RESOLUTION NO. 2007-877

Adopted by the Sacramento City Council

December 4, 2007

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENTS OF OVERRIDING CONSIDERATION AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE MCCLELLAN HEIGHTS AND PARKER HOMES LAND USE AND INFRASTRUCTURE PLAN PROJECT (M03-190)

BACKGROUND

A. On November 8, 2007, the City Planning Commission conducted a public hearing on the McClellan Heights and Parker Homes Land Use and Infrastructure Plan (Plan), considered the environmental impact report (EIR) prepared for the Plan, and forwarded to the City Council a recommendation to certify the EIR, to approve the Plan, and to implement the Plan by adopting the McClellan Heights and Parker Homes Special Planning District and rezoning the property within the Plan area.

B. On November 27, 2007, the City Council conducted a public hearing, for which notice was given, and received and considered evidence concerning the McClellan Heights and Parker Homes Land Use and Infrastructure Plan, the environmental impact report, the McClellan Heights and Parker Homes Special Planning District, and the proposed rezoning.

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

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

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

Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

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

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

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program 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 Program as set forth in Exhibit B.

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

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

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Adopted by the City of Sacramento City Council on December 4, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Kevin McCarty, Vice-Mayor

Attest:

for Shirley Concolino, City Clerk

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

CEQA Findings of Fact and Statement of Overriding Considerations for the McClellan Heights and Parker Homes Land Use and Infrastructure Plan.

Description of the Project

The McClellan Heights/Parker Homes Land Use and Infrastructure Plan (the "Plan") covers a 306 acre area, generally bounded on the north by Bell Avenue, the east by Winters Street, the south by Interstate 80, and the west by Raley Boulevard. The Plan is a comprehensive plan for the revitalization of the McClellan Heights and Parker Homes residential neighborhoods, which builds on new development opportunities resulting from the recent closure of the adjacent former McClellan Air Force Base (AFB), and the subsequent adoption by the County of Sacramento of a redevelopment program County airport operations at the prior McClellan AFB.

The Plan area is comprised of two existing residential communities, the Parker Homes and McClellan Heights neighborhoods. The Parker Homes neighborhood is fully built out and almost exclusively residential, consisting of 270 housing units. The McClellan Heights neighborhood is mostly residential with small concentrations of light industrial and commercial uses. The McClellan Heights neighborhood contains approximately 570 housing units and many underutilized or vacant parcels.

The Plan includes recommendations for land use changes, including configurations and intensity, property development regulations for infill development and strategies for improving the existing housing stock. The recommended changes in land use designations which would result in the transition of the Plan area from a mix of low-density residential and light industrial uses to a mix of low and some higher intensity residential within certain residential mixed use areas, which would include some neighborhood-serving retail uses at key intersections. The Plan also includes infrastructure and streetscape improvement recommendations to facilitate the infill 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 McClellan Heights and Parker Homes Land Use and Infrastructure Plan, SCH # 2006062009, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, based 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 of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and the Sacramento County Clerk on June 2, 2006 and was circulated for public comments from June 2, 2006 through July 3, 2006.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on May 30, 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 May 30, 2007 and ended on July 13, 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 May 30, 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. The letter also indicated that the official 45-day public review period for the Draft EIR would end on July 13, 2007.

e. A public notice was placed in the Daily Recorder on May 30, 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 May 30, 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. North Sacramento Community Plan

h. The Mitigation Monitoring Program for the Project.

i. 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.

4.2 Air Quality

Impact: AIR-1 Operational emissions associated with implementation of the Plan are below the SMAQMD's threshold levels. As indicated in Table 4.2 6, the predominant sources of operational emissions are from hearths (fireplaces and wood stoves), consumer products, architectural coatings, and mobile sources (i.e. vehicles trips associated with Plan Area land uses). The SMAQMD recommends the following mitigation measures to further reduce operational impacts. Without mitigation, this is a *significant impact.*

Mitigation Measure AIR-1

(a) Install clean technology wood-burning devices. All installed burning devices shall be an EPA/DOE Energy Star labeled gas fireplaces. No wood burning fireplaces or wood stoves shall be allowed;

(b) Implement additional innovative measures to reduce operational air quality impacts. There are a number of measures the SMAQMD recommends that can be incorporated into the design/operation of land uses in the Plan Area to provide additional reductions in the overall level of emissions. These measures include, but are not limited to, the measures identified in Table 4.2 10. (Note: some of the measures may already exist as City of Sacramento development standards. Any measures selected should be implemented to the fullest extent possible).

Finding: The proposed project would produce operational emissions with consequent threats to the ambient air quality at nearby sensitive receptors. The mitigation measures listed above would ensure operational emissions would be below applicable SMAQMD thresholds. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: AIR-2 Construction activities could generate PM_{10} emissions in excess of SMAQMD threshold levels. Without mitigation, this is a *significant impact.*

Mitigation Measure AIR-2

Implement PM_{10} control measures. All construction documents shall ensure that the following measures are implemented during all phases of construction and demolition activities for development in the Plan Area:

- No more than 15 acres of the Plan site shall be graded in any one day.
- Demolition contractors shall ensure that all exterior surfaces of buildings are wetted during building demolition activities. The material from any building

demolition shall be completely wetted during any period when the material is being disturbed, such as during the removal from the construction site.

- All piles of demolished material shall be wetted and covered until removed from the site.
- Maintain 2 feet of freeboard space on haul trucks.
- All operations shall expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry brushes is expressly prohibited.
- Wheel washers for exiting trucks shall be installed or the wheels of all trucks and equipment leaving the site shall be washed off.
- Water all exposed soil with sufficient frequency as to maintain soil moistness.

Finding: The proposed project could produce substantial emissions of PM_{10} 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_{10} 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: AIR-4 Construction activities could generate NO_X emissions in excess of SMAQMD threshold levels. Without mitigation, this is a *significant impact.*

Mitigation Measure AIR-4

(a) Reduce NO_X emissions from off-road diesel-powered equipment. Construction plans for future developments in the Plan Area shall provide a plan, for approval by the lead agency and 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_X reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.

A comprehensive inventory of all off-road construction equipment, equal to or

(b) Equip construction equipment with a Level 3 California Air Resources Board-verified diesel emission control system. The following measure shall be incorporated into construction documents as recommended by the SMAQMD: All applicable pieces (at least one piece) of diesel equipment used on a construction site during the demolition, earthmoving, and clearing stages of construction shall be fitted with a level 3 California Air Resources Board-verified diesel emission control system. Prior to the issuance of a demolition or grading permit, the construction contractor and/or applicant shall submit to SMAQMD and City of Sacramento a certified list of the non-road diesel powered construction equipment that will be retrofitted with emission control devices. For each non-road diesel powered piece of construction equipment that will not be retrofitted, the construction representative shall provide an explanation detailing why such

measures are not employed. The list shall include: (1) the equipment number, type, make, and contractor/sub-contractor name; and (2) the emission control device make, model and EPA or CARB verification number. If any diesel powered non-road construction equipment is found to be in non-compliance with this specification, the contractor will be issued a Notice of Non-Compliance and given a 24-hour period in which to bring the equipment into compliance or remove it from the project.

(c) Control visible emissions from off-road diesel-powered equipment. Construction documents for future developments in the Plan Area shall ensure that emissions from all off-road diesel-powered equipment used on the construction site do not exceed 40 percent opacity for more than 3 minutes in any 1 hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency 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. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or State rules or regulations.

(d) Contribute off-site mitigation fees to the SMAQMD. If control measures contained in Mitigation Measures AIR-4a through AIR-4c are not sufficient to reduce mitigated construction emissions below SMAQMD threshold levels, as shown in Table 4.2-4, future construction representatives shall ensure that off-site mitigation fees are paid to the SMAQMD for construction-related NOX emissions in excess of the SMAQMD's NO_X threshold.

Finding: 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_x 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.

4.3 Biological Resources

Impact: BIO-1 Potential loss of seasonal wetlands and associated habitat for federally listed invertebrates. Without mitigation, this is a *significant impact*.

Mitigation Measure BIO-1

(a) Retain biologists to conduct baseline biological surveys. (Note that this mitigation measure is applicable to all impacts identified in this section. Reference is therefore made to this measure in the discussion of IMPACT BIO-2 through IMPACT BIO-7.)

Future development proponents shall retain a qualified biologist to conduct baseline biological surveys on undeveloped lands within the Plan Area. Once the preliminary development plans are available and property access has been obtained, the biologist would conduct baseline surveys to document the presence or absence of the following resources and support future permitting efforts: special-status wildlife species (as identified in Table 4.3-2), waters of the United States (including wetlands), non-special status nesting raptors and migratory birds species, and heritage trees that are subject to the City's tree ordinance.

As part of this measure, the biologist shall coordinate with the appropriate resource agencies (e.g. DFG, USFWS, and USACE) to determine the appropriate level of survey and the timing for the surveys. Biological resources documented on the undeveloped parcels shall be provided to development proponents in a letter report and shall be used to support proposed development plans and State and federal permit acquisition.

If sensitive biological resources are located during the field surveys, the appropriate mitigation measures would be implemented to avoid, minimize, or compensative for potentially significant impacts (these specific mitigation measures are described below for each resource-specific impact).

(b) Obtain and implement conditions of federal permits for impacts on jurisdictional wetlands. If the USACE determines that the seasonal wetlands are not isolated and therefore are jurisdictional, future development proponents shall obtain the appropriate state and federal necessary permits to conduct activities in waters of the United States (jurisdictional wetlands) before finalized construction of any of the infill development associated with public and private development within the Plan Area. Discharge of fill into jurisdictional wetlands will require a Section 404 permit from the Corps and Section 401 certification from the Regional Water Quality Control Board (RWQCB). All conditions that are attached to the State and federal permits shall be implemented. The conditions shall be clearly identified in the construction plans and specifications and monitored during and after construction to ensure compliance. If the USACE determines that the wetlands are not jurisdictional, then the development proponent shall consult directly with the USFWS, prepare an HCP, and obtain authorization for the proposed development under Section 10 of the federal ESA.

(c) If the seasonal wetlands are determined to support habitat for federally listed invertebrates, future development proponents shall compensate for direct and indirect impacts to potential habitat for federally listed vernal pool fairy shrimp

and tadpole shrimp. The development proponent shall preserve and create additional habitat for these species using USFWS-approved compensation ratios as described below.

