

RESOLUTION NO. 2006-093

Adopted by the Sacramento City Council

January 31, 2006

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND APPROVING THE MITIGATION MONITORING PLAN FOR THE ISLANDS AT RIVERLAKE PROJECT, LOCATED ALONG THE NORTH AND SOUTH SIDES OF POCKET ROAD PRIMARILY BETWEEN EAST AND WEST SHORE DRIVES IN SACRAMENTO, CALIFORNIA. (P05-004) (ASSESSORS PARCEL NUMBERS (APNS): 031-1210-003; 031-1200-073; 031-1210-061; 031-1030-015; 031-1030-031; AND 031-1300-048.

BACKGROUND

I. CEQA FINDINGS

- A. The City Council finds that the Environmental Impact Report for the Islands at Riverlake Project (herein EIR) which consists of the Draft EIR, and Final EIR (Response to Comments) and Appendices, 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.
- B. 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 accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- C. The City Council certifies that the EIR has been presented to it and that the Planning Commission has reviewed it and considered the information contained therein prior to acting on the proposed project.
- D. Pursuant to CEQA Guidelines Sections 15091 and in support of its approval of the Islands at Riverlake project, the City Council hereby adopts the attached Findings of Fact and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

II. PROCEDURAL FINDINGS

- A. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California

Regulations, Title XIV, Section 15000 et seq., and the City of Sacramento environmental guidelines.

- B. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research on February 25, 2005, and was circulated for public comments from February 25, 2005, to March 30, 2005.
- C. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on June 21, 2005, to those public agencies that have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.
- D. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The public review period began on June 21, 2005, and ended on August 5, 2005.
- E. A Notice of Availability (NOA) was distributed to all interested groups, organizations, and individuals on June 21, 2005, for the Draft EIR. The Notice of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, 1231 I Street, Room 300, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on August 5, 2005.
- F. A public notice was placed in the Daily Recorder on June 21, 2005, which stated that the Islands at Riverlake Project Draft EIR was available for public review and comment.
- G. A public notice was posted with the Sacramento City Clerk's Office on June 21, 2005.
- H. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments, including additional information included in the Final EIR.
- I. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the City Council makes the following determinations:
 - 1. The EIR consists of the Draft EIR, and Final EIR (Responses to Comments) with appendices.
 - 2. The EIR was prepared and completed in compliance with CEQA.
 - 3. The EIR has been presented to the City Council which reviewed and considered the information therein prior to acting on the Islands at Riverlake project, and they find that the EIR reflects the independent judgment and analysis of the City of Sacramento.
- J. The following information is incorporated by reference and made part of the record supporting these findings:

1. The Draft and Final EIR and all documents relied upon or incorporated by reference including:
 - City of Sacramento General Plan, City of Sacramento, January, 1988
 - Draft Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987
 - Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988
 - Zoning Ordinance, City of Sacramento
 - Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004
 - Pocket Area Community Plan, South Pocket Specific Plan, City of Sacramento, 1976
 - LPPT PUD Schematic Plan and Development Guidelines, City of Sacramento, 1985
 - Single Family Residential Design Principles, City of Sacramento, September, 2000
2. The Mitigation Monitoring Plan dated August, 2005.
3. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project, including but not limited to, City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

K. As required by PRC Section 21081(a)(2) and Section 15091(e), the administrative record of these proceedings is located, 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 Planning Commission.

III. FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE ISLANDS AT RIVERLAKE PROJECT

The Environmental Impact Report for the Islands at Riverlake project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the project or alternatives to the project.

The Islands at Riverlake project is located on the north and south sides of Pocket Road from approximately 1,200 feet west of West Shore Drive to approximately 580 feet east of Dutra Bend Drive. The project would subdivide six parcels, totaling ±21.4 gross acres,

into 166 lots of variable size in the L and P – Pacific Teichert Planned Unit Development (LPPT PUD). The project would construct 139 detached single-story and two-story single-family alternative residential units in the Single-family Alternative Planned Unit Development (R-1A PUD) zone. An interior, 22-foot wide private road with a four-foot wide sidewalk on one side would provide access to the houses. The project includes improvements to Pocket Road and its intersection with West Shore Drive, East Shore Drive, Dutra Bend Drive, and Coleman Ranch Way.

Adoption of the Plan requires amendments to the LPPT PUD and Pocket Area Community Plan South Pocket Specific Plan (PACP_SPSP) to clarify that the “Townhouse and Related Development” (R-1A) designation allows the full range of residential uses allowed under the City zoning code for single-family residential alternative designation (R-1A), i.e., single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects.

Because the Initial Study indicated that implementation of the project (or project alternatives) might result in potentially significant impacts, the City is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant impacts, as identified by the City’s Initial Study, the Third District Court of Appeal, and as analyzed in the EIR. The following further identifies and summarizes the potentially significant impacts that can be avoided due to implementation of mitigation measures as identified in the EIR. The EIR concluded that there would be no significant and unavoidable impacts resulting from the project. These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

A. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED AND IMPACT AREAS IDENTIFIED BY THE THIRD DISTRICT COURT OF APPEAL

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code § 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potentially significant environmental impacts identified in the EIR. The City further finds that these changes or alterations in the project are within the jurisdiction of the City to require, and that these measures are appropriate and feasible.

In this section of the Findings of Fact for the proposed Islands at Riverlake project, the City identifies the areas where the Initial Study and the Third District Court of Appeal found that there was a fair argument the project may result in significant impacts and the potentially significant impacts that can be reduced through mitigation measures to a less-than-significant level. The referenced mitigation measures are hereby incorporated into the description of the project and their implementation will be tracked through the Islands at Riverlake Project Mitigation Monitoring Program.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. **LAN-1 Impact: SACOG Blueprint Growth Principles**

(a) Potentially Significant Impact

Inconsistency with the SACOG Blueprint Preferred Scenario for 2050 could result in a **potentially significant** land use impact on the Sacramento region.

(b) Facts in Support of Finding

The proposed project is considered consistent with the building type identified for the project site in the Blueprint Preferred Scenario. The SACOG identified the building type for the project site as "Single Family Small Lot" on the Blueprint Preferred Scenario for 2050 Map. On the lower end of the density range is medium density single-family product on lots from 3,500 square feet to 5,500 square feet. On the higher end of the range is detached town home product running from 12-24 dwelling units per net acre (personal communication, Kacey Lizon-Sacramento Area Council of Governments). The proposed project would construct residential dwelling units on lots ranging from 2,812 square feet up to 6,056 square feet (average lot size is 3,628 square feet). Only two of the 139 proposed single-family residential alternative lots exceed the "Single Family Small Lot" lower density range of lot sizes (6,056 square feet and 5,905 square feet respectively). The SACOG stated in a letter to the Supreme Court of California dated 27 January 2005, that the proposed project provides the kind of "Single Family Small Lot" development for which the Blueprint designates the project site. Adopted in December 2004, the Blueprint represents a trend to promote more dense, infill residential development, while the City's minimum lot standard (5,200 square feet) dates back earlier when the preference of the policy decision makers was for larger lots than they now prefer. Therefore, the proposed project is considered consistent and Impact LAN-1 is considered **less-than-significant**. No mitigation is required.

2. **LAN-2 Impact: SACOG Blueprint Growth Principles**

(a) Potentially Significant Impact

Inconsistency with SACOG Blueprint Growth Principles could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The proposed project is considered consistent with this SACOG Blueprint Growth Principles:

- (i) Transportation Choices. The proposed project includes design features that encourage people to sometimes walk, ride bicycles, or ride the bus. A concrete path would provide each residential unit a connection with the concrete pathways in the mini-parks. The concrete pathways in the mini-parks connect with the existing walkway in the Linear Parkway. The Linear Park pathway provides pedestrian opportunities to commercial

