a written plan to the Sacramento County Environmental Management Department describing methods to be used to: (1) identify locations that could contain hazardous residues (e.g., mercury in sink traps); (2) remove plumbing fixtures known to contain or potentially containing hazardous substances; (3) determine the waste classification for the debris; (4) package contaminated items and wastes; and (5) identify disposal site(s) permitted to accept such wastes. Demolition shall not occur until the plan has been accepted by the City and SCEMD and all hazardous components have been removed to the satisfaction of the City and SCEMD staff.	Submit a written plan to the SCEMD according to the rules set forth by Mitigation Measure 5.4-2	Project applicant	Prior to demolition activities	City of Sacramento Development Services Department
(b) Prior to any demolition activities, the project applicant shall retain a qualified environmental specialist (e.g., a Registered Environmental Assessor or similarly qualified individual) to inspect all existing buildings subject to demolition for the presence of PCBs, mercury, or other hazardous materials, including organochlorine pesticides. The project applicant shall submit the report to the City, together with an explanation of how the project would mitigate any issues identified in the report. If found at levels that require special handling (i.e., removal and disposal as hazardous waste), the applicant shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, SCEMD, Cal/OSHA, and any other agency with jurisdiction over these hazardous materials.	Submit a report prepared by a qualified environmental specialist documenting the presence or absence of PCBs, mercury or other hazardous materials in all existing buildings to the City, and explain how the project will mitigate any issues identified by the report.	applicant/ Environmental Specialist	Prior to any demolition activities	City of Sacramento Development Services Department
<b>DEIR Section 5.5 Noise</b>				
5.5-1 (a) The project developer shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels: Two weeks prior to the commencement of construction, provide notification to surrounding land uses, disclosing the construction schedule, including the various types of activities that would occur throughout the duration of the construction period. (b) Ensure that construction equipment is properly muffled according to industry standards. (c) Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.	Implement noise reduction and attenuation measures set forth in Mitigation Measure 5.5-1.	Project Contractor	Submit noise reduction plan prior to issuance of a building permit; implement measures during excavation and construction activities.	City of Sacramento Building Division

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN			
Mitigation Measure	Action	Implementing Party	Monitoring Party
(d) Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses.			
(e) Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.			
(f) Locate construction staging areas along with the operation of earthmoving equipment within the SHPS and MGH sites as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.			
(g) Where feasible, limit construction activities during Heart Center excavation immediately adjacent to the existing Sacred Heart Parish School while school is in session.			
5.5-4 Implement Mitigation Measure 5.5-1.	See Measure 5.5-1	See Measure 5.5-1	See Measure 5.5-1
<b>DEIR Section 5.7 Transportation and Circulation</b>			
5.7-14 (a) Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and subject to review by all affected agencies and will contain the following (at a minimum):	Prepare and submit construction traffic management plan as described in MM 5.7-14 (a).	Project applicant	Prior to beginning of construction activities
<ul style="list-style-type: none"> <li>• Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.</li> <li>• 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.</li> <li>• Prohibition of construction traffic using any of the existing residential roadways in the vicinity of the project.</li> <li>• Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area.</li> <li>• Maintenance of access for emergency vehicles in the project area.</li> <li>• Provision of manual traffic control (if required).</li> <li>• Clear demarcation of construction areas along project roadways.</li> </ul>			
(b) Prior to any demolition or grading activities, the applicant shall provide notification to all residences and businesses in the vicinity of the project site of the construction starting date and duration.	Provide notification of construction starting date and duration.	Project applicant	Prior to demolition or grading activities.
			City Development Services Department and City Department of Transportation

5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN			
Mitigation Measure	Action	Implementing Party	Timing
(c) The applicant shall monitor parking occupancy on a regular basis during construction, particularly upon the closure of any parking facility. Adequate parking shall be maintained at all times. As necessary, remote parking (with shuttle service) shall be provided for employees, including construction workers.	Maintain adequate parking at all times according to the measures set forth in Mitigation Measure 5.7-14 (c).	Project applicant	Prior to beginning of construction activities.
			<b>Monitoring Party</b> City Development Services Department and City Department of Transportation

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**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) REZONING CERTAIN REAL PROPERTY FROM RESIDENTIAL OFFICE (RO) TO HOSPITAL (H)  
(3933 I STREET) (P04-215) (APN: 008-0034-045), COUNCIL DISTRICT 3**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

**SECTION 1**

Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown on attached Exhibit A, generally described, known, and referred to as 3933 I Street (APN: 008-0034-045) from Residential Office (RO) to Hospital (H).