- Future development proponents shall preserve suitable habitat at a ratio of 2:1 (2 acres preserved for every 1 acre of habitat directly or indirectly affected). Preservation credits must be acquired from an USFWS-approved mitigation bank or conservation area.
- Future development proponents shall create suitable habitat at a 1:1 ratio (1 acre created for every acre of habitat directly affected). Creation credits must be acquired from an USFWS-approved mitigation bank or conservation area.

Final compensation requirements and mitigation ratios for the Plan would be determined through consultation with the USFWS. The exact cost to purchase preservation and creation credits for development-related impacts would be determined at the time of purchase. Mitigation credits shall be purchased and/or a conservation area and management plan would be established prior to any ground disturbing activities, including grading, within the Plan Area.

Finding: The mitigation measures listed above would reduce the potential impacts on seasonal wetlands and associated habitat for federally listed invertebrates. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-2 Loss or disturbance of Western spadefoot toad habitat. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-2

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a;

(b) Obtain and implement conditions of federal permits for impacts on jurisdictional wetlands.

Finding: The mitigation measures listed above would reduce the potential impacts on wetland habitat and local spadefoot populations. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-3 Potential loss or disturbance of habitat for Valley elderberry longhorn beetle. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-3

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.

(b) Avoid the elderberry shrub by establishing a minimum 20-foot-wide buffer around the elderberry shrub that occurs adjacent to the work zone. If elderberry shrubs that provide potential habitat for VELB (shrubs with stems 1 inch or greater in diameter) are located within the Plan Area and could be affected by proposed development activities, the project applicant shall determine if the shrub(s) can be avoided. If the shrub can be avoided, the project applicant shall require that the shrub be protected during construction by establishing a 20-foot-wide buffer and fencing around the elderberry shrub. This fencing is intended to prevent encroachment by construction vehicles and personnel. No construction activity, including grading, shall be allowed until this condition is satisfied. No grading, clearing, storage of equipment or machinery, or other disturbance or activity may occur until a representative of the City has inspected and approved all temporary construction fencing. The fencing and a note reflecting this condition shall be shown on the construction specifications.

(c) Transplant elderberry shrubs that occur within the Plan Area and would be directly affected (removed) by a proposed development. If the habitat for VELB cannot be avoided (as described in Mitigation Measure BIO-3b, the development proponent shall evaluate whether or not transplantation of the shrub(s) is feasible.

As part of this measure (and either the Section 7 or Section 10 permit from the USFWS), the project applicant shall ensure that any elderberry shrub that shall be directly affected (removed) by construction activities is transplanted to a USFWS-approved conservation area or mitigation bank in accordance with the USFWS Conservation Guidelines. The closest USFWS-approved mitigation site is the Wildlands, Inc. River Ranch Conservation Bank located in Yolo County.

The elderberry shrub shall be transplanted when it is dormant (after it loses its leaves) in the period starting approximately in November and ending in the first two weeks of February. A qualified specialist familiar with elderberry shrub transplantation procedures shall supervise the transplanting. The location of the conservation area transplantation site shall be approved by USFWS before removal of the elderberry shrub.

The transplanting procedure entails the following steps:

- The affected shrub shall be cut back 3 to 6 feet above the ground or up to 50 percent of its height, whichever is greater.
- Future development proponents shall create suitable habitat at a 1:1 ratio (1 acre created for every acre of habitat directly affected). Creation credits must be acquired from an USFWS-approved mitigation bank or conservation area.
- The shrub shall be replanted immediately at the mitigation site in holes of adequate size with the root ball planted so that its top is level with the existing ground. The soil will be compacted around the roots. The planting area must be at least 1,800 square feet.
- The shrub shall have its own water retention basin measuring 3 feet in diameter with a continuous berm measuring approximately 8 inches wide at

the base and 6 inches high. The soil around the shrubs shall be saturated with water. The shrubs should be monitored and watered accordingly.

(d) As part of the Biological Opinion (Section 7) or HCP (Section 10), private developer shall compensate for direct impacts (i.e. transplanting of one elderberry shrub) on all elderberry stems measuring 1 inch or more at ground level (i.e. VELB habitat). Compensation shall include replacement plantings of elderberry seedlings or cuttings and associated native plantings in a USFWS-approved conservation area or mitigation bank, at a ratio between 1:1 and 8:1 (ratio of new plantings to affected stems), depending on the diameter of the stem at ground level, the presence or absence of exit holes, and whether the shrub is located in riparian habitat.

Compensation for VELB habitat shall include either establishing a USFWS-approved VELB conservation area or purchasing VELB credits at a USFWS-approved mitigation bank. As stated above, the closest USFWS-approved mitigation site is the Wildlands, Inc., River Ranch Conservation Bank located in Yolo County. The exact cost to establish a mitigation site at the approved mitigation site shall be determined at the time of purchase. The final amount and final location of this mitigation shall be determined through consultation with the USFWS and will be outlined in the Biological Opinion or HCP.

Finding: The mitigation measures listed above would reduce the potential impacts to the Valley elderberry longhorn beetle. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-4 Potential loss of Swainson's hawk foraging habitat and disturbance of potentially nesting Swainson's hawk. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-4

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.

(b) If construction is scheduled to occur during the Swainson's hawk breeding season (generally March 1 through August 15), the project applicant shall retain a qualified wildlife biologist to conduct preconstruction surveys for nesting Swainson's hawks. If no Swainson's hawks are found nesting within the areas surveyed, then no further nest-site protection mitigation is required. If Swainson's hawks are found nesting on or adjacent to the construction site, DFG shall be consulted to determine if a no-disturbance buffer would be required until after the young have fledged (as determined by a qualified wildlife biologist). Impact avoidance measures shall be conducted pursuant to DFG's 1994 staff report.

(c) If the biologist determines that there is suitable foraging habitat within the undeveloped lots in the Plan Area (as part of Mitigation Measure BIO-1a), future development proponents shall implement the recommendations described in the

report published by DFG in 1994. This report recommends mitigation for the removal of suitable Swainson's hawk foraging habitat, at a ratio determined by the distance to the nearest active nest. The mitigation shall be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing Swainson's hawk mitigation credits at a DFG-approved mitigation bank.

Finding: The mitigation measures listed above would reduce the potential impacts to Swainson's hawk eggs, young, and the species' habitat. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-5 Loss of potential Western burrowing owl foraging and nesting habitat. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-5

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.

(b) Implement the California Department of Fish and Game guidelines for burrowing owl mitigation. If active burrowing owls are detected during the biological baseline surveys (described as part of Mitigation Measure BIO-1a), the following measures shall be implemented by the development proponent.

- Occupied burrows shall not be disturbed during the nesting season (February 1–August 31).
- When destruction of occupied burrows is unavoidable outside the nesting season (September 1-January 31), unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows shall follow guidelines established by DFG.

If owls must be moved away from the project construction areas, passive relocation techniques (e.g. installing one-way doors at burrow entrances) shall be used instead of trapping. At least one week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.

If active burrowing owl burrows are found and the owls must be relocated, the development proponent shall offset the loss of foraging and burrow habitat in the project construction area(s) by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the project construction area(s). The protected lands should be located adjacent to the occupied burrowing owl habitat in the project construction area or at another occupied site near the project construction area. The location of the protected lands shall be determined in coordination with DFG.

The development proponent shall also prepare a monitoring plan, and provide long-term management and monitoring of the protected lands. The monitoring plan shall

specify success criteria, identify remedial measures, and require an annual report to be submitted to DFG.

If avoidance is the preferred method of dealing with potential impacts, no disturbance shall occur within 160 feet of occupied burrows during the nonbreeding season (September 1–January 31) or within 250 feet during the breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius around an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding burrowing owls or single unpaired resident bird. The configuration of the protected site shall be submitted to DFG for approval.

Finding: The mitigation measures listed above would reduce the potential impacts to Western burrowing owls and their habitat. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-6 Potential loss or disturbance of nesting habitat for white-tailed kite, northern harrier, loggerhead shrike, and non-special-status migratory birds and raptors. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-6

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.

(b) Avoid disturbance of tree-, shrub- or ground-nesting white-tailed kite, Northern harrier, loggerhead shrike, and non-special-status migratory birds and raptors. The private developer shall implement one of the following measures, depending on the specific construction timeframes within the undeveloped areas of the Plan Area, to avoid disturbance of tree-, shrub- or ground-nesting white-tailed kites, northern harriers, loggerhead shrikes, and non-special-status migratory birds and raptors.

- If construction activities are scheduled to occur during the breeding season for these species (generally between March 1 and August 15), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys within the appropriate habitat.
- Tree- and shrub-nesting surveys shall be conducted in riparian and oak woodland habitats within or adjacent to the construction area to look for white-tailed kite, loggerhead shrike, and other non-special-status migratory birds and raptors.
- Ground-nesting surveys shall be conducted in non-native annual grasslands for northern harrier and other non-special-status migratory birds.
- The surveys should be conducted within one week before initiation of construction activities and at any time between March 1 and August 15. If no active nests are detected, then no additional mitigation is required.

If surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late June to mid-July). The extent of these buffers shall be determined by a wildlife biologist, and will depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances.

If construction activities begin before the breeding season (i.e. begin between August 16 and February 28) (pre-existing construction), then construction can proceed until it is determined that an active migratory bird or raptor nest would be subject to abandonment as a result of construction activities. Pre-existing construction activities are assumed to be "full force," including site grading and infrastructure development; activities that technically initiate construction but are minor would not be considered full force. Optimally, all necessary vegetation removal should be conducted before the breeding season (generally between March 1 and August 15) so that nesting birds or raptors would not occur in the construction area during construction activities. If any birds or raptors nest in the project vicinity under pre-existing construction conditions, then it is assumed that they are habituated (or will habituate) to the construction activities.

Under this scenario, the preconstruction survey described previously should still be conducted on or after March 1 to identify any active nests in the vicinity and active sites should be monitored by a wildlife biologist periodically until after the breeding season or after the young have fledged (usually late June to mid-July). If active nests are identified on or immediately adjacent to a development site, then all nonessential construction activities (e.g. equipment storage and meetings) should be avoided in the immediate vicinity of the nest site, but the remainder of construction activities may proceed.

Finding: The mitigation measures listed above would reduce the potential impacts to eggs and young of white-tailed kites, northern harriers, loggerhead strikes, and other non special-status migratory birds and raptors. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: BIO-7 Potential removal of heritage trees subject to the City's heritage tree ordinance. Without mitigation, this is a *significant impact.*

Mitigation Measure BIO-7

(a) Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.

(b) Comply with the City's tree ordinance. If any heritage trees are located during the biological baseline surveys (described as part of Mitigation Measure BIO-1a) and

could be impacted by the Plan, the development proponent shall comply with the City's tree ordinance requirements.