development east of the project site and Garcia Bend Park west of the project site. Both sides of Pocket Road have a striped bike lane. Regional Transit bus stops are located on both sides of the Pocket Road adjacent to the project site. The proposed project integrates with existing transportation choices. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(ii) Mixed-Use Developments. The LPPT PUD Schematic Plan designates a number of land uses including houses, apartments, senior housing, commercial uses, business, and open space. The proposed project would provide slightly less dense housing than identified on the LPPT PUD Schematic Plan (7.15 dwelling units per net acre proposed versus 8 dwelling units per net acre designated). The proposed transportation and circulation plan for the project integrates with existing surface connections with the other land uses in Riverlake. The proposed project contributes to the variety of land uses indicated on the LPPT PUD Schematic Plan and nearly achieves the density target. The project integrates with the other land uses in Riverlake. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(iii) Compact Development. As discussed under Impact LAN-1, 135 of the proposed single-family alternative lots are smaller than the 5,200-square foot City standard lot size. The proposed project would be more compact than the standard R-1 residential development. If the project site were developed at the density designated by the LPPT PUD Schematic Plan, 164 dwelling units would be constructed. The proposed project would construct 139 dwelling units. Build out of the project at the maximum density identified in the LPPT PUD Schematic Plan (164 dwelling units) would be more compact than the proposed project. As previously discussed, the proposed project would provide connections with existing alternative transportation modes. The project provides the connections through the passive use, landscaped mini-parks. Benches are proposed for the miniparks to encourage use of the mini-parks. The proposed project is more compact than standard R-1 residential development and would be slightly less compact than indicated on the LPPT PUD Schematic Plan. The project provides open space mini-parks to provide aesthetic connections with alternative modes of transportation. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(iv) Housing Choice and Diversity. The original LPPT PUD Schematic Plan provided a variety of places to live. Over the years, land use designations on the LPPT PUD Schematic Plan have been revised (section 4.1.4.4 "LAN-7 Impact" of the DEIR details changes to the LPPT PUD Schematic Plan). Major revisions included approving the development of halfplexes on corner lots and changing five of the eight "Townhouse and related R-1A" designated subdivisions to "Single-Family R-1." In addition to the "Single-Family R-1" and halfplexes, the apartments, senior housing, commercial, and office uses have been constructed. The proposed project nearly achieves the density requirement of the LPPT PUD Schematic Plan

and offers a housing type that is different than "Single-Family R-1" products, halfplexes, and garden apartments. With smaller houses on smaller lots (average 1,841-square foot house on an average 3,514-square foot lot), the 4.0 Environmental Evaluation proposed project is expected to sell for less than the typical houses in Riverlake (average 3,230-square foot house on an average 9,107-square foot lot). The proposed project is a component of a PUD that provides housing choice and variety. The housing type proposed for this project is different than other housing types in Riverlake and is expected to be more affordable than the average R-1 zoned Riverlake house. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(v) Use of Existing Assets. The proposed project is located on some of the last undeveloped parcels in the LPPT PUD. The project would preserve most of the existing trees in the Linear Parkway, add connections to the existing pathway through the parkway, and locate new housing near existing transit stops. Although the project does not qualify as "infill development" as defined in Policy 5 of the City's Overall Urban Growth Policies (SGPU page 1-37), the project satisfies the definition of "infill site" in California Public Resources Code 21061.05 because it is surrounded by "qualified urban development" and no parcel has been created on the project site. Based on the state's definition of infill under CEQA, the proposed project is an infill development in an urbanized area. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(vi) Quality Design. The City of Sacramento adopted "Single-Family Residential Design Principles" (SFRDP) in 2000 to assist developers, homebuilders, and architects design and build quality residential subdivisions. The evaluation of project consistency with the Design Principles in section 4.5 "Aesthetics" of the DEIR found the project to be designed consistently with the principles. When the project was previously approved by the Planning Commission in 2003, the City made a finding that the project was consistent with the SFRDP. These principles include general architecture; garages; porches/entries/courts; driveways/entry walks; setbacks/lot widths; landscaping/sidewalks; street view walls/monument entries/access; and orientation to parks/public open space. Project design that is consistent with the SFRDP ensures that the proposed project is consistent with this SACOG Blueprint Growth Principle.

(vii) Natural Resources Conservation. When the LPPT PUD Schematic Plan was approved, a 15-foot wide parkway easement was granted to the City of Sacramento and a 25-foot wide landscape easement was granted to the Riverlake Community Association. Taken together, both easements comprise a "Linear Parkway" that provides an open space buffer between Riverlake and Pocket Road. The proposed project would include seven mini-parks totaling 0.36 acre where mitigation trees would be planted. The mini-parks would have a concrete pathway connection to the concrete walkway in the City parkway easement. Additional natural

resources conservation incorporated in the proposed project includes off-site preservation of 10.3 acres of Swainson's hawk foraging habitat to mitigate for the conversion of foraging habitat on-site to residential use. Storm water management will be designed and constructed in accordance with City standards. A Conceptual Landscape Plan identifies the locations on the proposed lots where Riverlake Community Association approved shade trees would be planted as well as the locations in the mini-parks to be planted with shade trees. The proposed project provides open space and opportunities for residents to use the Linear Parkway. The proposed project includes off-site habitat preservation and shade trees on-site. Moreover, development of vacant parcels in urban areas limits development on agricultural and other undeveloped lands at the urban edge.

The project is consistent with all of the SACOG Blueprint Growth Principles. Therefore, Impact LAN-2 is considered **less-than-significant**. No mitigation is required.

3. **LAN-3 Impact: Sacramento General Plan**

(a) Potentially Significant Impact

Inconsistency with the Sacramento General Plan Land Use Designation could result in a **potentially significant** land use impact.

(b) Facts in Support of Finding

The project site is designated Low Density Residential (4 – 15 dwelling units per net acre) on the November 2003 SGPU Land Use Map. The net acreage of the project site is 19.44 acres. The project would construct 7.15 residential units per net acre (total 139 dwelling units). No General Plan Land Use amendment is needed. Therefore, Impact LAN-3 is considered **less-than-significant**. No mitigation is required.

4. **LAN-4 Impact: Sacramento General Plan**

(a) Potentially Significant Impact

Inconsistency with Sacramento General Plan Overall Urban Growth Policies, the Residential Land Use Element, or the Housing Element could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The project is consistent with all of the applicable Sacramento General Plan land use goals and policies. Therefore, Impact LAN-4 is considered **less-than-significant**. No mitigation is required.

5. **LAN-5 Impact: Pocket Area Community Plan**

(a) Potentially Significant Impact

Inconsistency with the Pocket Area Community Plan (PACP) Land Use Designation could result in a **potentially significant** land use impact on the Pocket Community in the City of Sacramento.

(b) Facts in Support of Finding

The project site is designated Residential (7-15 dwelling units per net acre) on the December 2003 PACP Land Use Map. The project would construct 7.15 residential units per net acre. No Community Plan land use map amendment is needed. The project is consistent with the PACP Land Use Designation. Therefore, Impact LAN-5 is considered **less-than-significant**. No mitigation is required.

6. **LAN-6 Impact: Pocket Area Community Plan**

(a) Potentially Significant Impact

Inconsistency with the Pocket Area Community Plan – South Pocket Specific Plan (PACP-SPSP) goals and policies could result in **potentially significant** land use impacts on the Pocket Community in the City of Sacramento.

(b) Facts in Support of Finding

The project is consistent with the applicable land use goals and policies of the PACPSPSP. The requested amendment to the text of the PACP-SPSP clarifies the longstanding interpretation of the City that the "townhouse and related development" designation overlying properties zoned R-1A is intended to allow the full range of housing types allowed under the R-1A zone. The amendment does not, therefore, pose a risk of generating any significant physical environmental impacts. Therefore, Impact LAN-6 is considered **less-than-significant**. No mitigation is required.

7. **LAN-7 Impact: LPPT PUD Schematic Map and Development Guidelines**

(a) Potentially Significant Impact

Inconsistency with the LPPT PUD Schematic Map could result in a **potentially significant** land use impacts.

(b) Facts in Support of Finding

The maximum density for subdivisions designated Townhouse (R-1A) on the LPPT PUD Schematic Plan is 8 dwelling units per net acre. At 7.15 dwelling units per net acre, the Islands at Riverlake project is less dense than the 8 dwelling units per net acre maximum density allowed for these parcels and more than the maximum density for the Townhouse (R-1A) designation. No Schematic Plan

map amendment is needed. The project is consistent with the LPPT PUD Schematic Map designation for the project site. Therefore, Impact LAN-7 is considered **less-than-significant**. No mitigation is required.

8. **LAN-8 Impact: LPPT PUD Schematic Map and Development Guidelines**

(a) Potentially Significant Impact

Inconsistency with LPPT PUD Development Guidelines could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The proposed housing product is consistent with the range of housing types identified in the zoning code for R-1A and the LPPT PUD Development Guidelines is a supplement to City Ordinances. The proposed amendment would clarify that the range of housing products allowed in the LPPT PUD "Townhouse (R-1A)" designation is the same range that is defined in the zoning code for the R-1A zone. The amendment does not, therefore, pose a risk of generating any significant physical environmental impacts. The project is consistent with the five Development Guidelines required of all development in the LPPT PUD. Therefore, Impact LAN-8 is considered **less-than-significant**. No mitigation is required.

9. **LAN-9 Impact: Sacramento Zoning Ordinance**

(a) Potentially Significant Impact

Inconsistency with the Sacramento City Code (SCC) zoning ordinance could result in a **potentially significant** land use impact on the City of Sacramento.