**SECTION 2**

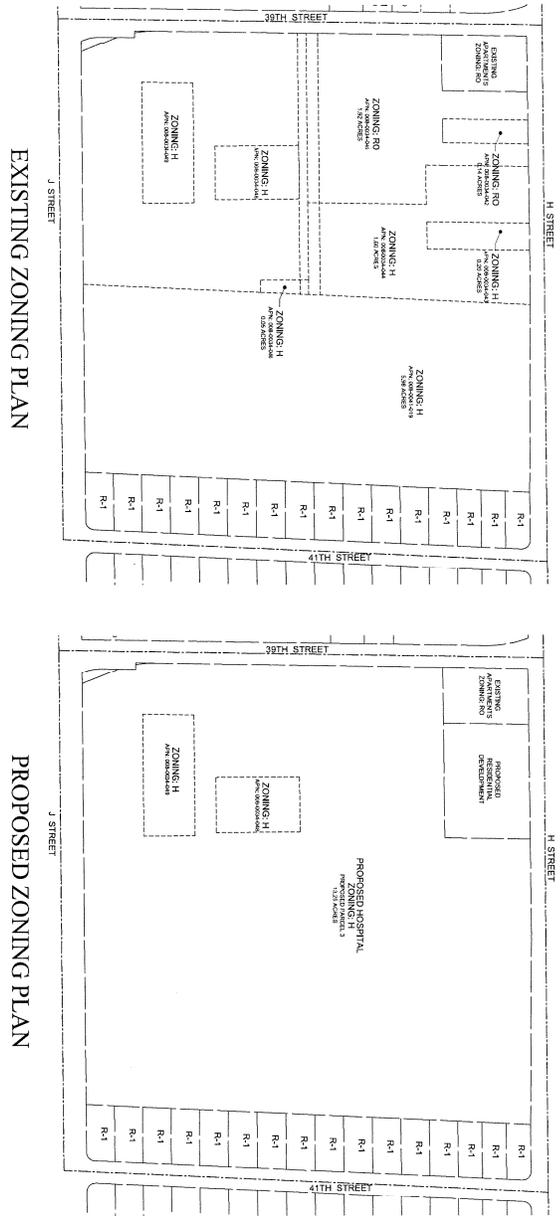
The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the community plan amendment and rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

**SECTION 3**

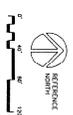
The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are part of said Ordinance to conform to the provisions of this Ordinance.

**Table of Contents:**

Exhibit A: Existing and Proposed Zoning – 1 Page



 <p><b>HDR</b> Architectural, Inc. Sacramento, California</p>	<p>Mercy General Hospital and Sacred Heart Parish School Mixed Use Project</p>	<p>Mercy General Hospital Heart Center Project City of Sacramento Design Review November 14, 2007</p>	<p>A.2-4</p>
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**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1) AND MULTIFAMILY (R-3) TO SINGLE FAMILY ALTERNATIVE (R-1A)  
(3836, 3838, 3846, 3860, 3884 H STREET AND 836, 848, AND 862 39<sup>TH</sup> STREET) (P04-215) (APN: 008-0032-003, 008-0032-004, 008-0032-006, 008-0032-007, 008-0032-043, 008-0032-009, 008-0032-016, 008-0032-042),  
COUNCIL DISTRICT 3**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

SECTION 1

Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown on the attached Exhibit A, generally described, known, and referred to as 3836, 3838, 3846, 3860, 3884 H Street and 836, 848, and 862 39<sup>th</sup> Street (APN: 008-0032-003, 008-0032-004, 008-0032-006, 008-0032-007, 008-0032-043, 008-0032-009, 008-0032-016, 008-0032-042) and consisting of 2.56± acres, from Single Family (R-1) and Multifamily (R-3) to Single Family Alternative (R-1A) zone.