The ordinance states that during construction activity on any property on which a heritage tree is located, unless the express written permission of the director is first obtained, no person shall:

- Change the amount of irrigation provided to any heritage tree from that which was provided prior to the commencement of construction activity;
- Trench, grade, or pave into the dripline area of a heritage tree;
- Change, by more than two (2) feet, grade elevations within thirty (30) feet of the dripline area of a heritage tree;
- Park or operate any motor vehicle within the dripline area of any heritage tree;
- Place or store any equipment or construction materials within the dripline area of any heritage tree;
- Attach any signs, ropes, cables or any other items to any heritage tree;
- Cut or trim any branch of a heritage tree for temporary construction purposes; or
- Place or allow to flow into or over the dripline area of any heritage tree any oil, fuel, concrete mix or other deleterious substance.

Finding: The mitigation measures listed above would reduce the potential impacts to heritage trees. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

4.8 Noise

Impact: NOISE-2 Exposure of new residences to instantaneous maximum aircraft noise levels exceeding 50 dBA in interior rooms (impact related to developments within 60 CNEL). Without mitigation, this is a *significant impact*.

Mitigation Measure NOISE-2

(a) New residences shall be designed such that interior noise from aircraft does not exceed 45 Ldn in habitable rooms or instantaneous maximum noise levels of 50 dBA in bedrooms or 55 dBA in habitable rooms. Treatments that can be implemented to achieve this performance standard include, but are not limited to:

- Use of acoustically rated doors and windows; and
- Use of upgraded acoustical insulation for walls and roofs that may include placement of additional gypsum board or other noise-attenuating materials in walls and roofs.

(b) Prior to the issuance of building permits, the applicant must provide to the City a report from a certified acoustical design professional that details how dwelling units within the Plan Area will achieve an interior noise level of less than 45 dB Ldn in habitable rooms and interior maximum instantaneous levels of 50 dBA or less in bedrooms and 55 dBA or less in other habitable rooms.

(c) New residential development within the 60 CNEL McClellan Airport noise exposure contour shall require notification. This may take the form of requiring developments requesting tentative maps or other development approvals to provide formal written disclosures, recorded deed notices, or in the Public Report prepared by the California Department of Real Estate disclosing the fact to prospective buyers that the parcel is located within the 60 CNEL noise contour of the McClellan Airport Planning Policy Area and is subject to periodic excessive noise from aircraft overflights.

Finding: The mitigation measures listed above would reduce the potential impacts to new residences from aircraft noise. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

Impact: NOISE-3 Exposure of noise sensitive land uses to construction noise that is not in compliance with the City of Sacramento Noise Ordinance. Without mitigation, this is a *significant impact*.

Mitigation Measure NOISE-3

(a) Employ the following noise-reducing construction practices and additional time-of-day restrictions:
Construction noise shall be limited as follows:

- 55 dBA between the hours from 6:00 p.m. to 10:00 p.m. and 50 dBA between the hours of 10:00 p.m. to 7:00 a.m. Monday through Saturday.
- 55 dBA between the hours from 6:00 p.m. to 10:00 p.m. and 7:00 a.m. to 9:00 a.m. and 50 dBA for all other hours on Sunday.

Measures that can be used to limit noise include but are not limited to, the following:

- Locating equipment as far as practicable from noise sensitive uses;
- Requiring that all construction equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation;
- Prohibiting gasoline or diesel engines from having unmuffled exhaust;
- Selecting haul routes that affect the fewest people;
- Using noise-reducing enclosures around noise-generating equipment; and,

- Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission.

Finding: The mitigation measures listed above would reduce the potential impacts of construction noise on sensitive land uses. With implementation of the mitigation measures, this impact is reduced to a *less-than-significant* level.

4.12 Transportation and Circulation

Impact: TRAF-1 Winter Street/Interstate 80 Westbound Ramps: Under cumulative traffic conditions this intersection would have an LOS E in both AM and PM peak hours. The addition of the Plan will result in more than five seconds of delay at this location. Without mitigation, this is a *significant impact.*

Mitigation Measure TRAF-1
Winter Street/Interstate 80 Westbound Ramps: provide a dedicated, southbound right turn lane which will result in one right turn lane and two through lanes on the southbound approach. This mitigation measure could be accomplished by modifying the north leg of the intersection to widen the existing roadway and re-stripe the travel lanes. Implementation of this mitigation measure would result in LOS D (48.4 seconds of delay) in AM peak hour and LOS C (28.1 seconds of delay) in the PM peak hour. Analysis sheets for the "with mitigation scenario" are included in Appendix C.

After adopting the Plan, the City will implement the Plan by studying the feasibility and then developing an appropriate funding mechanism and/or including the costs as part of the Capital Improvement Program to provide for the recommended infrastructure improvements.

Finding: The mitigation measure listed above would reduce the potential impacts to Winter Street/Interstate 80 westbound ramps. With implementation of the mitigation measure, this impact is reduced to a *less-than-significant* level.

Impact: TRAF-2 Winter Street/Interstate 80 Eastbound Ramps: Under cumulative traffic conditions this intersection would have a LOS C in both AM and PM peak hours. The addition of the Plan would result in a LOS D in the PM peak hour. Without mitigation, this is a *significant impact.*

Mitigation Measure TRAF-2
Winter Street/Interstate 80 Eastbound Ramps: provide a dedicated, northbound right turn lane which would result in two through lanes and one right turn lane on the northbound approach. Implementation of this mitigation measure would result in LOS C (26.6 seconds of delay) in the AM peak hour and LOS C (32.9 seconds of delay) in the

PM peak hour. Analysis sheets for the "with mitigation scenario" are included in Appendix C.

After adopting the Plan, the City will implement the Plan by studying the feasibility and then developing an appropriate funding mechanism and/or including the costs as part of the Capital Improvement Program to provide for the recommended infrastructure improvements.

Finding: The mitigation measure listed above would reduce the potential impacts to Winter Street/Interstate 80 eastbound ramps. With implementation of the mitigation measure, this impact is reduced to a *less-than-significant* level.

4.13 Utilities and Service Systems

Impact: UTIL-1 Additional development would exacerbate the existing inadequacy of the water mains and pump station in the Plan Area. Without mitigation, this is a *significant impact.*

Mitigation Measure UTIL-1
The City should calibrate and run its hydraulic water model for the Plan Area to determine the extent of improvements that would be required for new development anticipated for the Plan. Also, implement the recommendations in the *McClellan Heights and Parker Homes Land Use and Infrastructure Plan* which include (1) replace existing 4-inch and 6-inch mains with 8-inch plastic mains; (2) replace existing 8-inch steel mains with 12-inch plastic mains; (3) upgrade existing services to copper. Additionally, perform a study to determine if the capacity of the Bell Avenue pump station will need to be upgraded, and upgrade the facility if warranted. Cost estimates based on Plan buildout are contained in the *McClellan Heights and Parker Homes Land Use and Infrastructure Plan.*

Finding: The mitigation measure listed above would reduce the potential impacts to water mains and pump stations in the Plan area. With implementation of the mitigation measure, this impact is reduced to a *less-than-significant* level.

B. 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 E, the statement of overriding considerations.

4.2 Air Quality

Impact: AIR-3 Implementation of the Plan could result in significant health risks resulting from exposure of new sensitive receptors to aircraft and vehicular emissions. Without mitigation, this is a *significant impact.*

Mitigation Measure AIR-3
Site future sensitive receptors as far as possible from major roads and McClellan Field. Such receptors should be sited in accordance with the SMAQMD's *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* and as far as possible from McClellan Field.

Finding: The level to which excess health risks would occur is unknown and could be considered significant as McClellan Field activities and their locations relative to sensitive receptors would result in elevated health risks. The City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on operational emissions 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: AIR-6 Because emissions of ozone precursors and PM_{10} associated with buildout of the Plan are greater than emissions associated with the existing General Plan, impacts associated with these emissions would be considered to be cumulatively significant. Despite the implementation of Mitigation Measures AIR-1a and AIR-1b that would help to reduce such emissions, there is no mitigation available to reduce these emissions to below the SMAQMD's threshold levels. Without mitigation, this is a *significant impact.*

Finding: The City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on operational emissions 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*.

4.8 Noise

Impact: NOISE-1 Exposure of new residences to traffic noise exceeding 60 Ldn or interior noise exceeding 45 Ldn, and instantaneous maximum noise of 50 dBA

in bedrooms, and 55 dBA in other habitable rooms. Without mitigation, this is a *significant impact.*

Mitigation Measure NOISE-1
New residences shall be designed such that interior noise from traffic does not exceed 45 Ldn in habitable rooms or an instantaneous maximum of 50 dBA in bedrooms or 55 dBA in habitable rooms. Where feasible, new residences shall be designed such that traffic noise at outdoor use areas does not exceed 60 Ldn. Treatments that can be implemented to achieve these performance standards include, but are not limited to the following:

- Placement of solid walls, earth berms, or building structures between roadways and outdoor use areas.
- Use of acoustically rated doors and windows.
- Placement of non-sensitive rooms (laundry rooms, garages, etc.) adjacent to roadways.

Prior to the issuance of building permits, the applicant must provide to the City a report from a certified acoustical design professional that details how dwelling units within the Plan Area will achieve an interior noise level of less than 45 dB Ldn in habitable rooms and interior maximum instantaneous levels of 50 dBA or less in bedrooms and 55 dBA or less in other habitable rooms. The report shall also address how exterior noise will be reduced to 60 Ldn or less, where feasible. If reduction of noise to less than 60 Ldn is not feasible, the report shall provide a detailed explanation as to why.

Finding: There may be instances where it is not feasible to attenuate exterior noise at outdoor use areas to levels below 60 dBA Ldn. The City has not identified mitigation measures imposable on this project that could reduce or avoid the impact of the project on operational emissions 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*.

C. 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 I 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 air quality, biological resources, noise, utilities and service systems, 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 revitalize the McClellan Heights and Parker Homes residential neighborhood through infill development and infrastructure and streetscape improvements. 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 to air quality and noise. However, implementation of the project would provide long term benefits, including, without limitation, revitalization of the existing neighborhood, infrastructure and streetscape improvements, and infill development responsive to neighborhood needs.

iii. Although there are short term adverse impacts from the project, the short and long term benefits of the project justify its immediate implementation.