(b) Facts in Support of Finding

The project site is zoned R-1A (maximum density 15 attached or detached dwelling units per net acre). The project would construct 7.15 detached residential units per net acre. The R-1A zone "is a low to medium density residential zone intended to permit single-family, individually owned, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard lot sizes, height, area, and/or setback in the R-1 zone. This zone is intended to accommodate alternative single-family designs which are determined to be compatible with standard R-1 areas and which might include single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects" (SCC 17.20.010). The R-1A zone is often used for odd-sized or shaped parcels when the lot size, area, or setback requirements vary from the standard R-1 zone, or where the applicant seeks more compact development, pursuant to the SACOG Blueprint goals. The 7.3-net acre Stillwater A & B project (P95-066) is an example in Riverlake of detached houses built in the R-1A zone. The average lot size in Stillwater A & B is 6,067 square feet. The proposed single-family detached units on small lots are

consistent with the range of housing types allowed in the R-1A zone and the project does not exceed the maximum density set forth for the R-1A zone. Therefore, the proposed project is consistent with SCC Title 17, Zoning. Impact LAN-9 is considered **less-than-significant**. No mitigation is required.

10. **LAN-10 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Constructing houses at the proposed density of 7.15 dwelling units per net acre could be incompatible with existing land use or planned growth in the vicinity or with existing long-term uses on adjacent properties.

(b) Facts in Support of Finding

Because the proposed density is consistent with densities identified in the General Plan, Community Plan, and LPPT PUD Schematic Plan; is consistent with previous findings and planning decisions made in other parts of the LPPT PUD, and is consistent with the development of Bridgeview, Dutra Bend, and Southshore, the proposed project density is considered compatible with existing land use or planned growth in the vicinity and with long-term uses on adjacent properties. The LPPT PUD Schematic Plan also sought a mix of housing types, and this project helps to diversify the existing housing mix. Therefore, Impact LAN-10 is considered **less-than-significant**. No mitigation is required.

11. **LAN-11 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Constructing houses with the proposed mass/bulk could be incompatible with existing land use or planned growth in the vicinity or with existing long-term uses on adjacent properties.

(b) Facts in Support of Finding

The dwelling units proposed by the Islands at Riverlake project are smaller than the average sized dwelling unit located on abutting parcels. The mass/bulk statistics have a proportional relationship to lot size. The proposed lot sizes are smaller than the average lot sizes of abutting parcels due to the density required by the LPPT PUD Schematic Plan. Mass/bulk statistics are directly proportional to lot sizes. Therefore, the Islands at Riverlake mass/bulk statistics are higher than abutting parcels due to the density requirement. However, the average mass/bulk statistics for the proposed project is slightly higher than the difference between the average mass/bulk statistics of abutting parcels and other R-1A alternative developments in the same subdivisions. The proposed mass/bulk of the Islands at Riverlake project is within the range of other previously approved and constructed R-1A development abutting R-1 development. Because the City

previously determined the range of mass/bulk of those other R-1A alternative housing products compatible with the abutting R-1 standard housing products, the proposed mass/bulk is considered compatible. Therefore, LAN-11 Impact is considered **less-than-significant**. No mitigation is required.

12. **LAN-12 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Providing less than R-1 standard 15-foot rear yard setbacks could cause the proposed project to be incompatible with long-term uses on adjacent properties.

(b) Facts in Support of Finding

With the design features and existing regulations incorporated into the project and because the proposed rear yard setbacks meet or exceed the rear yard setbacks established for R-1A halfplexes on reverse frontage lots, and in many instances, exceed setbacks of existing R-1 homes, LAN-12 is considered a **less-than-significant impact**. No mitigation is required.

13. **AIR-1 Impact: ROG, NOX, and PM10 emissions during construction (short term)**

(a) Potentially Significant Impact

Construction of the project would contribute ROG, NOx, and PM10 emissions into the non-attainment area.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a **less-than-significant** level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

- AIR-1 Mitigation:**
- (i) The project shall provide a plan for approval by the City of Sacramento, in consultation with 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 NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction.
 - (ii) The project representative shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
 - (iii) The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40

percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City of Sacramento 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.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

14. **TRAN-2 Impact: Transportation/Circulation**

(a) Potentially Significant Impact

Substandard street width could result in exposing residents to safety hazards.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

- TRAN-2 Mitigation:**
- (i) On-street parking shall be prohibited on the private roads. The private roads shall be signed and striped for no parking at all times. A homeowner's association shall be responsible for enforcing the no parking rule.
 - (ii) The Covenants, Codes and Restrictions (CC&Rs) shall require that all trash and recycle bins are placed on the same side of the private road on pick-up day.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

15. **BIO-1 Impact: Biological Resources**

(a) Potentially Significant Impact

Construction of the proposed project could result in the disturbance of nesting Swainson's hawk (*Buteo swainsoni*) or other nesting raptors if present.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

- BIO-1 Mitigation:**
- (i) If construction begins outside the 1 March to 15 September breeding season a preconstruction survey for active nests does not need to be conducted.
 - (ii) If construction is scheduled to commence during the breeding season, a preconstruction survey will be conducted by a qualified biologist to determine if raptors are nesting within 0.25 mile of the project site.
 - (iii) The applicant will conduct a preconstruction survey at least 2 weeks prior to construction.
 - (iv) If no active nests are found, no additional mitigation will be necessary.
 - (v) If active raptor nests are found within 0.25 mile of the project site, the Department of Fish and Game (DFG) will be notified and no project activities that could result in nest abandonment (e.g., noise generated from the operation of heavy equipment) will be conducted without DFG approval.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

16. **BIO-2 Impact: Biological Resources**

(a) Potentially Significant Impact

Construction of the project could result in the need to remove, trim or cut the roots of trees covered by City ordinances.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

- BIO-2 Mitigation:**
- (i) Plant replacement trees at the ratios and locations identified in the City tree removal permit during the landscaping phase of the project.
 - (ii) Project plans shall note that all roots shall be cut clean. Any roots greater than two inches in diameter will require inspection by an ISA certified arborist prior to severing. The

applicant shall provide the City Arborist with a report demonstrating that severed roots greater than two inches diameter were inspected by an ISA certified arborist before cutting.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

17. **AES-1 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake project proposes building setbacks in an R-1A zone that are less than the standard setbacks for R-1 development and proposes lot coverages that exceed the standard lot coverage for R-1 development. Project opponents have made a "fair argument" that the proposed setbacks may result in a demonstrable negative aesthetic effect.

(b) Facts in Support of Finding

With the design features and existing regulations incorporated into the project and because the proposed rear yard setbacks meet or exceed the rear yard setbacks established for R-1A halfplexes on reverse frontage lots, and in many instances, exceed setbacks of existing R-1 homes, AES-1 is considered a **less-than-significant** impact.

The City's zoning code states that the minimum yard requirements in the R-1A zone "shall be the same as that specified in the R-1 zone, except that the Planning Commission [or on appeal to the Planning Commission] may vary the provisions in their review and determination of the required special permit" (SCC Title 17.060.020). The Islands at Riverlake project has applied for a special permit to construct 139 residential units with reduced setbacks, including 65 units on interior lots with reduced rear yard setbacks of 12 feet from the house and 10 feet from the garage.

As discussed under LAN-12 Impact in Section 4.1.5 of the DEIR, if the Islands at Riverlake project were built with a standard R-1 rear yard setback of 15 feet, the minimum expected distance from a new house to an existing house would be 30 feet for abutting rear yard houses (15 feet rear yard setback plus 15 feet rear yard setback) and 20 feet for an adjacent side yard house (5 feet side yard setback plus 15 feet rear yard setback). Of the 35 adjacent lots with abutting back yards, 11 existing houses would be located closer to the proposed project than the R-1 standard minimum distance of 30 feet between houses. The remaining 24 rear yard adjacent houses would have at least the R-1 minimum distance of 30 feet between buildings. Of the 24 adjacent lots with abutting side yards, 13 existing houses would be located closer to the proposed project than the R-1 standard minimum of distance of 20 feet. The remaining 11 side yard adjacent houses would have the R-1 minimum distance of 20 feet between

buildings. A total of 24 existing houses would have less distance between the proposed houses than would be provided by standard R-1 minimum setbacks.

The previously approved Pocket Road Manor Houses project (evaluated in Chapter 5 of the DEIR as Alternative A2) included 10-foot rear yard setbacks for two-story single-family alternative detached units abutting existing houses. For two-story single-family alternative halfplexes on reverse frontage lots in other parts of Riverlake, including the Bridgeview, Southshore, and Dutra Bend subdivisions, rear yard setbacks were established at 7.5 feet for the first floor and 15 feet for the second floor. The proposed project would have rear yard setbacks for single-story houses of 12 feet from the house and 10 feet from the garage. This meets or exceeds setbacks established for a project previously approved for the project site as well as other single-family alternative (R-1A) developments in the LPPT PUD. The setbacks were determined by the Planning Commission to be based on sound principles of land use for compatibility with the existing community and would not be detrimental to the public welfare or result in a public nuisance.