SECTION 2

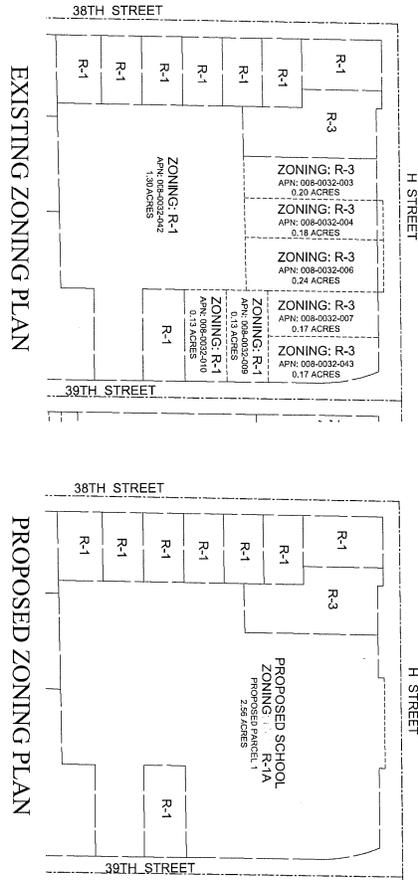
The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the community plan amendment and rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

SECTION 3

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

**Table of Contents:**

Exhibit A: Existing and Proposed Zoning – 1 Page



	Mercy General Hospital and Sacred Heart Parish School Mixed Use Project	SCHOOL SITE PLAN	Mercy General Hospital Heart Center Project City of Sacramento Design Review November 14, 2007	A.2-
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**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERAIN REAL PROPERTY FROM RESIDENTIAL OFFICE (RO) AND HOSPITAL (H) TO MULTIFAMILY (R-3) (3924, 3950 H STREET AND 3933 I STREET) (P04-215) (APN: 008-0034-042, 008-0034-044, 008-0034-045) COUNCIL DISTRICT 3**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

**SECTION 1**

Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown on attached Exhibit A, generally described, known, and referred to as 3924, 3950 H Street and 3933 I Street (APN: 008-0034-042, 008-0034-044, 008-0034-045) and consisting of .7± acres, from Residential Office (RO) and Hospital (H) to Multifamily (R-3).

**SECTION 2**

The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the community plan amendment and rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

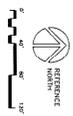
**SECTION 3**

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

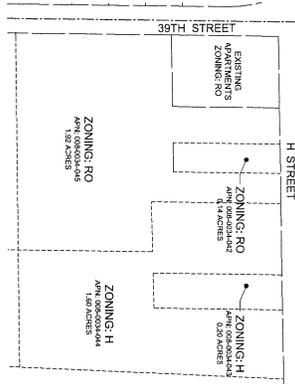
**Table of Contents:**

Exhibit A: Existing and Proposed Zoning – 1 Page

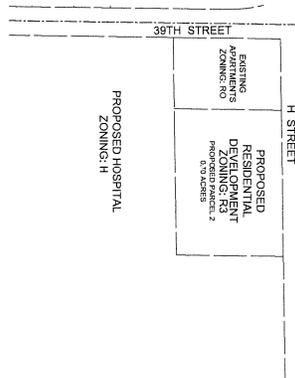
	Mercy General Hospital and Sacred Heart Parish School Mixed Use Project <small>Site Specific Conditions</small>	<b>RESIDENTIAL DEVELOPMENT SITE PLAN</b>	Mercy General Hospital Heart Center Project City of Sacramento Design Review <small>December 11, 2007</small>	A.2.-
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EXISTING ZONING PLAN



PROPOSED ZONING PLAN



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL PROJECT (P04-215)**

**BACKGROUND**

- A. On September 13, 2007, the City Planning Commission conducted a review and comment hearing and on October 16, 2007, the City Council conducted a review and comment hearing to review the Project.
- B. On October 25, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Mercy General Hospital and Sacred Heart Parish School Project.
- C. On November 27, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 16.24.097, 17.208.020(C), 17.212.035, 17.216.035, and 17.200.010(C )(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the Mercy General Hospital and Sacred Heart Parish School Project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the Mercy General Hospital and Sacred Heart Parish School project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

**A&B. ENVIRONMENTAL DETERMINATION:** The Environmental Impact Report and the Mitigation Monitoring Plan for the Project have been certified and adopted by Resolution No. \_\_\_\_\_

**F. Tentative Map:** The Tentative Map to merge and resubdivide 16.51± acres into 3 lots for the Mercy Medical Campus (13.25± acres), Multifamily Development (.7± acres), and the Sacred Heart Parish Campus (2.56± acres) is **approved** based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The City Council has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