D. 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.

Summary of Alternatives Considered

The McClellan Heights and Parker Homes Land Use and Infrastructure Plan (hereafter "the Plan") has been described and analyzed in the EIR with an emphasis on potentially significant impacts and recommended mitigation measures to avoid those impacts, to the extent feasible. The State CEQA Guidelines require the description and comparative analysis of a range of reasonable alternatives to the Plan that could feasibly attain the objectives of the project. The following discussion is intended to inform the public and decision makers of project alternatives that have been developed and the positive and negative aspects of those alternatives. In accordance with the CEQA Guidelines and procedures, three project alternatives, including the No Project Alternative, are discussed below. CEQA Guidelines also require that the environmentally superior alternative be identified.

The alternatives considered in the analysis include the following:

- **Alternative 1: The No Project Alternative.** The Plan would not be adopted and the existing General Plan land use designations and zoning for the Plan Area would remain in effect. This alternative would include the infrastructure improvements that are recommended in the Plan.
- **Alternative 2: Remain as Industrial on Selected Areas on Bell Avenue and Winters Street.** Under this alternative, existing "industrial" General Plan land use designations and zoning would remain in the areas along Bell Avenue and Winters Street. Land use designations for the remaining Plan Area would be the same as in the Plan. This alternative would include the infrastructure improvements that were recommended in the Plan.
- **Alternative 3: Commercial on Selected Areas on Bell Avenue and Winters Street.** Under this alternative, the General Plan land use designation and zoning for areas along Bell Avenue and Winters Street would be changed from Industrial to a Limited Commercial zoning designation (this corresponds to the Community/Neighborhood Commercial Offices General Plan land use designation). Land use designations for the remaining Plan Area would be the same as shown in the Plan. This alternative would include the infrastructure improvements that were recommended in the Plan.

Alternative 1: The No Project Alternative

This section compares the No Project Alternative to the Plan.

1. Principal Characteristics

Under this Alternative, no changes in General Plan land use designation or zoning designations would occur. Buildout assumptions include approximately 896,000 square feet of industrial space, 45,000 square feet of commercial/retail space, 5,000 square feet of office space and 70 new dwelling units. The projected increase in population is approximately 312 additional persons.

2. Impact Analysis

The No Project Alternative would have the following impacts relative to the Plan.

Aesthetics

Similar to the Plan, no shadows would be cast by any new development which might adversely impact public gathering places or place residences and/or child centers in complete shade. Applicable setback and height requirements as set forth by City of Sacramento Zoning Regulations would be enforced; these would ensure that the adverse effects of shadows are minimized. City standards regarding project lighting would be enforced under this alternative and the Plan.

In conclusion, the No Project Alternative would be considered to have the *same impacts*

as the Plan with respect to aesthetic issues.

Air Quality

Although the current zoning and attendant land uses would include more industrial than residential uses under the No Project Alternative, the distribution of development on vacant and underutilized parcels would be the same, and therefore would have similar construction-period air quality impacts. Emissions of criteria pollutants related to development under the No Project Alternative would be expected to be less when compared to the Plan. Although this Alternative would result in lower operational emissions, it would still be expected to exceed SMAQMD's ROG threshold of 65 pounds per day at projected buildout. This would result in a *significant and unavoidable* impact on air quality. The No Project Alternative would be an *insubstantial improvement* when compared to the Plan with regard to air quality.

Biological Resources

Potential impacts on biological resources associated with the No Project Alternative would generally be the same as those identified under the Plan. Although the zoning and attendant land uses would be slightly different under the No Project Alternative, the types of biological resources and extent of habitat disturbance would be essentially the same as described in the Plan. Therefore, the No Project Alternative would be considered to have the *same impacts* on biological resources as the Plan.

Cultural Resources

Although the zoning and attendant land uses would be slightly different under the No Project Alternative, construction impacts on archaeological resources and human remains under this alternative would be the same as those identified under the Plan. Construction impacts on historic buildings and structures under the No Project Alternative would also be the same as those identified under the Plan. Therefore, the No Project Alternative would be considered to have the *same impacts* on cultural resources as the Plan.

Hazardous Materials and Other Hazards

Under the No Project Alternative, development would be distributed in a similar manner as the Plan. However, since the No Project Alternative would allow development according to existing General Plan land use designations for the Plan Area, a substantially larger amount of industrial uses and fewer residential units would be developed, compared to the Plan. This could theoretically result in higher levels of hazardous waste that would be generated, stored and transported. However, hazardous material generation, storage and clean-up are heavily regulated by federal, State and local regulations. This would reduce the potential impacts from hazards and hazardous materials to a less-than-significant level for both the No Project and the Plan. Therefore, the No Project Alternative would be considered an *insubstantial deterioration* when compared to the Plan in terms of hazards and hazardous materials.

Hydrology and Water Quality

As noted in Section 4.6, Hydrology and Water Quality, the entire Plan Area is located within an area that is at minimal risk for flooding hazards, according to the Flood Insurance Rate Maps issued by FEMA. Under the No Project Alternative, a more industrial uses would be developed at buildout, compared to than the Plan. However, this difference would not be substantial with respect to hydrology and water quality since the State and local regulations that require new development to provide adequate on-site drainage, connections to the City's drainage system and erosion, and grading and sediment control plans would apply under both scenarios. Potential impacts related to drainage are discussed in the "Utilities and Service Systems" below. Therefore, the No Project Alternative would be considered to have the *same impacts* on hydrology and water quality as the Plan.

Land Use

The No Project Alternative would preserve a larger amount of land with an industrial General Plan and zoning designation and thus would continue to allow industrial development near residential areas. This could worsen potential land use conflicts between the two types of land use. Therefore, the No Project Alternative would be considered an *insubstantial deterioration* compared to the Plan in terms of land use.

Noise

Under the No Project Alternative, there would be slightly fewer residential uses in areas along Bell Avenue and Winters Street, as compared to the Plan, which would include more light industrial uses. Accordingly, there would be a corresponding decrease in the amount of sensitive receptors exposed to exterior noise levels from traffic and aircraft from McClellan Airport that would exceed the City's noise exposure threshold. However, this would not be considered a substantial difference since this Alternative would still result in a primarily residential land use pattern, similar to the Plan. As is the case with the Plan, the No Project Alternative would be consistent with the currently adopted McClellan Airport CLUP noise contours.

The No Project Alternative would generate fewer vehicle trips than the Plan, so traffic noise impacts under the alternative would be slightly less intense than would occur as a result of the Plan. Construction noise impacts under each scenario would generally be the same. Therefore, the No Project Alternative would be considered an *insubstantial improvement* compared to the Plan in terms of noise impacts.

Population, Employment and Housing

Under the No Project Alternative, a lower amount of residential development would occur than under the Plan. As discussed in Section 4.9, the Plan would not result in substantial population growth that would be inconsistent with the City's General Plan. Therefore, it can be concluded that the same effect would occur under the No Project

Alternative. As with the Plan, this alternative would not require displacement of substantial numbers of existing housing or people. Therefore, the No Project Alternative would be considered to have the *same impacts* on population, employment and housing as the Plan.

Public Services

Under the No Project Alternative, more industrial development and less residential development would occur than under the Plan. As a result, there would be fewer households that would require additional police and fire services, schools and park space. However, as discussed in Section 4.10, Public Services, the Plan would not result in any significant impact with regard to public services. Therefore, the No Project Alternative would be considered an *insubstantial improvement* compared to the Plan in terms of public services.

Soils, Seismicity and Geology

The No Project Alternative would result in a similar pattern of urbanization as the Plan. Current local, State and federal regulations require specific mitigations to avoid impacts related to geologic and seismic hazards, which would apply under both scenarios. Therefore, the No Project Alternative would be considered to have the *same impacts* on soils, seismicity and geology as the Plan.

Transportation and Circulation

The No Project Alternative would result in fewer daily, AM peak hour and PM peak hour trips than the Plan. As a result, impacts from this Alternative would be expected to be less. It is possible that the intersection impacts identified for the Plan (which were found to be *less than significant*) may not occur under the No Project Alternative. Therefore, the No Project Alternative would be considered an *insubstantial improvement* compared to the Plan in terms of transportation and circulation.

Utilities and Service Systems

As discussed in Section 4.13, there are substantial existing deficiencies in water supply, sewer and stormwater systems for the Plan Area. The No Project Alternative would include the recommendations and implementation actions to address infrastructure deficiencies, as listed in the Plan. Therefore, the No Project Alternative would be considered to have the *same impacts* on utilities and service systems as the Plan

<u>Facts in Support of Finding of Infeasibility</u>

Alternative 1 is rejected because, as detailed above, it would generally fail to meet the objectives of the proposed project and would result in insubstantial improvements and or deterioration as compared to the Plan. Alternative 1 is not substantially better than the Plan with regards to any particular environmental factor since the alternative would

not cause a reduction of any significant and unavoidable impact associated with the Plan. The differences in environmental impacts between the Plan and the alternative were relatively minor. Moreover, the Plan would best satisfy the project objectives, which include strengthening the identity of McClellan Heights and Parker Homes as residential neighborhoods with a range of high-quality and safe housing that has access to neighborhood-serving retail, parks and other amenities to meet community needs.

Alternative 2: Remain as Industrial on Selected Sites on Bell Avenue and Winters Street

This section compares the "Remain as Industrial on Selected Sites on Bell Avenue and Winters Street" Alternative (henceforth "Alternative 2") with the Plan.

1. Principal Characteristics

Under this Alternative, an approximately 29-acre area bounded by Pinell Street, Rene Avenue, Bell Avenue, and Astoria Street, and a 4.7-acre area located along Winters Street and Dorothy June Way, would remain zoned for light industrial use instead of residential mixed use as identified in the Plan. As described in the EIR, land use designations for the remainder of the Plan Area would be the same as shown in the Plan.

2. Impact Analysis

Alternative 2 would have the following impacts relative to adoption of the Plan.

Aesthetics

Similar to the Plan, no shadows would be cast by any new development which might adversely impact public gathering places or place residences and/or child centers in complete shade. Applicable setback and height requirements as set forth by City of Sacramento Zoning Regulations would be enforced; these would ensure that the adverse effects of shadows are minimized. City standards regarding project lighting would be enforced under this alternative and the Plan. Therefore, Alternative 2 would be considered to have the *same impacts* on aesthetics as the Plan.

Air Quality

Alternative 2 would generally be expected to have similar type and duration of construction as the Plan, and therefore would have similar construction-period air quality impacts. Emissions of criteria pollutants related to development associated with Alternative 2 would be expected to be less than that generated under the Plan. Although this Alternative would result in lower operational emissions, it would still be expected to exceed SMAQMD's ROG threshold of 65 pounds per day at projected buildout, and would also result in a significant and unavoidable impact on air quality.