Because neither the zoning code nor the LPPT PUD Development Guidelines assign any quantifiable aesthetic values to setbacks, the determination of whether the setbacks create any adverse aesthetic impacts is ultimately a subjective one. Because of the subjective evaluation of the relationship between setbacks and aesthetic appearance, it is ultimately a matter for the discretion of the Planning Commission and the City Council to determine whether the setbacks proposed for the project create an undesirable aesthetic effect. The setbacks previously approved were considered adequate to provide necessary screening and privacy for residents of both housing types. The proposed project design avoids placing two-story units adjacent to existing houses on abutting lots. This design feature was included to avoid privacy intrusions resulting from locating second-story windows overlooking the adjacent houses.

Under LAN-12 Impact in Section 4.1.5 of the DEIR, four design features of the proposed project and one existing regulation reduces impacts resulting from locating new houses next to 24 existing houses with less than the R-1 minimum distance between buildings:

- (i) The project proposes only single-story units on the lots abutting these 2 existing houses, as well as for all lots abutting existing houses. This design feature ensures that no second-story windows overlook the existing house.
- (ii) The rear yard setbacks proposed by the project are greater than minimum rear yard setbacks approved for reverse lot R-1A halfplex developments in Riverlake and a previously approved project for the project site. As evaluated under LAN-4 Impact in Section 4.1.4.2 Sacramento General Plan, Residential Strategy, Goal A, Policy 6 for halfplexes on reverse lots the rear yard setbacks were established at 7.5 feet (Findings of Fact for P86-432, City Planning Commission 31 October 1986). The project proposed 12-foot setback from

the house and 10-foot setback from the garage exceeds this previously used standard. The first project approved for the project site, the Pocket Road Manor Houses project, provided a 10-foot rear yard setback for a single-family alternative detached dwelling unit abutting lots with existing houses.

- (iii) The 6-foot high good neighbor fence provides privacy to residents when they are in the yard. It also provides sightline screening when looking out from the first floor windows.
- (iv) The lots are situated so that the lot lines are staggered. Houses would not be directly in line with one another.
- (v) The Riverlake Community Association requires five 15-gallon trees to be planted in each yard in Riverlake. The interior lots of the Islands at Riverlake project will have landscaped front yards. Between 1 and 2.5 Riverlake Community Association-approved shade trees will be planted in the front yards. The responsibility of landscaping the backyard would be the new homeowner's. The Quadriga Conceptual Landscaping Plan identifies trees allowed for planting and the Riverlake Community Association approved the Plan. Planting of Riverlake Community Association approved trees by the new homeowners in the backyards would increase screening between the new houses and the existing houses. A copy of the Riverlake Community Association Approved Shade and Palm Tree List (January 2004) is in Exhibit E of the DEIR.

Therefore, AES-1 is considered a **less-than-significant** impact. No mitigation is required.

18. **AES-2 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake project proposes lot sizes that are less than the minimum size required for the R-1 zone in the City Zoning Code and proposes floor plans that exceed the R-1 standard lot coverage. Project opponents have made a "fair argument" that the lot sizes and coverage proposed for the Islands at Riverlake project may result in a demonstrable negative aesthetic effect.

(b) Facts in Support of Finding

The proposed typical lot plans exceed the minimum amounts of landscaping required under the LPPT PUD Development Guidelines. The variation in lot size, lot coverage and landscaping that the different proposed lot plans provide, as well as the seven mini-parks located throughout the development, serve to break up potential uniformity of the project's appearance. Therefore AES-2 impact is considered **less-than-significant**.

The City's zoning code states that the maximum lot coverage and minimum lot area per dwelling unit requirements in the R-1A zone "shall be the same as that

specified in the R-1 zone, except that the Planning Commission may vary the provisions in their review and determination of the required special permit" (SCC Title 17.060.020). The zoning code sets maximum lot coverage at 40% and minimum lot size at 5,200 square feet for R-1-zoned lots (Ibid.) The City calculates "lot coverage" as the footprint of the building, and does not include uncovered porches, walkways, driveways or patios in this calculation (SCC Title 17.17.010.) The zoning code also states, however, that the R-1A zone is intended to permit "alternative single-family designs" with lot sizes and area requirements that vary from standard single-family requirements (SCC Title 17.20.010.). Therefore, the R-1A zone is expressly intended to be a flexible designation with respect to lot coverage and size. The LPPT PUD Development Guidelines do not specify any maximum lot coverage requirements for "Townhouse and related development" (R-1A) parcels.

The average lot coverage proposed by the Islands at Riverlake project is 46%. The average proposed lot coverage would exceed the average building coverage of other R-1A developments in the LPPT PUD Schematic Plan area. However, the maximum lot coverage proposed by the Islands at Riverlake project, 54%, does not exceed the maximum lot coverage area in the Bridgeview (65% BCA), Westshore (62% BCA), and Stillwater (56% BCA) subdivisions. The average lot coverage area of the proposed project (46% BCA) is below the maximum lot coverage areas of the abutting subdivisions Bridgeview (65% BCA), Southshore (53% BCA), and Dutra Bend (53% BCA) and the maximum Islands at Riverlake lot coverage area is only 1% more than Southshore and Dutra Bend.

The zoning code does not set minimum landscaping coverage for developments within either the R-1 or R-1A zones. The LPPT PUD Development Guidelines require a minimum of 25% landscaping coverage. With an average landscape coverage area of 43%, all of the typical lot plans proposed for the project exceed the LPPT PUD's minimum requirements of 25% landscaping coverage.

The project's inconsistency with the R-1 zone lot coverage requirement does not, however, in and of itself, create a significant adverse aesthetic impact. Neither the City's regulations nor the LPPT PUD assign any qualitative aesthetic relationship to the minimum lot coverage requirement. Moreover, because lot coverage and size are intended to be flexible in an R-1A zone, the question for the Planning Commission or City Council is whether, in considering the lot coverage of the proposed lot plans in the context of the special permit required for any development within the R-1A zone, the proposed plans comply with "sound principles of land use," are not "detrimental to the public health, safety or welfare, or do not create a nuisance, and comply with the objectives of the general or specific plan for the area" (SCC Title 17.212).

The proposed lot sizes are smaller than the average lot sizes of abutting parcels. This is a result of the density required by the LPPT PUD Schematic Plan for the project site. The lot coverage area is directly proportional to lot sizes. Therefore, the Islands at Riverlake lot coverage areas are higher than abutting parcels due to the density requirement. Because the City previously determined that the range of lot coverage area of the other R-1A alternative housing products did not

result in a demonstrable negative aesthetic effect, the proposed lot coverage areas are considered consistent with the City's previous findings for the Bridgeview, Westshore, and Stillwater subdivisions.

For the foregoing reasons, any aesthetic impacts associated with lot sizes, lot coverage and landscaping are considered **less-than-significant**. No mitigation is required.

19. **AES-3 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project may have a demonstrable negative aesthetic effect if it conflicts with the City's Single-Family Residential Design Principles.

(b) Facts in Support of Finding

The proposed project is consistent with all of the guidelines in the Single-Family Residential Design Principles (SFRDP). The City's Single-Family Residential Design Principles set forth general design goals expected by the Planning Commission. The project's consistency with each of these principles and the guidelines/design approaches recommended to achieve these principles is set forth in the Islands at Riverlake Project DEIR:

The proposed project incorporates most of the SFRDP's recommendations. The project applicant proposes six different floor plans (two 1-story plans and three 2-story plans) with three elevations each, ranging from a 1,428 square-foot, single-story house to a 2,250-square-foot, two-story house (Floor plans and elevation drawings are in Exhibit D of the DEIR). The proposed designs incorporate consistent levels of detailing and finishes on all sides of the structure, with particular attention to publicly visible facades. No side-by-side or cross-private road duplication of a house elevation would occur.

The garages are recessed two feet from the front house elevation. In addition, the 74 houses that front on Pocket Road have garages that are attached to the rear of the houses, thereby virtually eliminating the view of garages from those traveling on Pocket Road (the main travel road into the LPPT PUD). Several of the floor plans include second stories above garages and also include windows and other architectural detailing that have the effect of reducing the dominance of the garage doors.

The proposed designs prominently feature front entries or rear facades that are designed to approximate a front-entry appearance, oriented to the street, and many also include covered porches. Additionally, the proposed units that front on Pocket Road feature a dual "front-door" appearance to both Pocket Road and the interior private street.

Most of the proposed home designs feature separate pedestrian access to the front doors from the driveway, interior private-street, and the existing Linear Parkway. Of the total 139 units, the 65 lots fronting on the interior private-street would have 16-foot wide and 18-foot long driveways; 72 of the lots fronting on Pocket Road would have 16-foot wide and 20-foot long driveways; two of the specialty lots would have 16-foot wide and 15-foot long driveways. Since the houses are a minimum of 57-feet wide, the driveways will comprise $\pm 28\%$ of the front width and this would not dominate the visual appearance of the front elevations of the proposed units. The driveways lead straight into the private street and do not encroach into the front yard area between the front entries and the street.