**G. Special Permit:** The Special Permit to allow a private school and parish ministries in the existing R-1 and R-3 zones and in the proposed R-1A zone is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that the school is a complementary use to the surrounding residential and senior care uses.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The new school is approximately the same size (41,600 versus 40,000 square feet) as the existing school to be demolished;
  - b. The move of the school use to the west side of 39<sup>th</sup> Street separates the hospital and education uses and improves vehicular circulation;
  - c. The relocation of the school does not create a loss of housing units because 20 residential units are being constructed along H Street; and
  - d. The proposed drop off loop allows for onsite stacking on the new school site.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Low and Medium Density Residential and school facilities are permitted subject to a Special Permit; and
  - b. The project supports the General Plan policy on locational criteria of school facilities because the proposed school site is conveniently accessible on the corner of 39<sup>th</sup> and H Streets and is separated from incompatible land uses by relocating west of 39<sup>th</sup> Street which is adjacent to residential and senior care uses.

**H. Special Permit:** The Special Permit to allow a new heart center to exceed the 45 foot height requirement in the H is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that the current hospital campus has existing structures that exceed the height requirements including the South Wing and Mercy Medical Plaza North.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The proposed heart center is located in the center of the medical campus and in between the South Wing and Mercy Medical Plaza

North;

- b. The proposed heart center maintains an adequate setback on J Street to be consistent with existing structures on the hospital campus and thereby does not negatively impact the J Street corridor for pedestrians, the motoring public, or uses on the south side of J Street; and
  - c. The “arts and crafts” design, materials, and lighting for the heart center will complement the surrounding neighborhood.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
    - a. The site is designated Public/Quasi-Public and major medical facilities are permitted, subject to a Special Permit; and
    - b. The project supports the General Plan policy on medical facilities because the existing facility is in close proximity to existing transit services and the proposed central location of the heart center on the subject site lessens the visual impact on adjoining residential uses.
- I. **Special Permit:** The Special Permit to allow 35 offsite parking for the school on the Mercy site and to share parking during off-peak hours with the school for evening assemblies and events on the weekend is **approved** based on the following Findings of Fact:
1. Granting the Special Permit is based upon sound principles of land use in that the offsite parking lot is allowed in the Hospital (H) zone;
  2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
    - a. The Sacred Heart Parish School at its current location utilizes parking spaces on the Mercy General Hospital site,
    - b. Utilizing parking offsite for staff allows the school to provide more amenities onsite including a turf play area; and
    - c. Any new parking spaces on the Mercy General Hospital site will meet the 50% tree shading and all other development standards.
  3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:

- a. The offsite parking area is designated Public/Quasi-Public and surface parking lots are permitted, subject to a Special Permit; and
- b. The project allows for the joint use of existing and proposed surface parking lot facilities.

**J. Special Permit:** The Special Permit to allow offsite parking for the Mercy McMahon Terrace on the Mercy General Hospital site is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that the offsite parking lot is allowed in the Hospital (H) zone and the offsite parking spaces requested will compensate for the loss of 11 parking spaces with the construction of the adjacent new school entrance loop and loading area.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The Mercy McMahon Terrace site will meet their minimum parking requirement of 27 parking spaces by locating 15 designated spaces on the Mercy General Site; and
  - b. Any new parking spaces on the Mercy General Hospital site will meet the 50% tree shading and all other development standards.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The offsite parking area is designated Public/Quasi-Public and surface parking lots are permitted, subject to a Special Permit; and
  - b. The project allows for the joint use of existing and proposed surface parking lot facilities.

**K. Special Permit:** The Special Permit to allow offsite parking for the residential development on the Mercy site is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that the offsite parking lot is allowed in the existing Residential Office (RO) and proposed Hospital (H) zone.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:

- a. Each resident will have at least one designated space onsite;
  - b. The offsite parking spaces on the Mercy General Hospital site can be used by guests of the residential development; and
  - c. The parking lots will meet the 50% tree shading and all other development standards.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
    - a. The offsite parking area is designated Public/Quasi-Public and surface parking lots are permitted, subject to a Special Permit; and
    - b. The project allows for the joint use of existing and proposed surface parking lot facilities.

**L. Special Permit:** The Special Permit to allow tandem spaces for a hospital is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that the parking garage is an allowed use in the Hospital (H) zone.
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the tandem parking spaces will be controlled by a parking attendant; and
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that the use of tandem spaces maximizes the potential use of an existing parking structure.