Therefore, Alternative 2 would be considered an *insubstantial improvement* when compared to the Plan in terms of air quality.

Biological Resources

Potential impacts on biological resources associated with the Alternative 2 would generally be the same as those identified under the Plan. Although the zoning and attendant land uses would be slightly different under Alternative 2, the types of biological resources and extent of habitat disturbance would be essentially the same as described in the Plan. Therefore, Alternative 2 would be considered to have the *same impacts* on biological resources as the Plan.

Cultural Resources

Although the zoning and attendant land uses would be slightly different under Alternative 2, construction impacts on archaeological resources and human remains under this alternative would be the same as those identified under the Plan. Construction impacts on historic buildings and structures under Alternative 2 would also be the same as those identified under the Plan. Therefore, the Alternative 2 would be considered to have the *same impacts* on cultural resources as the Plan.

Hazardous Materials and Other Hazards

Development under this Alternative would occur in a similar distribution as it would under the Plan. A slightly greater amount of industrial uses and a slightly lower number of residential units would occur under this alternative, compared to the Plan. However, these differences would be incremental. Moreover, hazardous material generation, storage and clean-up are heavily regulated by federal, State and local regulations which would under both scenarios. Therefore, Alternative 2 would be considered to have the *same impacts* on hazards and hazardous materials as the Plan.

Hydrology and Water Quality

As noted in Section 4.6, Hydrology and Water Quality, the entire Plan Area is located within an area that is at minimal risk for flooding, according to the Flood Insurance Rate Maps issued by FEMA. Although the zoning and attendant land uses would be slightly different under this alternative, State and local regulations pertaining to on-site drainage, connections to the City's drainage system and erosion, grading and sediment control plans would apply under both scenarios. Therefore, Alternative 2 would be considered to have the *same impacts* on hydrology and water quality as the Plan.

Land Use

The land use changes proposed under Alternative 2 are very similar to those envisioned in the Plan. This alternative would retain more land with its current industrial General Plan and zoning designation and thus would continue to allow industrial

development near residential areas. This could worsen potential land use conflicts between the two land use types. Therefore, on balance, Alternative 2 would be considered an *insubstantial deterioration* compared to the Plan.

Noise

Under this alternative, there would be a slightly smaller amount of residential uses proposed in areas along Bell Avenue and Winters Street, compared to the Plan, which would retain more land for light industrial uses. Thus, there would be a corresponding decrease in the amount of sensitive receptors exposed to exterior noise levels from traffic and aircraft from McClellan Airport that would exceed the City's noise exposure thresholds. However, this would not be considered a substantial difference since this Alternative would still include a large amount of land zoned for residential uses, similar to the Plan. As is the case with the Plan, Alternative 2 would be consistent with the currently adopted McClellan Airport CLUP noise contours.

Alternative 2 would generate fewer vehicle trips than the Plan, so traffic noise impacts under the alternative would be slightly less intense than would occur as a result of the Plan. Construction noise impacts under each scenario would generally be the same. Therefore, Alternative 2 would be considered an *insubstantial improvement* compared to the Plan in terms of noise impacts.

Population, Employment and Housing

Under Alternative 2, a lower amount of residential development would occur than under the Plan. As discussed in Section 4.9, the Plan would not result in substantial population growth that would be inconsistent with the City's General Plan. Therefore, it can be concluded that the same effect would occur under Alternative 2. As with the Plan, this alternative would not require displacement of substantial numbers of existing housing or people. Therefore, Alternative 2 would be considered to have the *same impacts* on population, employment and housing as the Plan.

Public Services

Under Alternative 2, more industrial development and less residential development would occur than under the Plan. As a result, there would be fewer households that would require additional police and fire services, schools and park space. However, as discussed in Section 4.10, Public Services, the Plan would not result in any significant impact with regard to public services. Therefore, Alternative 2 would be considered to have the *same impacts* on public services as the Plan.

Soils, Seismicity and Geology

Alternative 2 would result in a similar pattern of urbanization as the Plan. Current local, State and federal regulations require specific mitigations to avoid impacts related to geologic and seismic hazards, which would apply under both scenarios. Therefore,

Alternative 2 would be considered to have the *same impacts* on soils, seismicity and geology as the Plan.

Transportation and Circulation

This Alternative would result in fewer daily, AM peak hour and PM peak hour trips than the Plan. As a result, impacts from this Alternative would be expected to be fewer from the Plan. It is possible that the intersection impacts identified for the Plan (which were found to be *less than significant*) may not occur under Alternative 2. Overall, this alternative would be considered an *insubstantial improvement* to the Plan.

Utilities and Service Systems

As discussed in Section 4.13, there are substantial existing deficiencies in water supply, sewer and stormwater systems for the Plan Area. Development under this Alternative would occur in a similar distribution as the Plan. A slightly greater amount of industrial uses and slightly lower number of residential units would occur under Alternative 2, as compared to the Plan. However, these differences would be insubstantial with regards to impact to utilities and service systems. Moreover, the recommendations and implementation actions to address infrastructure deficiencies that are part of the Plan would also apply to this alternative. Therefore, Alternative 2 would be considered to have the *same impacts* on utilities and service systems as the Plan.

Facts in Support of Finding of Infeasibility

Alternative 2 is rejected because, as detailed above, it would generally fail to meet the objectives of the proposed project and would result in insubstantial improvements and or deterioration as compared to the Plan. Alternative 2 is not substantially better than the Plan with regards to any particular environmental factor since the alternative would not cause a reduction of any significant and unavoidable impact associated with the Plan. The differences in environmental impacts between the Plan and the alternative were relatively minor. Moreover, the Plan would best satisfy the project objectives, which include strengthening the identity of McClellan Heights and Parker Homes as residential neighborhoods with a range of high-quality and safe housing that has access to neighborhood-serving retail, parks and other amenities to meet community needs.

Alternative 3: Limited Commercial on Selected Sites on Bell Avenue and Winters Street

This section compares the "Limited Commercial on Selected Sites on Bell Avenue and Winters Street" Alternative (henceforth "Alternative 3") to the Plan.

1. Principal Characteristics

Under this alternative, the 29-acre area bounded by Pinell Street, Rene Avenue, Bell Avenue, and Astoria Street, and the 4.6-acre area bounded by Dorothy June Way, Paul Avenue, Winters Street, and Morgan Avenue would be zoned for Limited Commercial uses instead of Residential Mixed Use as identified in the Plan. As described in the EIR, land use designations for the remaining Plan Area would be the same as the Plan.

2. Impact Analysis

Alternative 3 would have the following impacts relative to the Plan.

Aesthetics

Similar to the Plan, no shadows would be cast by any new development which might adversely impact public gathering places or place residences and/or child centers in complete shade. Applicable setback and height requirements as set forth by City of Sacramento Zoning Regulations would be enforced; these would ensure that the adverse effects of shadows are minimized. City standards regarding project lighting would be enforced under this alternative and the Plan. Therefore, Alternative 3 would be considered to have the *same impacts* on aesthetics as the Plan.

Air Quality

Alternative 3 would generally be expected to have similar type and duration of construction as the Plan, and therefore would have similar construction-period air quality impacts. Emissions of criteria pollutants related to development associated with Alternative 3 would be expected to be less than that generated under the Plan. Although this Alternative would result in lower operational emissions, it would still be expected to exceed SMAQMD's ROG threshold of 65 pounds per day at projected buildout, and would also result in a significant and unavoidable impact on air quality. Therefore, Alternative 3would be considered an *insubstantial improvement* compared to the Plan in terms of air quality impacts.

Biological Resources

Potential impacts on biological resources associated with the Alternative 3 would generally be the same as those identified under the Plan. Although the zoning and attendant land uses would be slightly different under Alternative 3, the types of biological resources and extent of habitat disturbance would be essentially the same as described in the Plan. Therefore, Alternative 3 would be considered to have the *same impacts* on biological resources as the Plan.

Cultural Resources

Although the zoning and attendant land uses would be slightly different under Alternative 3, construction impacts on archaeological resources and human remains under this

alternative would be the same as those identified under the Plan. Construction impacts on historic buildings and structures under Alternative 3 would also be the same as those identified under the Plan. Therefore, the Alternative 3 would be considered to have the *same impacts* on cultural resources as the Plan.

Hazardous Materials and Other Hazards

Development under this alternative would occur in a similar distribution and range of land uses as the Plan with regards to the level of household and other hazardous wastes generated, stored and transported. Hazardous material generation, storage and clean-up are heavily regulated by federal, State and local regulations which would apply to both this Alternative and the Plan. Therefore, Alternative 3 would be considered to have the *same impacts* as the Plan in regards to hazardous materials and other hazards.

Hydrology and Water Quality

As noted in Section 4.6, Hydrology and Water Quality, the entire Plan Area is located within an area that is at minimal risk for flooding, according to the Flood Insurance Rate Maps issued by FEMA. Although the zoning and attendant land uses would be slightly different under this alternative, State and local regulations pertaining to on-site drainage, connections to the City's drainage system and erosion, grading and sediment control plans would apply under both scenarios. Therefore, Alternative 3 would be considered to have the *same impacts* on hydrology and water quality as the Plan.

Land Use

The degree of land use changes proposed under Alternative 3 is the same as the Plan. The only difference is that under Alternative 3, a small amount of land would be zoned as Limited Commercial instead of Residential Mixed-Use. Uses allowed under the Limited Commercial zoning designation would be compatible with adjacent residential uses. As is the case with the Plan, Alternative 3 would be consistent with the currently adopted McClellan Airport CLUP noise exposure contours. Therefore, Alternative 3 would be considered to have the *same impacts* as the Plan.

Noise

Under this alternative, there would be slightly fewer residential uses proposed in areas along Bell Avenue and Winters Street, as compared to the Plan, which would instead be proposed for commercial uses. Thus, there would be a corresponding decrease in the amount of sensitive receptors exposed to exterior noise levels from traffic and aircraft from McClellan Airport that would exceed the City's noise exposure threshold. However, this would not be considered a substantial difference since this Alternative would still include a large amount of land zoned for residential uses, similar to the Plan.

Alternative 3 would be expected to generate about 4 percent more trips than the Plan. In terms of noise, a 4 percent change in traffic volume corresponds to a change in noise level

that is well below 1 dB. Accordingly, traffic noise impacts under Alternative 3 would be the same as those identified for the Plan. Construction noise impacts under Alternative 3 would generally be the same as those identified for the Plan. Overall, Alternative 3 would be considered to have the *same impacts* as the Plan with regards to noise impacts.