The front yard setbacks from the lots fronting on the interior, private street are "reduced" – approximately 9-to-11 feet, with a typical 18-foot driveway. The front yard setbacks of the houses fronting on Pocket Road and the landscape easement are zero feet because there are two landscape easements totaling 40 feet between the proposed houses and the Pocket Road right-of-way. These setbacks bring the houses with their windows and "eyes on the street" closer to the streets and sidewalks for a sense of security for pedestrians. The proposed plans feature nine different elevation designs, with a varied palette of colors, trim materials, and roofs. The yards of the lots fronting on Pocket Road will be completely landscaped. The front yards of the lots fronting on the interior private street will be completely landscaped. Landscaping of the backyards of the interior lots will be the responsibility of the homeowner. The Conceptual Landscape Plan is in Exhibit D of the DEIR. These features, plus the varied home sizes and heights, will prevent any sense of homogeneity.

The project will plant between 1 and 2.5 Riverlake Community Association approved shade trees in each yard abutting the interior private street. Shade trees exist already in landscape easement along Pocket Road and additional shade trees will be planted in the mini-parks throughout the development. Because the private drive is narrower than a standard City street section, the proposed shade trees are expected to provide adequate cover of the street's hard surface. A landscape strip between the private street and the interior sidewalk is not proposed. When the Islands at Riverlake project was previously approved by the Planning Commission, it was not subject to conditions of approval requiring the use of drought-tolerant landscaping.

Most of the existing shade trees within the landscape easement will be preserved; larger shade trees may be planted in the mini-parks, and the proposed landscaping coverage well exceeds the 25% minimum coverage requirement of the LPPT PUD Development Guidelines (proposed landscape coverage averages 44%).

Of the 139 proposed units, 74 houses will front on the landscape easement on Pocket Road. The project will be accessed through five new driveways and the Linear Parkway and one connection in West Shore Drive. None of the ingress/egress locations would be gated and no walls are proposed for the perimeter of the project.

The project is located immediately adjacent to an existing landscape easement along Pocket Road and is designed to front on this Linear Parkway. The project proposes seven passive use mini-parks scattered throughout the development to provide access and integration with the City walkway in the Linear Park.

Overall, the proposed project is considered consistent with the SFRDP. Therefore, this impact is considered **less-than-significant**. No mitigation is required.

20. **AES-4 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the density and intensity of the detached units in the Islands at Riverlake project may result in a demonstrable negative aesthetic effect as compared to previously approved attached-unit projects.

(b) Facts in Support of Finding

At 7.15 dwelling units per acre, the proposed project is less than the maximum 8 dwelling units per net acre density designation of the LPPT PUD. The proposed density is consistent with the density designated by the SGPU (4-15 du/net acre), PACP-SPSP (7-15 du/net acre), and the R-1A zone (15 du/acre maximum) (LAN-10 Impact under Section 4.1.5 of the DEIR).

Based on the evaluation under LAN-11 Impact in Section 4.1.5 of the DEIR, the intensity (mass as it relates to density) of the proposed project is consistent with City findings for similar R-1A housing products abutting standard R-1 projects. The Islands at Riverlake project proposes smaller houses than the typical houses in the LPPT PUD on smaller than typical lots. The project uses smaller lots to achieve the required density. The smaller lots result in greater mass/bulk statistics. The Alternatives Analysis in Chapter Five illustrates that the intensity of the development is directly proportional to the number of residential units located on the project site.

The proposed project will be more dense than the adjacent existing neighborhoods; however, the project site has been slated for this density of development for at least 20 years. In the opinion of the City planning staff, there is no further objective valuation that can be made regarding the aesthetic effect associated with the proposed project's density. Because the project is consistent with the City's goals and policies encouraging denser residential infill development and is consistent with objective City criteria governing maximum density, any aesthetic impact associated with the project's density is therefore considered **less-than-significant**. No mitigation is required.

21. **AES-5 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project could have a demonstrable negative aesthetic effect if it would obstruct a significant view or view shed in a location that is visible from a public gathering or viewing area.

(b) Facts in Support of Finding

(i) Views from Pocket Road: The proposed project consists of two rows of wide and shallow lots with garage access off a private drive between the Linear Parkway and the existing houses. On the proposed houses along the Linear Parkway, the front door/elevation will face the linear parkway and Pocket Road. The existing character of the site is a graded vacant lot, bordered on one side by residential development and by a 60-foot wide linear parkway on the other. The character of the proposed project is congruous with the neighboring residential development. Passers-by of the project on Pocket Road would see the front elevations of detached houses and would not consider the development visually disruptive because urban residential development is a common and accepted part of the landscape in the City.

The existing view from Pocket Road is of the Linear Parkway in the foreground, homes in the midground, and sky in the background. The proposed project will not substantially change this view. The view from Pocket Road after project construction will be of the Linear Parkway in the foreground, homes in the midground, and sky in the background.

The Linear Parkway is maintained by the Riverlake Community Association (RCA) with contribution from the project. The RCA voted to tentatively include the Islands at Riverlake subdivision into the homeowners association (final approval would occur during the final map phase). The City will condition the project to have a homeowners association, if not the Riverlake Community Association. Implementation of, and adherence to, a homeowners association or Riverlake Community Association CC&Rs for front yard maintenance would ensure that the residential development and the Linear Parkway are maintained in a manner consistent with the rest of the Riverlake community. Therefore, the potential aesthetic effect associated with the view of the project from Pocket Road is considered to be **less-than-significant**. No mitigation is required.

(ii) Private Views from Residential Development: Some existing residents have expressed the opinion that the proposed project would conflict with their visual expectations for the site. Some residents previously expressed an expectation for larger, manor-style homes or attached townhomes. The proposed project would figure prominently in the foreground of the private view sheds from the rear of the neighboring houses and would in some cases obstruct their view of the Linear Parkway. Clustered manor homes or townhouses would possibly result in different private view sheds being affected, but it cannot be reasonably argued that the effect would be "more" or "less" under the subject project. Clustered manor homes could block similar private view sheds as the proposed

combination of single- and two-story single-family homes. Townhouses could conceivably be similar or block more views because of their height.

To characterize these private views and potential impacts to them as triggering mitigation under CEQA is inappropriate, however, as the subject property has been designated for over 20 years for two-story residential development. As such, the private views under consideration were interim beneficial conditions. The loss or impairment of these views with proposed development of the subject site is **not a significant impact** under CEQA.

(iii) Public views down length of interior street of project: Some project opponents have expressed the view that passersby looking down the length of the interior street of the project will experience a "canyoning" or "tunneling" effect, due to the narrower width of the private street and the reduced front setbacks of the proposed lot plans. It should be noted that this assessment first arose when the applicant first proposed predominantly two-story homes, with shorter setbacks, throughout the project site. That proposal has since been revised to include a greater mix of single- and two-story houses, and greater setbacks. The City has no established, objective or quantifiable criteria by which to measure this subjective perception of "tunneling." As discussed above, however, the project has been determined to be consistent with the quantifiable criteria for density, setbacks, lot coverage, landscaping requirements, and building heights and styles.

The City Fire, Development Services, and Transportation Departments considered the width of the private street and determined that the narrower width would not pose any significant public safety risks or traffic hazards. The length of the interior street will be interrupted by periodic wider, "hammerhead" turnouts and concrete "islands" which will minimize the potential adverse visual effect that a long, uninterrupted stretch might otherwise create. Shade trees will be planted in the mini-parks proposed throughout the development and in the yards facing the interior street. In consideration of all of these factors, the potential "canyoning" or "tunneling" effect is determined to be **less-than-significant** from a CEQA perspective. The ultimate determination of the desirability of the proposed design and the appropriate balancing of the needs of existing and future residents will be decided by the Planning Commission and City Council and guided by the standards for the issuance of a special permit. No mitigation is required.

22. **AES-6 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project proposal to construct houses and plant trees could have demonstrable negative aesthetic effects if they excessively shade the Linear Parkway, locate existing adjacent residences in complete shade, or incorporate landscaping that is incompatible with the existing character of the neighborhood.

(b) Facts in Support of Finding

A total of 65 houses would be built on interior lots. Of the 65 houses, 55 would be single-story and 10 would be two-story. The two-story lots are lots 14, 45, 51, 54, 55, 69, 75, 79, 80, and 86. The majority of the lots proposed for two-story plans are located adjacent to cul-de-sacs and a small portion of an existing home's front and/or side yard. Lot 14 would have the detached garage located approximately 5 feet away from the side yard property line with the nearest portion of the adjacent existing home located approximately 17 feet distant from the property line. Two lots are adjacent to just a cul-de-sac, lots 51 and 86. The single-story houses would be a maximum of 16 feet high, and the two-story houses would be a maximum of 24.5 feet high. Of the 59 existing houses, 11 are single-story and 48 are two-story houses. A majority of the houses along the north side of Pocket Road, adjacent to existing residences, will be constructed on level ground between 1 and 2 feet above adjacent existing houses ground levels. A retaining wall will be installed to compensate for the difference between grade levels with a 6-foot tall fence on top of the retaining wall. The homes along the south side of Pocket Road, adjacent to the existing residences, will range from 1 foot above to one foot below the existing homes ground level. The City's Zoning Ordinance limits the height of buildings in the R-1 to 35 feet.