**M. Special Permit:** The Special Permit to allow vehicular gates for a residential development is **approved** based on the following Findings of Fact:

1. Granting the Special Permit will not impede public access to a public resource or interfere with existing or planned traffic circulation patterns;
2. Granting the Special Permit is consistent with city regulations and guidelines relating to the establishment of gated developments since the parking area has adequate turnaround, emergency hardware and a pedestrian gate are provided, and there are no anti-directional devices proposed;
3. The project is consistent with the objectives of the General Plan since it will provide additional housing opportunities in the City of Sacramento and adds more residential uses fronting on H Street to act as a buffer for the adjacent hospital use;

4. The project will not be detrimental to the public health, safety, or welfare, or result in the creation of a nuisance since it incorporates many elements from the Multifamily Residential Design Guidelines including locating the vehicular entrance and trash enclosure at the rear of the property away from the public street to enhance the pedestrian walkability on H Street, proposing windows to face H Street to provide “eyes on the street,” and incorporating an open courtyard into the design to provide usable common space.

**N. Plan Review:** The Plan Review for the development of 20 residential units in the proposed R-3 zone is **approved** based on the following Findings of Fact:

1. The proposed development is consistent with the General Plan since Multifamily (R-3) allows 29 dwelling units per net acre;
2. Facilities, including utilities, access roads, sanitation, and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways;
3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area, and other requirements of this title; and
4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties.

**O. Special Permit Major Modification:** The Special Permit Major Modification to demolish the East Wing and replace with a surface parking lot is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that surface parking lots for major medical facilities are allowed in the Hospital (H) zone.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The surface parking lot will have less of a visual impact on the adjacent residential neighbors as compared to the existing four story East Wing structure;
  - b. The lighting for the new surface parking lot will be directed and focused downward to minimize any glare on the adjacent residential homes; and

- c. The parking lot will meet the 50% tree shading requirement and other development standards.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Public/Quasi-Public and medical facilities are permitted, subject to a Special Permit; and
  - b. The new surface parking lot further reduces the intensity of the major medical uses around the perimeter of the subject site.

**P. Special Permit Major Modification:** The Special Permit Major Modification to demolish the chapel and replace with a surface parking lot is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that surface parking lots for major medical facilities are allowed in the Hospital (H) zone.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The chapel use is being moved to the proposed heart center which is centrally located on the medical campus and the relocation from the corner of the campus improves convenient access for patients in wheelchairs;
  - b. The lighting for the new surface parking lot will be directed and focused downward to minimize any glare on the adjacent residential homes; and
  - c. The parking lot will meet the 50% tree shading requirement and other development standards.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Public/Quasi-Public and churches/chapels are permitted, subject to a Special Permit; and
  - b. The new surface parking lot further reduces the intensity of the medical campus uses around the perimeter of the subject site.

**Q. Special Permit Major Modification:** The Special Permit Major Modification to demolish the Sacred Heart Parish School and replace with a surface parking lot is

**approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that surface parking lots for major medical facilities are allowed in the existing Residential Office (RO) and proposed Hospital (H) zone.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The new surface parking lot will provide an improved buffer between the hospital and the proposed and existing residential development on the south side of H Street and the existing residential use and proposed school use along 39<sup>th</sup> Street;
  - b. The lighting for the new surface parking lot will be directed and focused downward to minimize any glare on the adjacent residential uses; and
  - c. The parking lot will meet the 50% tree shading requirement and other development standards.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Public/Quasi-Public and medical facilities are permitted, subject to a Special Permit; and
  - b. The new surface parking lot further reduces the intensity of the uses around the perimeter of the subject site.

**R. Special Permit Major Modification:** The Special Permit Major Modification to construct a new 123,350 square foot heart center is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that major medical facilities are allowed in the Hospital (H) zone and the new facility will allow the hospital to upgrade its campus to meet current and future seismic standards;
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The new main entrance for the hospital will be located at the south end of the heart center fronting J Street which is viewed as more commercial in nature;

- b. The “arts and crafts” design, materials, and lighting for the heart center will complement the surrounding neighborhood.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Public/Quasi-Public and major medical facilities are permitted, subject to a Special Permit; and
  - b. The project supports the General Plan policy on medical facilities because the existing facility is in close proximity to existing transit services and the proposed central location of the heart center on the subject site lessens the visual impact on adjoining residential uses.