Population, Employment and Housing

Under Alternative 3, a slightly lower amount of residential development, and thus a lower number of households and housing units would occur than under the Plan. As discussed in Section 4.9, the Plan would result in no impact related to substantial population growth that is inconsistent with the City's General Plan. Therefore, it can be concluded that no impact with regards to substantial population growth would occur under Alternative 3. As with the Plan, this alternative would not require displacement of substantial numbers of existing housing or people. Overall, Alternative 3 would be considered to have the *same impacts* as the Plan with regard to population, employment and housing.

Public Services

Under Alternative 3, a slightly lower amount of residential development would occur than under the Plan. The relative decrease in households would not result in a substantial difference in the need for associated police and fire services and park space. There is the potential that the incremental difference would result in less of an impact to schools serving the Plan Area. However, as discussed in Section 4.10, Public Services, school impact fees assessed on new development would reduce this to a less-than-significant impact for both this Alternative and the Plan. On balance, Alternative 3 would be considered to have the *same impacts* as the Plan with respect to public services.

Soils, Seismicity and Geology

Alternative 3 would propose development that is distributed in a similar manner as the Plan. Current local, State and federal regulations require specific mitigations to avoid impacts related to geologic and seismic hazards, which would apply to both this Alternative and the Plan. For these reasons, Alternative 3 is considered to have the *same impacts* as the Plan in regard to soils, seismicity and geology.

Transportation and Circulation

Alternative 3 would generate more daily and PM peak hour trips and fewer AM peak hour trips than the Plan. As a result, this alternative would result in the same intersection impacts as the Plan and could result in additional impacts. If this alternative is selected for implementation, additional analysis would be required to fully quantify potential impacts. Overall, this alternative would be considered to have the *same impacts* as the Plan.

Utilities and Service Systems

As discussed in Section 4.13, there are substantial existing deficiencies in water supply, sewer and stormwater system in the Plan Area. Development under this Alternative would occur in a similar distribution as the Plan. A slightly greater amount of commercial uses and slightly lower number of residential units would occur under Alternative 3 as compared to the Plan. However, these differences would be insubstantial with regards to impact to utilities and service systems. Moreover, the recommendations and implementation actions to address infrastructure deficiencies that are part of the Plan would also apply to this alternative. Therefore, Alternative 3 would be considered to have the *same impacts* as the Plan with regards to utilities and service systems.

Facts in Support of Finding of Infeasibility

Alternative 3 is rejected because, as detailed above, it would generally fail to meet the objectives of the proposed project and would result in insubstantial improvements and or the same impacts as compared to the Plan. Alternative 3 is not substantially better than the Plan with regards to any particular environmental factor since the alternative would not cause a reduction of any significant and unavoidable impact associated with the Plan. The differences in environmental impacts between the Plan and the alternative were relatively minor. Moreover, the Plan would best satisfy the project objectives, which include strengthening the identity of McClellan Heights and Parker Homes as residential neighborhoods with a range of high-quality and safe housing that has access to neighborhood-serving retail, parks and other amenities to meet community needs.

E. 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 described in Section A-D. 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 Plan Provides for Orderly Growth and Development that is Compatible with the McClellan General Aviation County Airport.

The McClellan Heights and Parker Homes Land Use and Infrastructure Plan goals and

policies include:

1. Strengthen the residential character and identity of the McClellan Heights and Parker Homes neighborhoods;

2. Provide high-quality, safe housing in a variety of housing types and levels of affordability;

3. Ensure that McClellan Heights and Parker Homes neighborhoods have access to neighborhood-serving retail and other amenities to meet community needs;

4. Ensure safety and compatibility between residential land uses and the adjacent McClellan Airport;

5. Ensure safety and compatibility between residential land uses and nonresidential uses within the Plan area, particularly as existing non-conforming uses transition to land uses allowed in the Plan; and

6. Promote opportunities for new open space and community facilities to meet the needs of residents.

The McClellan Heights and Parker Homes Special Planning District (SPD) will establish development standards to implement the Plan goals and policies. The Plan and the SPD will help protect the health, safety and general welfare of the residents in the vicinity of the McClellan general aviation airport, operated by the County of Sacramento, that lies northeast of the Plan area by ensuring that new development will be compatible with the McClellan Airport Comprehensive Land Use Plan to effectuate the policies reflected in the Airport Land Use Commission Law (Chapter 4, Article 3.5 of the California Public Utilities Code, Sections 21670 et seq.).

Many of these homes in the McClellan Heights and Parker Homes neighborhoods lack foundations and have other structural issues, and continue to present significant housing quality issues. The neighborhoods also have severely deteriorated substandard and at times non-existent sewer, water and roadway infrastructure improvements. The McClellan Heights and Parker Homes Land Use and Infrastructure Plan provides a vision for land use changes intended to facilitate and support the transition of the area into two strong, primarily residential neighborhoods that are served by retail and other amenities with high quality housing at varying levels of affordability. This Plan includes recommendations for circulation and utility infrastructure improvements to address existing deficiencies and to support new uses that are part of the land use vision.

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

Currently there are approximately 840 housing units and 2500 residents in the two

McClellan Heights and Parker Homes neighborhoods. There is potential for additional new development, including 250 residential units, 15,000 square feet of retail, and some industrial development. The Plan is consistent with the smart growth principles identified in the Sacramento Area Council of Governments' (SACOG) Blueprint Preferred Scenario Blueprint by allowing higher density housing and a variety of housing types at varying price ranges; focusing on compact development to maximize use of existing land; offering a range of mixed land uses (residential, retail and industrial); and encouraging a distinctive, attractive community by applying design review requirements.

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

The Plan Will Provide Revenue to the City.

The Plan will provide revenue to the City from sales taxes generated by new retail development, as well as increased property tax revenues to fund the needed public improvements and public services. The creation of temporary construction jobs and permanent retail jobs will also financially benefit the City, as will the increase in sales taxes from the purchase of goods by residents within the McClellan Heights and Parker Homes communities. The Plan will also generate revenues to the City through payment of building fees and development impact fees.

The Plan Will Provide Neighborhood Near Existing and Planned Residential Development to Shorten or Reduce the Number of Vehicle Trips.

The Plan proposes 15,000 square feet of retail to serve the existing and future residents within the Plan area. The retail and restaurant uses will allow residents to avoid having to drive to access common neighborhood-serving retail uses, such as coffee/sandwich shops, bars, hair salons, dry cleaning, small grocery stores, flower shops and office-type services.

The Plan is Consistent with City's Adopted Health and Safety Goals.

The City is currently updating the General Plan and the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. While the Plan does allow for the development of approximately an additional 241 residential units within the CLUP's 65 CNEL noise contour, this amount would be a small increase from the existing 840 residential units in that noise corridor. Allowing additional residential development will provide an incentive for property owners to make improvements to the existing homes. The Plan meets the City's existing General Plan health and safety goals and policies, which include the following:

General Plan Health and Safety Element Goals and Policies

Goal A- Future development should be compatible with the projected year 2016 noise environment

> Policy 2: Require mitigation measures to reduce noise exposure to the "Normally Acceptable Levels" except where such measures are not feasible. It is recognized that there are many areas within the City for which it is not feasible to provide further noise mitigation. It is also recognized that some projects, because of their location, design, or size may not be able to incorporate mitigation measures that are feasible for larger projects or for projects in different locations. Specifically, around McClellan Air Force Base, there are areas where the noise contours indicate that it may be clearly infeasible to achieve the "normally acceptable" noise level. Projects in these areas may be allowed to exceed the maximum acceptable noise level. However, each project shall be subject to mitigation measures to maximum extent feasible.

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

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

- Promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial districts.
- Promote economic vitality and diversification of the local economy.
- Encourage mixed use developments to generate greater pedestrian activity.

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
AIR QUALITY					
AIR-1a: Install clean technology wood-burning devices. All installed burning devices shall be an EPA/DOE Energy Star labeled gas fireplaces. No wood burning fireplaces or wood stoves shall be allowed.	Applicant/Developer	During construction and prior to final building permit	City Development Services Dept. (DSD)	Review and verify	
AIR-1b Implement additional innovative measures to reduce operational air quality impacts. There are a number of measures the SMAQMD recommends that can be incorporated into the design/operation of land uses in the Plan Area to provide additional reductions in the overall level of emissions. These measures include, but are not limited to, the measures identified in Table 4.2-10. (Note: some of the measures may already exist as City of Sacramento development standards. Any measures selected should be implemented to the fullest extent possible.)	Applicant/Developer	Prior to issuance of building permit	City DSD	Review of project application and plans	
AIR-2: Implement PM_{10} control measures. All construction documents shall ensure that the following measures are implemented during all phases of construction and demolition activities for development in the Plan Area. ◆ No more than 15 acres of the Plan site shall be graded in any one day.	Applicant/Developer	Prior to issuance of grading permit	City DSD	Review of grading plans	
◆ Demolition contractors shall ensure that all exterior surfaces of buildings are wetted during building demolition activities. The material from any building demolition shall be completely wetted during any period when the material is being disturbed, such as during the removal from the construction site. Demolition contractors shall ensure that all exterior surfaces of buildings are wetted during building demolition activities. The material from any building demolition shall be completely wetted during any period when the material is being disturbed, such as during the removal from the construction site. ◆ All piles of demolished material shall be wetted and covered until removed from the site. ◆ Maintain 2 feet of freeboard space on haul trucks. ◆ All operations shall expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use		During construction	City DSD and SMAQMD	Review of construction plans and site inspection	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
of dry brushes is expressly prohibited. ◆ Wheel washers for exiting trucks shall be installed or the wheels of all trucks and equipment leaving the site shall be washed off. ◆ Water all exposed soil with sufficient frequency as to maintain soil moistness.					
AIR-3a: Site future sensitive receptors as far as possible from major roads and McClellan Field. Such receptors should be sited in accordance with the SMAQMD's *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways,* and as far as possible from McClellan Field.	City	Review of development plans	City	Review	
AIR-4a: Reduce NO_X emissions from off-road diesel-powered equipment. Construction plans for future developments in the Plan Area shall provide a plan, for approval by the lead agency and 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_X reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction. 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, shall be submitted to the lead agency and SMAQMD. 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 construction 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 appropriate 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.	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
AIR-4b: Equip construction equipment with a Level 3 California Air Resources Board-verified diesel emission control system. The following measure shall be incorporated into construction documents as recommended by the SMAQMD: All applicable pieces (at least one piece) of diesel equipment used on a construction site during the demolition, earthmoving, and clearing stages of construction shall be fitted with a level 3 California Air Resources Board- verified diesel emission control system. Prior to the issuance of a demolition or grading permit, the construction contractor and/or applicant shall submit to SMAQMD and City of Sacramento a certified list of the non-road diesel powered construction equipment that will be retrofitted with emission control devices. For each non-road diesel powered piece of construction equipment that will *not* be retrofitted, the construction representative shall provide an explanation detailing why such measures are not employed. The list shall include: (1) the equipment number, type, make, and contractor/sub-contractor name; and (2) the emission control device make, model and EPA or CARB verification number. If any diesel powered non-road construction equipment is found to be in non-compliance with this specification, the contractor will be issued a Notice of Non-Compliance and given a 24-hour period in which to bring the equipment into compliance or remove it from the project.	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	
AIR-4c: Control visible emissions from off-road diesel-powered equipment. Construction documents for future developments in the Plan Area shall ensure that emissions from all off-road diesel-powered equipment used on the construction site do not exceed 40 percent opacity for more than 3 minutes in any 1 hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency 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. The SMAQMD and/or other	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or State rules or regulations.					
AIR-4d Contribute off-site mitigation fees to the SMAQMD. If control measures contained in Mitigation Measures AIR-4a through AIR-4c are not sufficient to reduce mitigated construction emissions below SMAQMD threshold levels, as shown in Table 4.2-4, future construction representatives shall ensure that off-site mitigation fees are paid to the SMAQMD for construction-related NO_X emissions in excess of the SMAQMD's NO_X threshold.	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	
AIR-5a: Reduce NO_X emissions from off-road, diesel-powered equipment (see Mitigation Measure AIR-4a).	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	
AIR-5b: Equip construction equipment with a Level 3 California Air Resources Board-verified diesel emission control system (see Mitigation Measure AIR-4b).	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	
AIR-5c: Control visible emissions from off-road, diesel-powered equipment (see Mitigation Measure AIR-4c).	Applicant/Developer	Prior to issuance of grading permit	City DSD and SMAQMD	Verification of compliance (SMAQMD)	
BIOLOGICAL RESOURCES					
BIO-1a: Retain biologists to conduct baseline biological surveys. (Note that this mitigation measure is applicable to all impacts identified in this section. Reference is therefore made to this measure in the discussion of IMPACT BIO-2 through IMPACT BIO-7.) Future development proponents shall retain a qualified biologist to conduct baseline biological surveys on undeveloped lands within the Plan Area. Once the preliminary development plans are available and property access has been obtained, the biologist would conduct baseline surveys to document the presence or absence of the following resources and support future permitting efforts: special-status wildlife species (as identified in Table 4.3-2), waters of the United States (including wetlands), non-special status nesting raptors and migratory birds species,	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
and heritage trees that are subject to the City's tree ordinance.					
As part of this measure, the biologist shall coordinate with the appropriate resource agencies (e.g. DFG, USFWS, and USACE) to determine the appropriate level of survey and the timing for the surveys. Biological resources documented on the undeveloped parcels shall be provided to development proponents in a letter report and shall be used to support proposed development plans and State and federal permit acquisition. If sensitive biological resources are located during the field surveys, the appropriate mitigation measures would be implemented to avoid, minimize, or compensative for *potentially significant* impacts (these specific mitigation measures are described below for each resource-specific impact).					
BIO-1b: Obtain and implement conditions of federal permits for impacts on jurisdictional wetlands. If the USACE determines that the seasonal wetlands are not isolated and therefore are jurisdictional, future development proponents shall obtain the appropriate state and federal necessary permits to conduct activities in waters of the United States (jurisdictional wetlands) before finalized construction of any of the infill development associated with public and private development within the Plan Area. Discharge of fill into jurisdictional wetlands will require a Section 404 permit from the Corps and Section 401 certification from the Regional Water Quality Control Board (RWQCB). All conditions that are attached to the State and federal permits shall be implemented. The conditions shall be clearly identified in the construction plans and specifications and monitored during and after construction to ensure compliance. If the USACE determines that the wetlands are not jurisdictional, then the development proponent shall consult directly with the USFWS, prepare an HCP, and obtain authorization for the proposed development under Section 10 of the federal ESA.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-1c: If the seasonal wetlands are determined to support habitat for federally listed invertebrates, future development proponents shall compensate for direct and indirect impacts to potential habitat for federally listed vernal pool fairy shrimp and tadpole shrimp. The development proponent shall preserve and create additional habitat for these species using USFWS-approved compensation ratios as described below.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
♦ Future development proponents shall preserve suitable habitat at a ratio of 2:1 (2 acres preserved for every 1 acre of habitat directly or indirectly affected). Preservation credits must be acquired from an USFWS-approved mitigation bank or conservation area. ♦ Future development proponents shall create suitable habitat at a 1:1 ratio (1 acre created for every acre of habitat directly affected). Creation credits must be acquired from an USFWS-approved mitigation bank or conservation area. Final compensation requirements and mitigation ratios for the Plan would be determined through consultation with the USFWS. The exact cost to purchase preservation and creation credits for development-related impacts would be determined at the time of purchase. Mitigation credits shall be purchased and/or a conservation area and management plan would be established prior to any ground disturbing activities, including grading, within the Plan Area.					
BIO-2a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-2b: Obtain and implement conditions of federal permits for impacts on jurisdictional wetlands.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-3a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
BIO-3b: Avoid the elderberry shrub by establishing a minimum 20-foot-wide buffer around the elderberry shrub that occurs adjacent to the work zone. If elderberry shrubs that provide potential habitat for VELB (shrubs with stems 1 inch or greater in diameter) are located within the Plan Area and could be affected by proposed development activities, the project applicant shall determine if the shrub(s) can be avoided. If the shrub can be avoided, the project applicant shall require that the shrub be protected during construction by establishing a 20-foot-wide buffer and fencing around the elderberry shrub. This fencing is intended to prevent encroachment by construction vehicles and personnel. No construction activity, including grading, shall be allowed until this condition is satisfied. No grading, clearing, storage of equipment or machinery, or other disturbance or activity may occur until a representative of the City has inspected and approved all temporary construction fencing. The fencing and a note reflecting this condition shall be shown on the construction specifications.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-3c: Transplant elderberry shrubs that occur within the Plan Area and would be directly affected (removed) by a proposed development. If the habitat for VELB cannot be avoided (as described in Mitigation Measure BIO-3b, the development proponent shall evaluate whether or not transplantation of the shrub(s) is feasible. As part of this measure (and either the Section 7 or Section 10 permit from the USFWS), the project applicant shall ensure that any elderberry shrub that shall be directly affected (removed) by construction activities is transplanted to a USFWS-approved conservation area or mitigation bank in accordance with the USFWS Conservation Guidelines. The closest USFWS-approved mitigation site is the Wildlands, Inc. River Ranch Conservation Bank located in Yolo County. The elderberry shrub shall be transplanted when it is dormant (after it loses its leaves) in the period starting approximately in November and ending in the first two weeks of February. A qualified specialist familiar with elderberry shrub transplantation procedures shall supervise the transplanting. The location of the conservation area transplantation site shall be approved by USFWS before removal of the elderberry shrub.	Applicant/Developer	Prior to issuance of grading permit	City DSD and the U.S. Fish and Wildlife Services	If necessary, compliance with requirements of issued permits	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
The transplanting procedure entails the following steps: ♦ The affected shrub shall be cut back 3 to 6 feet above the ground or up to 50 percent of its height, whichever is greater. ♦ The shrub shall be removed using suitable equipment, taking as much of the root system as possible, wrapping the root ball in burlap and securing it with wire, and dampening the burlap with water to keep the roots wet. ♦ The shrub shall be replanted immediately at the mitigation site in holes of adequate size with the root ball planted so that its top is level with the existing ground. The soil will be compacted around the roots. The planting area must be at least 1,800 square feet. ♦ The shrub shall have its own water retention basin measuring 3 feet in diameter with a continuous berm measuring approximately 8 inches wide at the base and 6 inches high. The soil around the shrubs shall be saturated with water. The shrubs should be monitored and watered accordingly.					
BIO-3d: As part of the Biological Opinion (Section 7) or HCP (Section 10), private developer shall compensate for direct impacts (i.e. transplanting of one elderberry shrub) on all elderberry stems measuring 1 inch or more at ground level (i.e. VELB habitat). Compensation shall include replacement plantings of elderberry seedlings or cuttings and associated native plantings in a USFWS-approved conservation area or mitigation bank, at a ratio between 1:1 and 8:1 (ratio of new plantings to affected stems), depending on the diameter of the stem at ground level, the presence or absence of exit holes, and whether the shrub is located in riparian habitat. Compensation for VELB habitat shall include either establishing a USFWS-approved VELB conservation area or purchasing VELB credits at a USFWS-approved mitigation bank. As stated above, the closest USFWS-approved mitigation site is the Wildlands, Inc., River Ranch Conservation Bank located in Yolo County. The exact cost to establish a mitigation site at the approved mitigation site shall be determined at the time of purchase. The final amount and final location of this mitigation shall be determined	Applicant/Developer	Prior to issuance of grading permit	City DSD and the US Fish and Wildlife Services	Written verification of compliance	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
through consultation with the USFWS and will be outlined in the Biological Opinion or HCP.					
BIO-4a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-4b: If construction is scheduled to occur during the Swainson's hawk breeding season (generally March 1 through August 15), the project applicant shall retain a qualified wildlife biologist to conduct preconstruction surveys for nesting Swainson's hawks. If no Swainson's hawks are found nesting within the areas surveyed, then no further nest-site protection mitigation is required. If Swainson's hawks are found nesting on or adjacent to the construction site, DFG shall be consulted to determine if a no-disturbance buffer would be required until after the young have fledged (as determined by a qualified wildlife biologist). Impact avoidance measures shall be conducted pursuant to DFG's 1994 staff report.	Applicant/Developer	Prior to issuance of grading permit	City DSD	Review and verify surveys	
BIO-4c: If the biologist determines that there is suitable foraging habitat within the undeveloped lots in the Plan Area (as part of Mitigation Measure BIO-1a), future development proponents shall implement the recommendations described in the report published by DFG in 1994. This report recommends mitigation for the removal of suitable Swainson's hawk foraging habitat, at a ratio determined by the distance to the nearest active nest. The mitigation shall be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing Swainson's hawk mitigation credits at a DFG-approved mitigation bank.	Applicant/Developer	Prior to issuance of grading permit	City DSD	Receive written verification of purchase agreement.	
BIO-5a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-5b: Implement the California Department of Fish and Game	Applicant/Developer	Prior to issuance of	City DSD in	If necessary,	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
guidelines for burrowing owl mitigation. If active burrowing owls are detected during the biological baseline surveys (described as part of Mitigation Measure BIO-1a), the following measures shall be implemented by the development proponent. ◆ Occupied burrows shall not be disturbed during the nesting season (February 1–August 31). ◆ When destruction of occupied burrows is unavoidable outside the nesting season (September 1-January 31), unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows shall follow guidelines established by DFG. If owls must be moved away from the project construction areas, passive relocation techniques (e.g. installing one-way doors at burrow entrances) shall be used instead of trapping. At least one week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows. If active burrowing owl burrows are found and the owls must be relocated, the development proponent shall offset the loss of foraging and burrow habitat in the project construction area(s) by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the project construction area(s). The protected lands should be located adjacent to the occupied burrowing owl habitat in the project construction area or at another occupied site near the project construction area. The location of the protected lands shall be determined in coordination with DFG. The development proponent shall also prepare a monitoring plan, and provide long-term management and monitoring of the protected lands. The monitoring plan shall specify success criteria, identify remedial measures, and require an annual report to be submitted to DFG. If avoidance is the preferred method of dealing with potential impacts, no disturbance shall occur within 160 feet of occupied burrows during the nonbreeding season (September 1–January 31) or within 250 feet during the		grading permit and concurrent with grading and construction activities	coordination with the Dept. of Fish and Game	review and approve biologist's report and verify compliance with DFG protocols	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius around an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding burrowing owls or single unpaired resident bird. The configuration of the protected site shall be submitted to DFG for approval.					
BIO-6a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	If necessary, compliance with requirements of issued permits	
BIO-6b: Avoid disturbance of tree-, shrub- or ground-nesting white-tailed kite, Northern harrier, loggerhead shrike, and non-special-status migratory birds and raptors. The private developer shall implement one of the following measures, depending on the specific construction timeframes within the undeveloped areas of the Plan Area, to avoid disturbance of tree-, shrub- or ground-nesting white-tailed kites, northern harriers, loggerhead shrikes, and non-special-status migratory birds and raptors. ♦ If construction activities are scheduled to occur during the breeding season for these species (generally between March 1 and August 15), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys within the appropriate habitat. ♦ Tree- and shrub-nesting surveys shall be conducted in riparian and oak woodland habitats within or adjacent to the construction area to look for white-tailed kite, loggerhead shrike, and other non-special-status migratory birds and raptors.	Applicant/Developer	Prior to issuance of grading permit	City DSD	Review and verify surveys	

(continued, next page)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
♦ Ground-nesting surveys shall be conducted in non-native annual grasslands for northern harrier and other non-special-status migratory birds. ♦ The surveys should be conducted within one week before initiation of construction activities and at any time between March 1 and August 15. If no active nests are detected, then no additional mitigation is required. If surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late June to mid-July). The extent of these buffers shall be determined by a wildlife biologist, and will depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances. If construction activities begin before the breeding season (i.e. begin between August 16 and February 28) (pre-existing construction), then construction can proceed until it is determined that an active migratory bird or raptor nest would be subject to abandonment as a result of construction activities. Pre-existing construction activities are assumed to be "full force," including site grading and infrastructure development; activities that technically initiate construction but are minor would not be considered full force. Optimally, all necessary vegetation removal should be conducted before the breeding season (generally between March 1 and August 15) so that nesting birds or raptors would not occur in the construction area during construction activities. If any birds or raptors nest in the project vicinity under pre-existing construction conditions, then it is assumed that they are habituated (or will habituate) to the construction activities. Under this scenario, the preconstruction survey described previously should still be conducted on or after March 1 to identify any active nests in the vicinity and active sites should be monitored by a wildlife biologist					

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periodically until after the breeding season or after the young have fledged (usually late June to mid-July). If active nests are identified on or immediately adjacent to a development site, then all nonessential construction activities (e.g. equipment storage and meetings) should be avoided in the immediate vicinity of the nest site, but the remainder of construction activities may proceed.					
BIO-7a: Retain biologists to conduct baseline biological surveys, as described in Mitigation Measure 1a.	Applicant/Developer	Prior to issuance of grading permit	City DSD	Review and verify surveys	
BIO-7b: Comply with the City's tree ordinance. If any heritage trees are located during the biological baseline surveys (described as part of Mitigation Measure BIO-1a) and could be impacted by the Plan, the development proponent shall comply with the City's tree ordinance requirements.	Applicant/Developer	Prior to issuance of grading permit and concurrent with grading and construction activities	City DSD and City Urban Forest Services (UFS)	Review of apps and project plans and site inspection	
The ordinance states that during construction activity on any property on which a heritage tree is located, unless the express written permission of the director is first obtained, no person shall: ♦ Change the amount of irrigation provided to any heritage tree from that which was provided prior to the commencement of construction activity; ♦ Trench, grade, or pave into the dripline area of a heritage tree; ♦ Change, by more than two (2) feet, grade elevations within thirty (30) feet of the dripline area of a heritage tree; ♦ Park or operate any motor vehicle within the dripline area of any heritage tree; ♦ Place or store any equipment or construction materials within the dripline area of any heritage tree; ♦ Attach any signs, ropes, cables or any other items to any heritage tree; ♦ Cut or trim any branch of a heritage tree for temporary construction purposes; or ♦ Place or allow to flow into or over the dripline area of any heritage tree					

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any oil, fuel, concrete mix or other deleterious substance.					
NOISE					
NOISE-1: New residences shall be designed such that interior noise from traffic or aircraft does not exceed 45 L_{dn} in habitable rooms or an instantaneous maximum of 50 dBA in bedrooms or 55 dBA in habitable rooms. Where feasible, new residences shall be designed such that traffic noise at outdoor use areas does not exceed 60 L_{dn}. This mitigation measure applies to the entire Plan Area , including properties within the 60 CNEL aircraft noise contour. Treatments that can be implemented to achieve these performance standards include, but are not limited to the following: ◆ Placement of solid walls, earth berms, or building structures between roadways and outdoor use areas. ◆ Use of acoustically rated doors and windows. ◆ Placement of non-sensitive rooms (laundry rooms, garages, etc) adjacent to roadways. In addition to the mitigation measures noted above, for areas inside the 60 CNEL aircraft noise contour, additional soundproofing features should be incorporated into the project including, but not limited to, the following: ◆ Use of acoustically rated doors and windows; and ◆ Use of upgraded acoustical insulation for walls and roofs that may include placement of additional gypsum board or other noise-attenuating materials in walls and roofs. Prior to the issuance of building permits, the applicant must provide to the City a report from a certified acoustical design professional that details how dwelling units within the Plan Area will achieve the noise level standards listed above. The report shall also address how exterior noise will be reduced to 60 L_{dn} or less, where feasible. If reduction of noise to less than 60 L_{dn} is not feasible, the report shall provide a detailed explanation as to why.	Applicant/Developer	Prior to issuance of building permit	City DSD	Review and approve construction plans	

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Verification of Compliance
NOISE-2: New residential development within the 60 CNEL McClellan Airport noise exposure contour shall require notification. This may take the form of requiring developments requesting tentative maps or other development approvals to provide formal written disclosures, recorded deed notices, or in the Public Report prepared by the California Department of Real Estate disclosing the fact to prospective buyers that the parcel is located within the 60 CNEL noise contour of the McClellan Airport Planning Policy Area and is subject to periodic excessive noise from aircraft overflights.	City DSD	New development applications within the Plan area	City DSD	Verify project as conditioned	
NOISE-3: Employ the following noise-reducing construction practices and additional time-of-day restrictions: ♦ Construction noise shall be limited as follows: • 55 dBA between the hours from 6:00 p.m. to 10:00 p.m. and 50 dBA between the hours of 10:00 p.m. to 7:00 a.m. Monday through Saturday. • 55 dBA between the hours from 6:00 p.m. to 10:00 p.m. and 7:00 a.m. to 9:00 a.m. and 50 dBA for all other hours on Sunday. ♦ Measures that can be used to limit noise include but are not limited to, the following: • Locating equipment as far as practicable from noise sensitive uses; • Requiring that all construction equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation; • Prohibiting gasoline or diesel engines from having unmuffled exhaust; • Selecting haul routes that affect the fewest people; • Using noise-reducing enclosures around noise-generating equipment; and • Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission.	Applicant/Developer	During construction activities	City DSD	Verify compliance with noise ordinance and site inspection	
TRAFFIC AND CIRCULATION					
TRAF-1: Winter Street/Interstate 80 Westbound Ramps: provide a dedicated, southbound right turn lane which will result in one right turn	City Department of Transportation (DOT)	When warranted	DOT		

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lane and two through lanes on the southbound approach. This mitigation measure could be accomplished by modifying the north leg of the intersection to widen the existing roadway and re-stripe the travel lanes. Implementation of this mitigation measure would result in LOS D (48.4 seconds of delay) in AM peak hour and LOS C (28.1 seconds of delay) in the PM peak hour. Analysis sheets for the "with mitigation scenario" are included in Appendix C. After adopting the Plan, the City will implement the Plan by studying the feasibility and then developing an appropriate funding mechanism and/or including the costs as part of the Capital Improvement Program to provide for the recommended infrastructure improvements.					
TRAF-2: Winter Street/Interstate 80 Eastbound Ramps: provide a dedicated, northbound right turn lane which would result in two through lanes and one right turn lane on the northbound approach. Implementation of this mitigation measure would result in LOS C (26.6 seconds of delay) in the AM peak hour and LOS C (32.9 seconds of delay) in the PM peak hour. Analysis sheets for the "with mitigation scenario" are included in Appendix C. After adopting the Plan, the City will implement the Plan by studying the feasibility and then developing an appropriate funding mechanism and/or including the costs as part of the Capital Improvement Program to provide for the recommended infrastructure improvements.	DOT	When warranted	DOT		
UTILITIES					
UTIL-1: The City should calibrate and run its hydraulic water model for the Plan Are to determine the extent of improvements that would be required for new development anticipated for the Plan. Also, implement the recommendations in the McClellan Heights and Parker Homes Land Use and Infrastructure Plan which include (1) replace existing 4-inch and 6-inch mains with 8-inch plastic mains; (2) replace existing 8-inch steel mains with 12-inch plastic mains; (3) upgrade existing services to copper. Additionally, perform a study to determine of the capacity of the Bell Avenue pump station will need to be upgraded, and upgrade the facility if warranted. Cost estimates based on Plan buildout are contained in the McClellan Heights and Parker Homes Land Use and Infrastructure Plan.	City Dept. of Utilities (DOU)	As warranted	DOU		