The Islands at Riverlake project proposes greater setbacks and lower building heights than have been approved and constructed in Bridgeview, Southshore, and Dutra Bend. The proposed setbacks are greater than and the height less than what has been approved and constructed in other subdivisions in the LPPT PUD. The Guidelines require each front yard have a minimum of one 15-gallon shade tree that has been selected from the RCA's Approved Shade Trees list. The CC&Rs require a minimum of five trees per lot. One of the five required 15-gallon trees must be a shade tree located in the front yard. The back yards of the abutting houses appear to comply with the requirement. At maturity, the shortest approved shade tree is 20 feet (Trident Maple) and the tallest is 80 feet tall (Red Oak, Scarlet Oak, and Maidenhair). The average mature tree height of the approved tree list is \pm 50 feet.

The Islands at Riverlake project would plant 1 to 2.5 shade trees in the front yards of the existing interior lots. The new homeowners of interior lots are required to landscape their backyards. It would be the homeowner's responsibility to plant the remaining 4 – 2.5 required trees in the backyard. The average tree height is 34 feet higher than the proposed single-story house and \pm 25 feet higher than the two-story house. If there were shade impacts, they would result from shade trees planted in backyards not from the buildings. Shade impacts resulting from shade trees are not considered a significant impact because the Riverlake Community Association has expressly identified shade trees as a community benefit. Therefore, AES-6 is considered a **less-than-significant** impact. No mitigation is required.

23. **AES-7 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake Project could result in a demonstrable negative aesthetic effect if it would cast glare light or glare into traffic or residential uses in such a way that it causes a public hazard or annoyance for a sustained period of time.

(b) Facts in Support of Finding

The project will include the installation of outdoor lighting. Compliance with SCC Titles 17.24 and 17.68.030 Part B will ensure that exterior lighting is consistent with similarly zoned and developed areas in the City. Among the restrictions of these regulations are: light must be reflected away from neighboring land uses (SCC 17.68.030 Part B). Therefore, AES-7 is considered a **less-than-significant** impact. No mitigation is required.

24. **CUL-1 Impact: Cultural Resources**

(a) Potentially Significant Impact

Previously unidentified artifacts could be discovered during trenching to install underground utilities.

(b) Facts in Support of Finding

The **potentially significant** impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

CUL-1 Mitigation: If subsurface archaeological or historical remains (including, but not limited to, unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work within 100 feet of the discovery shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a **less-than-significant** level before construction continues.

With implementation of the above mitigation measure, this impact would be reduced to **less-than-significant** levels.

25. **CUL-2 Impact: Cultural Resources**

a. Potentially Significant Impact

Previously unidentified human remains could be unearthed during construction.

b. Facts in Support of Finding

The **potentially significant** impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

- CUL-2 Mitigation:** If human burials are encountered, work within 100 feet of the discovery shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5).

With implementation of the above mitigation measure, this impact would be reduced to **less-than-significant** levels.

26. **REC-1 Impact: Recreational Resources**

(a) Potentially Significant Impact

The Islands at Riverlake Project will create an increased demand for parks due to increased population.

(b) Facts in Support of Finding

The SGPU DEIR and the Sacramento Master Park Plan standard for park dedication by the developers is 5 acres per 1,000 residents or approximately 2.5 acres per 1,000 residents for Neighborhood Parks and the same ratio for Community Parks. The proposed project will result in approximately 473 new residents. Pursuant to City plans, the project is required to provide a total of 2.37 acres of parks (1.18 acres of Neighborhood Parks and 1.18 acres of Community Parks).

Dedication of parkland was a condition of approval for the LPPT PUD in 1985. To satisfy the parkland dedication requirement for the entire LPPT PUD development, the original developer provided a ± 30-acre scenic and recreational lake; a 2.5-acre public park constructed to the satisfaction of the City on the landward side of the levee between lots 16 and 17 (Shore Park Garden Apartments), and a partially publicly dedicated (2.2 acres to the City) and partially privately owned (3.6 acres to the RCA) Linear Parkway improved to the satisfaction of the City. The City determined that "City and Developer agree that Developer's obligations... are more than sufficient to satisfy Developer's parkland dedication obligation for the total project, so that no such dedication or fees in lieu thereof shall be required" (Development Agreement dated 27 August 1985 and amended 15 July 1996). The original developer completed the obligations specified in the Developer Agreement.

The LPPT PUD has completed its parkland dedication obligation. REC-1 Impacts are considered **less-than-significant**. No mitigation is required.

27. **REC-2 Impact: Recreational Resources**

(a) Potentially Significant Impact

Adjacent private residential development may affect recreational opportunities in the Linear Parkway.

(b) Facts in Support of Finding

The LPPT PUD was approved with the Townhouse and related development (R-1A) designation located adjacent to the Linear Parkway. The City has consistently found that residential uses at densities up to 164 dwelling units per net acre are compatible with Linear Parkway use. The Pocket Road Manor Houses was approved in 1987 (P87-129, -130, and -131) with a time extension approved in 1989 (all projects joined under number P87-129). The Pocket Road Manor Houses were approved to construct 100 single-family alternative attached and 50 single-family alternative detached houses. The Riverlake Park Homes was approved in 1994 (P93-089) with a time extension for the project approved in 1995. The Riverlake Park Homes project was approved to construct 162 individually owned residential units in 22 triplexes and 24 quadplexes. The Islands at Riverlake project is a residential land use and proposes a lower density than the previously approved projects.

With the proposed project, single-family alternative detached housing would be constructed between the Linear Parkway and the existing residential development. No fence or sound wall is proposed along the Linear Parkway. The residential units adjacent to the parkway are designed to appear as if the front of the house faces the parkway and Pocket Road.

The presence of new homes on the project site adjacent to the Linear Parkway is not expected to discourage existing Linear Parkway users from continuing to use it. The presence of homes adjacent to parks and parkways parks bordering residential subdivisions is common in the City. The presence of a developed residential environment next to the Linear Parkway may afford people using the Linear Parkway a greater sense of security than the existing vacant land, particularly at night.

Because the City determined that the two previous residential development projects would not cause significant impacts to the Linear Parkway use, and the proposed project is a residential land use with a lower density than the previously approved projects, impacts to the Linear Parkway resulting from adjacent residential development is considered a **less-than-significant** impact. No mitigation is required.

28. **REC-3 Impact: Recreational Resources**

(a) Potentially Significant Impact

Construction of driveway entrances and walkways in the Linear Parkway may affect recreational opportunities in the Linear Parkway.

(b) Facts in Support of Finding

Construction of the five new driveways to Pocket Road will convert 6,879 square feet (0.16 acre) of the Linear Parkway to roadway use. A new three-foot wide pathway would be constructed in the Riverlake Community Association landscape easement parallel to the existing eight-foot-wide walkway in the City of Sacramento parkway easement. Like the walkway in the City's easement, the new pathway meanders. The pathway connects each lot fronting Pocket Road with either the new pathways through the mini-parks or with the private road. Each residential lot fronting Pocket Road would have a three-foot-wide, straight, broom-finished concrete pathway connection with the new Riverlake Community Association pathway. No units fronting Pocket Road will have direct pathway connection with the City of Sacramento's eight-foot wide walkway in the City's parkway easement or with any City sidewalk. The new pathways result in the conversion of 16,825 square feet (0.39 acre) of the Linear Parkway. The total amount of Linear Parkway conversion due to roads and pathways is 0.55 acre.

Project opponents also claim that the proposed project will encroach into the easement. However, the terms of the Linear Parkway easements allow the project applicant, as owner of the property subject to the easements, to construct driveways and other facilities such as sidewalks across the easements as are necessary and appropriate to subdivide and develop the adjacent lots.

The Riverlake Manor Houses project plans (P87-129, -130, and -131) showed patios, parking lots, and pathways in the Riverlake Community Association landscape easement area of the Linear Parkway (Figure 12). The City conditioned its approval on the removal of patios and parking lots from the landscape easement. The City eliminated private pathway connections to public sidewalk ROW at West Shore Drive and East Shore Drive. Pathways in the landscape easement connecting the residential units were acceptable. This is verified by the revised drawings approved in 1989 for the project's time extension: patios and parking spaces were removed from the parkway and direct connection of private pathways to public sidewalk ROW were eliminated.

The project would construct seven passive use mini-parks totaling 0.36 acre of open space. The mini-parks help to integrate the Islands at Riverlake subdivision with the Linear Parkway. The pathways connecting the houses fronting Pocket Road with the mini-park serves to encourage use of the walkway in the City's parkway easement. Having the improved paths will make it easier for residents to access the walkway instead of walking through the grass to the City walkway.

Because the proposed construction in the Linear Parkway is consistent with the parkway easement recorded in favor of the City and the landscape easement recorded in favor of the Riverlake Community Association, the project is

consistent with the two previously approved projects, and provides passive use mini-parks, impacts on recreational opportunities in the Linear Parkway are considered **less-than-significant**. No mitigation is required.

B. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative, plus a range of alternatives to the project or its location. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project. For the reasons documented in the EIR and summarized below, the City finds that approval and implementation of the project as proposed is appropriate. The EIR concluded that there were no significant and unavoidable environmental impacts, nor any significant impacts requiring mitigation associated with the proposed project's land use planning consistency, aesthetics or recreational resources. Therefore, the City is not required under CEQA to make findings regarding the feasibility or infeasibility of any of the project alternatives. The alternatives analysis demonstrates that there are a wide range of designs possible for the project site that are more or less consistent with existing plans and policies, with minor differences in lot coverage, setbacks, number of units, street width and location, building orientation, height and massing, none of which result in substantial benefits or improvements for the environment over the proposed project, which has no significant, unmitigated environmental impacts. The evidence supporting these findings is presented in the Draft EIR and responses to comments in the Final EIR.

1. Alternative 1: No Project Alternative

The No Project Alternative (Alternative 1) is required by CEQA. The No Project alternative assumes that the construction equipment and materials would be removed and the site would be restored to the conditions that were present as late as August 2004. The site would remain vacant and no development would likely occur on the site in the near future. The site would be subject to weed abatement measures once or twice annually.

Reasons for Rejecting Alternative 1:

- 1) Alternative 1 is not consistent with the General, Community, or Schematic Plans because each designated the site to be developed with residential land uses. The City would need to look elsewhere in the City to realize the loss of this housing potential.
- 2) Alternative 1 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

2. Alternative 2: Pocket Road Manor Houses Alternative

The Pocket Road Manor Houses Project was approved in 1987 (P87-129, P87-130, and P87-131). It consists of 150 individually owned, single-family alternative residential

units. Fifty of the units would be detached and 100 would be in halfplexes. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 2:

- 1) Alternative 2 requires more private road ingress/egress points than the proposed project.
- 2) Alternative 2 would result in a potential zoning inconsistency which previously required a Special Permit to allow the construction of the private road. The project would construct a road adjacent to the side yard of existing houses within the 12.5-foot minimum street side, side yard setbacks required by the zoning code for the R-1 zone and the R-1A zone. The road would be located five feet from the adjacent, existing side yards. This would cause the existing houses to be approximately 10 feet from the new road. Two design features of the project would mitigate some of the negative impacts resulting from locating a road in this alignment. The existing six-foot high fence would attenuate traffic noise and screen views of the road from the yard and rooms on the first floor. Traffic noise and views of the road would be less well screened from rooms on the second floor. To provide more screening, shrubs or modest sized trees could be planted in the five-foot setback between the road and the fence.
- 3) Alternative 2 is potentially inconsistent with the Single Family Residential Design Principles (SFRDP) (City of Sacramento September 2000). The site plan configures the houses on an angle to the property line. Under the heading "Building Design" on page 8 of the SFRDP, the Planning Commission encourages, "Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use windows (i.e., living room, kitchen) facing the street." The rationale is that it provides for "eyes on the street" and contributes to pedestrian safety and activity (ibid). The garages further screen the street from active use windows.
- 4) Alternative 2 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

3. **Alternative 3: Riverlake Park Homes Alternative**

The Riverlake Park Homes project was approved in 1994 (P93-089). It consists of 162 individually owned, single-family alternative residential units. Sixty-six of the units would be in 22 triplexes and 96 would be in 24 quadplexes. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 3:

- 1) Alternative 3 requires more private road ingress/egress points than the proposed project.
- 2) Alternative 3 would result in a potential zoning inconsistency which previously required a Special Permit to allow the construction of the private road. The project would construct a road adjacent to the side yard of existing houses within the 12.5-foot minimum street side, side yard setbacks required by the zoning code for the R-1 zone and the R-1A zone. The road would be located five feet from the adjacent, existing side yards. This would cause the existing houses to be approximately 10 feet from the new road. Two design features of the project would mitigate some of the negative impacts resulting from locating a road in this alignment. The existing six-foot high fence would attenuate traffic noise and screen views of the road from the yard and rooms on the first floor. Traffic noise and views of the road would be less well screened from rooms on the second floor. To provide more screening, shrubs or modest sized trees could be planted in the five-foot setback between the road and the fence.
- 3) Alternative 3 plan does not conform to the Single Family Residential Design Principles (City of Sacramento September 2000). The 24 quadplexes locate the four garages between the living units and the private street. The 22 triplexes are facing inward and opposite to another triplex. The active use windows are facing the Linear Parkway and not the private street.
- 4) Alternative 3 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

4. **Alternative 4: Pocket Protectors' Plan Alternative**

The Pocket Protectors' Plan consists of 126 individually owned, single-family alternative residential units. All of the units would be in 63 halfplexes. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 4:

- 1) Alternative 4 would not be consistent with the Community Plan land use designation for a minimum of 7 dwelling units per net acre; therefore, the project would require a Community Plan amendment. The density is above the maximum density of 5 dwelling units per net acre for Single Family (R-1) and below the maximum 8 units per net acre for the Townhouse (R-1A) designation on the LPPT PUD Schematic Plan.
- 2) Alternative 4 would result in a potential zoning inconsistency which previously required a Special Permit to allow the construction of the private road. The project would construct a road adjacent to the side yard of existing houses within the 12.5-foot minimum street side, side yard setbacks required by the zoning code for the R-1 zone and the R-

1A zone. The road would be located five feet from the adjacent, existing side yards. This would cause the existing houses to be approximately 10 feet from the new road. Two design features of the project would mitigate some of the negative impacts resulting from locating a road in this alignment. The existing six-foot high fence would attenuate traffic noise and screen views of the road from the yard and rooms on the first floor. Traffic noise and views of the road would be less well screened from rooms on the second floor. To provide more screening, shrubs or modest sized trees could be planted in the five-foot setback between the road and the fence.

- 3) Alternative 4 configures the buildings on an angle like Alternative 2. Potential inconsistencies with the Single Family Design Principles (City of Sacramento September 2000) could lead to health and safety concerns by shielding active use windows from the private street.
- 4) Alternative 4 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

5. **Alternative 5: Zero Lot Line Alternative**

The Zero Lot Line Project consists of 155 individually owned, single-family alternative residential units. All of the units would be detached. The front of the units would face Pocket Road. The garage would be accessed from the private drive. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 5:

- 1) Alternative 5 would result in the same potential zoning inconsistency that was described for the Alternative 2, Alternative 3, and Alternative 4 projects. The project would construct a road within the 12.5-foot minimum side yard setback adjacent to the street. The existing six-foot high fence in conjunction with the five-foot wide planter would be adequate to satisfy the noise and safety concerns caused by the proximity of the private street to existing houses. As discussed under the evaluations of the Pocket Road Manor Houses, Riverlake Park Homes, and Pocket Protectors' Plan projects, another method of achieving the R-1 standard street side, side yard setbacks would be to shift the entire project three feet towards Pocket Road. The total width of the Linear Parkway would be reduced from 60 feet to 57 feet to reduce privacy concerns and zoning inconsistencies. The possible encroachment could result in potentially significant aesthetic and recreational resources impacts.
- 2) Alternative 5 does not conform to the Single Family Residential Design Principles (City of Sacramento September 2000). The zero lot line units would locate the garage between the living units and the private street. The active use windows would face the patio and not the private street.

- 3) Alternative 5 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

6. **Alternative 6: R-1 Rezone Alternative**

The R-1 Rezone alternative considers the development of a single-family standard residential subdivision that meets all of the setbacks and lot coverage requirements of an R-1 zoned development. The subdivision would consist of approximately 100 individually owned, single-family standard residential units on R-1 standard 5,200 square-foot lots. The units would have standard R-1 setbacks with a maximum lot coverage of 40% and maximum building height of 35 feet, based on City Code requirements. All of the units would be detached. The front of the units would face Pocket Road. The garage would be accessed from the interior private drive. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 6:

- 1) Alternative 6 would construct a road within the 12.5-foot minimum side yard setback adjacent to the street. The existing six-foot high fence in conjunction with the five-foot wide planter would be adequate to satisfy the noise and safety concerns caused by the proximity of the private street to existing houses. As discussed under the evaluations of the Pocket Road Manor Houses, Riverlake Park Homes, and Pocket Protectors' Plan projects, another method of achieving the R-1 standard street side, side yard setbacks would be to shift the entire project three feet towards Pocket Road. The total width of the Linear Parkway would be reduced from 60 feet to 57 feet to reduce privacy concerns and zoning inconsistencies. The possible encroachment could result in potentially significant aesthetic and recreational resources impacts.
- 2) In Alternative 6 the maximum number of 5,200-square foot lots based on the developable acreage is 100 lots. This results in a dwelling units per net acre density of 5.14 units. Because this density is less than the 7 unit minimum set forth in the Pocket Area Community Plan, the R-1 Rezone Alternative would not be consistent with the Community Plan designation of the project site as Residential 7 – 15 dwelling units per net acre. A Community Plan amendment would be required.
- 3) Alternative 6 would require an LPPT PUD Schematic Plan amendment because the project would not be consistent with the Townhouse R-1A designation. None of the subdivisions in Riverlake would be built at the 8- to 10-dwelling-units per net-acre density originally designated for 77.7 net acres in the LPPT PUD Schematic Plan. No amendment to the LPPT PUD Development Guidelines would be needed.
- 4) Alternative 6 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

7. **Alternative A: R-1A Mixed Alternative**

The R-1A Mixed alternative would construct 139 detached and attached single-family alternative residential units. A 22-foot wide private road with a four-foot wide sidewalk on one side would have the same alignment as the proposed Islands at Riverlake project. The R-1A Mixed alternative would construct between 5 and 30 single- or two-story halfplexes between the private road and the existing fence instead of the detached units the Islands at Riverlake proposes to construct. The rear yard setbacks for the halfplexes would be consistent with other approved R-1A halfplexes in the LPPT PUD for a minimum 7.5-foot rear yard setback. This alternative has a private street that is narrower than the City's standard street width.

Reasons for Rejecting Alternative 7:

- 1) Alternative 7 would construct houses with setbacks that are potentially incompatible with adjacent properties. The setbacks for the halfplexes abutting existing houses would be less than the R-1 standard 15-foot rear yard setback. Some detached single- and two-story houses would also abut existing houses. The detached unit rear yard setback would also be less than the R-1 standard 15-foot rear yard setback.
- 2) Alternative 7 does not meet the goals and objectives of the proposed Islands at Riverlake Project as identified on page 3-40 of the Draft EIR.

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

- Section 1. The City Council certifies the Environmental Impact Report (EIR) for the Islands at Riverlake project (P05-004).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Islands at Riverlake project (P05-004) based upon the following findings:
1. One or more mitigation measures have been added to the above-identified project;
 2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit A;

Table of Contents:

Exhibit A: Mitigation Monitoring Plan – 6 Pages

Adopted by the City of Sacramento City Council on January 31, 2006 by the following vote:

Exhibit A

MITIGATION MONITORING PLAN

FOR

Islands at Riverlake/ P05-004

Type of Environmental Document:
Environmental Impact Report

Prepared For:
City of Sacramento, Development Services Department, Planning Division

Date:
August 2005

Adopted By:
City of Sacramento, City Council

Date:

Attest:

Secretary

CITY OF SACRAMENTO MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required by and prepared for the Development Services Department Planning Division, 915 I Street, Room 300, Sacramento, CA 95814, (916) 808-5590, pursuant to CEQA Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name and/or File Number: Islands at Riverlake / P05-004

Applicant - Name: Regis Homes/ Bill Heartman - contact

Project Location / Legal description of Property (if recorded): The project is located in the City of Sacramento, Sacramento County, California. The project is located on County Assessor's Parcel Numbers 031-1210-003, 031-1210-061, 031-1200-073, 031-1030-015, 031-1030-031, and 031-1300-048. The parcels are located on the north and south sides of Pocket Road from approximately 1,200 feet west of West Shore Drive to approximately 580 feet east of Dutra Bend Drive. The Project is approximately 250 feet west of the intersection of Pocket Road and Greenhaven Drive and approximately 2,000 feet west of Interstate 5.

SECTION 2: GENERAL INFORMATION

The project as proposed includes mitigation measures for potential impacts to air quality, biological resources, traffic, and cultural resources. The intent of the Mitigation Monitoring Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified in the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer. The number system of the mitigation measures matches the numbering system of the EIR.

Air Quality

AIR-1: Short-term Emissions (Construction) - Emissions of ROG, NO_x, and PM₁₀.

- The project shall provide a plan for approval by the City of Sacramento, in consultation with 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 CARB fleet average at time of construction.

- The project representative shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day

period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

- The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City of Sacramento 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 supercede other SMAQMD or state rules or regulations.

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division
Development Services Department Building Division, Field Inspection

Sacramento Air Quality Management District

Monitoring Program:

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Division will review and approve the Plan submitted by the project developer that demonstrates that the Plan will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction and verify that the Plan was submitted to SMAQMD for concurrent review.

The Building Division will verify that the 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 is submitted to the Building Division and SMAQMD.

The Building Division will verify that the monthly monitoring reports are submitted to the Building Division and SMAQMD. The Building Division, Field Inspection may conduct periodic inspections.

Transportation/Circulation

TRAN-2: Reduce exposure of residents to safety hazards.

- On-street parking shall be prohibited on the private roads. The private roads shall be

signed and striped for no parking at all times. A homeowners association shall be responsible for enforcing the no parking rule.

- The Covenants, Codes and Restrictions (CC&Rs) shall require that all trash and recycle bins are placed on the same side of the private road on pick-up day.

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division

Monitoring Program:

Prior to issuance of Improvement Plans, the Building Division will verify that the plans for the private road note that the curbs are striped and signs are provided for no parking.

Prior to the issuance of certificates of occupancy, the Building Division will verify that a Homeowners Association has been formed or the project has joined the Riverlake Community Association and the CC&Rs for the subdivision indicate that it is the responsibility of the Homeowners Association or Riverlake Community Association to enforce the no parking rule on the private roads.

Prior to the issuance of certificates of occupancy, the Building Division will verify that the CC&Rs for the subdivision identify that residents are to place trash and recycle bins on one side of the street. The CC&Rs will designate the side of the street bins are to be placed.

Biological Resources

BIO-1: Avoid disturbance of nesting raptors

- If construction begins outside the 1 March to 15 September breeding season, there will be no need to conduct a preconstruction survey for active nests.
- If construction is scheduled to recommence during the breeding season, a preconstruction survey will be conducted by a qualified biologist to determine if raptors are nesting within 0.25 mile of the project site.
 - The applicant will conduct a preconstruction survey at least 2 weeks prior to construction.
 - If no active nests are found, no additional mitigation will be necessary.
 - If active raptor nests are found within 0.25 mile of the project site, DFG will be notified and no project activities that would result in nest abandonment (e.g., noise generated from the operation of heavy equipment) will be conducted without DFG approval.

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division

Monitoring Program:

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Division will verify that surveys have been conducted. If any active nests are found, the Building Division will verify that the appropriate DFG avoidance measure(s) are implemented. If avoidance measures are needed, Building Division, Field Inspection may conduct periodic inspections to ensure the avoidance measures are implemented.

BIO-2: Protect trees

- Project plans shall note that all roots shall be cut clean. Any roots greater than two inches in diameter will require inspection by an ISA certified arborist prior to severing. The applicant shall provide the City Arborist with a report demonstrating that severed roots greater than two inches diameter were inspected before cutting by an ISA certified arborist.

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division
Department of Parks and Recreation Parks and Tree Services

Monitoring Program:

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Division will verify that the project plans note that all roots shall be cut clean and any roots greater than two inches diameter require inspection by an ISA certified arborist prior to severing. The City Arborist will review reports of severed roots greater than two inches diameter and may inspect health of tree to assess any damage.

CULTURAL RESOURCES

CUL-1 Protect previously unidentified artifacts

- If subsurface archaeological or historical remains (including, but not limited to, unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work within 100 feet of the discovery shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division

Monitoring Program:

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Division shall verify that the project developer has noted CUL-1 on all plans. If artifacts are found, the Planning Division will review the recommendations of the archeologist and Native American Heritage Commission to verify the significance of the artifact and, if necessary, the measures required to ensure a less than significant impact. The Building Division will verify that the appropriate measures are implemented. If avoidance measures are needed, Building Division, Field Inspection may conduct periodic inspections to ensure the avoidance measures are implemented.

CUL-2 Protect human remains if found

- If human burials are encountered, work within 100 feet of the discovery shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5).

Entities Responsible for Ensuring Compliance:

City of Sacramento,
Development Services Department Building Division
Development Services Department Building Division, Field Inspection

Monitoring Program:

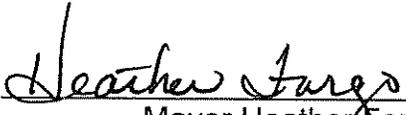
Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Division shall verify that the project developer has noted CUL-2 on all plans. If human burials are found, the Building Division will review the recommendations treatment to verify that the appropriate measures are implemented. The Building Division, Field Inspection may conduct periodic inspections to ensure the avoidance measures are implemented.

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

Noes: None.

Abstain: None.

Absent: Councilmember Waters Recused.


Mayor Heather Fargo

Attest:


Shirley Concolino, City Clerk