**S. Special Permit Modification:** The Special Permit Major Modification to renovate the South Wing structure by adding two exit stair towers is **approved** based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that major medical facilities are allowed in the Hospital (H) zone.
2. Granting the Special Permit, as conditioned, will not be detrimental to public health, safety, or welfare, or result in the creation of a nuisance in that:
  - a. The new stair towers consist of approximately 2,640 square feet of new construction and will meet all the required setbacks;
  - b. The new stair towers will match the height of the existing stair towers existing on the site currently; and
  - c. The renovation to first level of the Northwest wing for a new Dietary Servery and cafeteria will not expand the footprint of the existing building.
3. The proposed project is consistent with the General Plan land use designation and General Plan policies in that:
  - a. The site is designated Public/Quasi-Public and major medical facilities are permitted, subject to a Special Permit.

**T. Variance:** The Variance to allow the new residential development to deviate from the required courtyard requirement in the proposed R-3 zone is **approved** based on the following Findings of Fact:

1. Granting the Variance does not constitute a special privilege extended to an

- individual property owner in that variances would be granted to other property owners facing similar circumstances;
2. Granting the Variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the reduction of the courtyard requirement will not negatively affect the emergency access to all the units and the interior courtyard is an open space amenity for the residents;
  3. Granting the Variance does not constitute a use variance in that a multifamily residential development is an allowed use in the proposed Multifamily (R-3) zone;
  4. The project is consistent with the General Plan since the project will improve the quality of the residential neighborhood by complementing the adjacent multifamily building on the corner of 39<sup>th</sup> and H Street and thereby extending the buffer between the existing hospital and single-family homes.

**U. Variance:** The Variance to allow the private school to deviate from the required setbacks on H Street in the R-1 and R-3 and proposed R-1A zone is **approved** based on the following Findings of Fact:

1. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances in that the brick projections are limited to one story and add an interesting architectural element to the H Street view that complement the established surrounding neighborhood;
2. Granting the Variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the private school will be landscaped and fenced with wrought iron in the setback areas along the H and 39<sup>th</sup> Street frontages and adequate room has been provided in the alternative plan to preserve the Bunya Bunya tree located on the site;
3. Granting the Variance does not constitute a use variance in that school is allowed in the R-1, R-3, and proposed R-1A zone subject to a Special Permit;
4. The project supports the General Plan policy of school facilities because the project assists school districts in providing quality educational facilities that will accommodate projected student enrollment growth.

**V. Variance:** The Variance to waive the masonry wall between the new private school and a single-family home is **approved** based on the following Findings of Fact:

1. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances in that the property owner of the single-

- family home has requested a wood fence instead of the required 6 foot masonry wall;
2. Granting the Variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the school will locate the wood fence approximately 5 feet to the north of the existing property line to provide the property owner of the single-family home adequate room for maintenance;
  3. Granting the Variance does not constitute a use variance in that a private school is allowed in the R-1, R-3, and proposed R-1A zone subject to a Special Permit and a single-family home is allowed in the R-1 zone by right;
  4. The project is consistent with the General Plan policies of locating schools on sites that are conveniently accessible and adjacent to compatible land uses.

**W. Variance:** The Variance to waive the masonry wall on the residential development's south and east property lines abutting the hospital site is **approved** based on the following Findings of Fact:

1. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances in that a residential development is being constructed adjacent to an existing apartment complex to further buffer the hospital site from existing residential units to the north of H Street;
2. Granting the Variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that a landscaped area and tree planter are provided as a separation from the hospital parking lot and the residential units and the 20 residential units are being added to the site to replace the residential units that are being demolished or relocated for the relocation of the private school;
3. Granting the Variance does not constitute a use variance in that a multifamily residential development is allowed in the proposed Multifamily (R-3) zone; and
4. The project is consistent with the General Plan policies of providing more balanced housing opportunities in communities that lack a full range of housing opportunities.

**X. Variance:** The Variance to allow the private school to deviate from the required 50% tree shading for a portion of the new parking spaces has been **withdrawn**.

**Y. Variance:** The Variance to allow a trash enclosure to be located in the required setback area for new residential development is **approved** based on the following Findings of Fact: