



# REPORT TO PLANNING COMMISSION City of Sacramento

# 4

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
July 28, 2011

To: Members of the Planning Commission

**Subject: Mercy Tentative Map (P11-017)**

A request to modify a previously approved tentative map to create three additional parcels. The proposal requires Planning Commission approval of a new Tentative Map to create a total of five parcels including: 1) Mercy Hospital, 2) Mercy Medical Plaza Building A, 3) Mercy Medical Plaza Building B, 4) Mercy Medical Plaza Common Area, and 5) Multifamily Project.

- A. Environmental Determination: Previously Certified Environmental Impact Report (SCH#2007022104);
- B. Mitigation Monitoring Plan;
- C. Tentative Map to subdivide the property into five parcels in the Hospital (H) and Multifamily (R-3) zones.

**Location/Council District:**

4001 J Street, Sacramento, CA

Assessor's Parcel Numbers: Mercy - 008-0034-029, 008-034-030, 008-0034-043, 008-0034-044, 008-0034-045, 008-0034-046, 008-0034-048, 008-0034-049, 008-0041-019, 008-0050-001, 008-0050-001-0015; Residential Development Site – 008-0034-042, 008-0034-045.

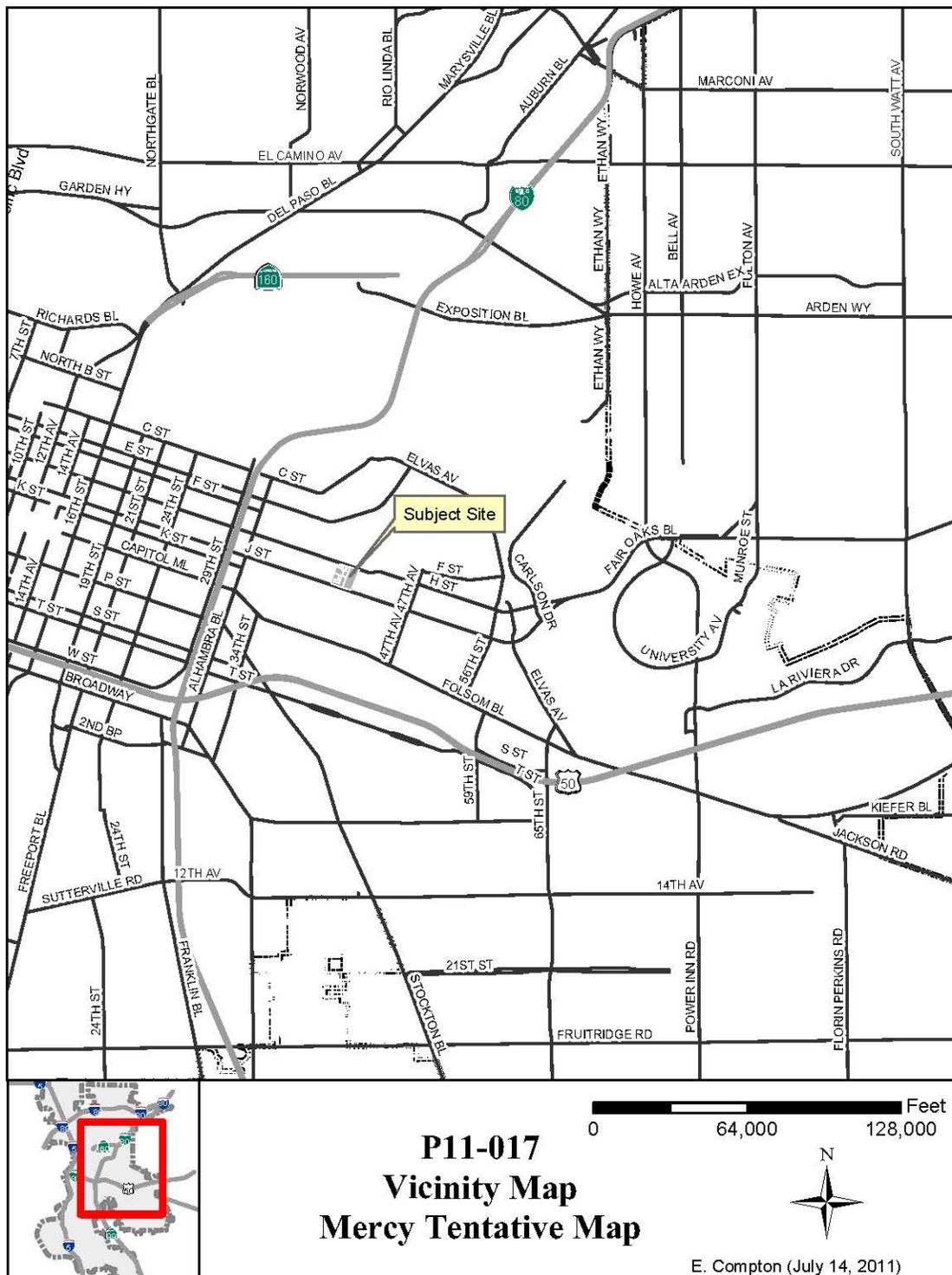
Council District 3

**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-C above, and its decision is appealable to City Council.

**Contact:** Evan Compton, Associate Planner, (916) 808-5260  
Stacia Cosgrove, Senior Planner, (916) 808-7110

**Applicant:** Anthony Tassano, Warren Consulting Engineers, (916) 985-1870, 160 Blue Ravine Road, Suite C, Folsom, CA 95630

**Owner:** Denny Powell, Catholic Healthcare West, (916) 453-6062, 4001 J Street, Sacramento, CA 95816



**Summary:** Mercy General Hospital is currently constructing a new heart center and 20 residential units. A portion of the new heart center is located within the existing common area for the owners of the Mercy Medical Plaza (MMP) buildings. The applicant is requesting to adjust this common area and to create new parcels for each of the MMP buildings, therefore a Tentative Map is required. **At the time of writing this report, there were no outstanding issues or concerns.**

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Public/Quasi-Public
<b>Existing zoning of site:</b> Hospital (H) and Multifamily (R-3)
<b>Existing use of site:</b> Hospital
<b>Property area:</b> 13.94 acres (Mercy Campus) and .67 acres (Multifamily Project)

**Background and Entitlement History:** The current proposal is to modify the previously approved tentative map to create three additional parcels. The proposal requires Planning Commission approval of a new Tentative Map to create a total of five parcels including: 1) Mercy Hospital, 2) Mercy Medical Plaza Building A, 3) Mercy Medical Plaza Building B, 4) Mercy Medical Plaza Common Area, and 5) Multifamily Project.

On November 27, 2007, entitlements (P04-215) were approved to construct a new 123,350 square foot medical building, 20 residential units, and a 41,600 square foot private school. On August 13, 1987, a Special Permit was approved to construct an interim surface parking lot with tandem parking spaces while the previously approved parking garage was being constructed. On December 18, 1986, a Special Permit was approved to construct a new 110,622 square foot parking garage. On October 22, 1985 a Tentative Map to allow office condominiums was approved. On July 26, 1984 the Planning Commission approved Phase 3 of the Mercy Hospital Master Plan (P84-246). On June 2, 1983 the Planning Commission approved a Special Permit to revise the phasing of the Mercy Hospital Plan. The City Council approved a zone change on June 2, 1983 from Residential Office (RO) to Hospital (H) in the approval of P82-195. On November 21, 1977 the Planning Commission approved a master plan for the Mercy Hospital Replacement project. (P-7620) Mercy General Hospital was originally constructed in 1925.

**Public/Neighborhood Outreach and Comments:** Although the original project approved in 2007 (which included a request to expand the hospital and relocate the Sacred Heart private school to the west side of 39<sup>th</sup> Street) was very controversial, staff has received few comments on this tentative map project.

An early notice was sent to the East Sacramento Improvement Association (ESIA), the McKinley Elvas Neighborhood Association (MENA), East Sacramento Preservation, Inc. (ESP), Walk Sacramento, and the East Sacramento Chamber of Commerce.

Staff received an email from the East Sacramento Improvement Association. (See Attachment 3) The email indicated they did not oppose the request for a tentative map but they want to ensure that there is no change in or weakening of the conditions of approval for the project in progress as a result of this entitlement. Staff has confirmed that the Tentative Map request does not include any additional construction or expansion from the previous approval. Conditions of approval have been recommended in Attachment 1 to supplement the existing conditions of approval in effect from P04-215.

The East Sacramento Preservation, Inc. sent staff an email asking for clarification on the reasoning behind the divisions into multiple parcels. Staff indicated the applicant has submitted the application because a portion of the heart center is located within the existing common area for the owners of the Mercy Medical Plazas and to adjust this line and to create new parcels for each of the MMP buildings, it requires a Tentative Map. (See Attachment 4)

A public notice was mailed out to the neighborhood associations and all property owners within 500 foot of the subject site. The site was posted more than 10 days before the public hearing. At the time of writing this report, staff had not received any additional comments.

**Environmental Considerations:** The Environmental Services Manager has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The project to modify the previous tentative map exhibit to create three additional parcels falls within the scope of the Environmental Impact Report (EIR) for Mercy General Hospital (P04-215), which was certified by the City Council on November 27, 2007. The proposed tentative map, to create a total of five parcels including: 1) Residential Complex, 2) Mercy Hospital, 3) Mercy Medical Plaza Building A, 4) Mercy Medical Plaza Building B, and 5) Mercy Medical Plaza Common Area, would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects considered in the certified EIR. Pursuant to CEQA Guidelines Section 15162, a subsequent EIR is not required. The findings provided for adoption confirm that the City Planning Commission has reviewed and considered the EIR as it relates to the action on the tentative map.

The certified EIR for the Mercy General Hospital and Sacred Heart Parish School project is available at the Community Development Department's webpage located at the following link:

<http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/>

**Policy Considerations:** The subject site is designated as Public/Quasi-Public. This designation provides for the following: governmental buildings, public and private schools, hospitals, cemeteries, airports, and transportation and utility facilities. Building forms with this General Plan designation may vary due to the variety of activities, though most buildings tend to be fairly large floor-plate, multi-story structures containing

meeting rooms, classrooms, offices, assembly areas, and research space. Generally, automobile access and parking are limited to the periphery of the site in order to create a park-like pedestrian zone. Similarly, recreation facilities such as parks, greenways, stadiums, tracks, ball fields, and tennis courts are located on the perimeter of the public use.

#### 2030 General Plan Policies:

**Medical Center Expansions.** *The City shall prohibit the rezoning of any parcel that is residentially zoned for the purposes of expanding a major medical facility. (LU 8.1.14)* Staff finds that the current proposal does not rezone any parcels and the previously approved project (P04-215) has not been modified with this tentative map request.

#### **Land Use**

The subject site is currently developed with a hospital and a new heart center building is under construction on the site. A major medical facility use is allowed in the Hospital (H) zone with a Planning Commission Special Permit and expansions require a Special Permit Modification.

The previous scope of work and conditions of approval approved in November of 2007 will not change with this tentative map request. Additional conditions of approval will be added as recommended in Attachment 1.

#### **Adjacent Properties**

The property to the north is zoned Single Family (R-1) and Multifamily (R-3) and is developed with residential uses. The property to the east is zoned Single Family (R-1) and is developed with single family homes. The property to the west is zoned Single Family (R-1), Single Family Alternative (R-1A), Multifamily (R-4), and Limited Commercial (C-1) and is developed with a private school, one single family home, and a residential care facility. The property to the south is zoned Office Building (OB), Limited Commercial (C-1), Multifamily (R-4), and Single Family (R-1) and is developed with offices, a church, and residential uses.

**Tentative Map:** The tentative map will create a total of five parcels for the Mercy General Hospital site and a multifamily project. The project was heard by the Subdivision Review Committee on June 15, 2011 and the committee made a recommendation to approve the tentative map subject to the conditions listed in this report.

As part of the review of this proposal, the applicant was required to submit signatures from all of the medical plaza condominium owners since the common area was modified with the revised map.

The parcels on the west side of 39<sup>th</sup> Street for the new Sacred Heart Parish School was included in the original map but has already completed their final map.

<b>Table 2: Tentative Map</b>				
<b>Tentative Map Exhibit B</b>	<b>Use</b>	<b>Existing Zone</b>	<b>Parcel Size</b>	<b>Development per P04-215</b>
Parcel 1	Multifamily Residential	R-3	.67 acres	20 residential units under construction
Parcel 2	Mercy General Hospital	H	10.18 acres	Heart Center Building under construction
Parcel 3	Common Area for Medical Plaza Buildings A & B	H	3.06 acres	Emergency Generator and Oxygen Tank Enclosure Expansion
Parcel 4	Mercy Medical Plaza Building A	H	.38 acres	No change
Parcel 5	Mercy Medical Plaza Building B	H	.32 acres	No change

**Conclusion:** Staff recommends approval of the project since the proposal: a) is consistent with the General Plan, the Hospital (H) and Multifamily (R-3) zoning, and the previous approval for the hospital expansion; and b) allows for the project on the east side of 39<sup>th</sup> Street to move forward with the final map process by clarifying the boundaries of the hospital, medical plazas, and common areas.

Subject: Mercy Tentative Map (P11-017)

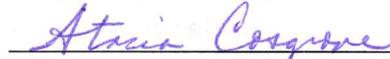
July 28, 2011

Respectfully submitted by:



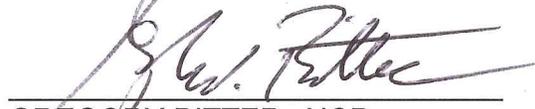
EVAN COMPTON  
Associate Planner

Approved by:



STACIA COSGROVE  
Senior Planner

Recommendation Approved:



GREGORY BITTER, AICP  
Principal Planner

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**Attachment 1  
Proposed Findings of Fact and Conditions of Approval  
Mercy Tentative Map (P11-017)  
4001 J Street**

**Findings Of Fact**

**A&B. Environmental Impact Report and Mitigation Monitoring Program:**

1. The Planning Commission of the City of Sacramento finds as follows:

a. On October 25, 2007, the City Planning Commission conducted a public hearing, and, having reviewed and considered the information contained in the Environmental Impact Report, forwarded to the City Council a recommendation to approve with conditions the Mercy General Hospital and Sacred Heart Parish School Project (P04-215).

b. On November 27, 2007, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, having reviewed and considered the information contained in the EIR, adopted findings of fact and findings of overriding consideration, adopted a mitigation monitoring program, and approved the Mercy General Hospital and Sacred Heart Parish School Project (Project) (Resolution 2007-855).

c. The Tentative Map for Mercy General Hospital Project (P11-017) (Project Modification) proposes to modify the previously approved Project as follows: the tentative map project modifies the tentative map approved in P04-215 to create three additional parcels for a total of five parcels. The five parcels include: 1) Residential Complex, 2) Mercy Hospital, 3) Mercy Medical Plaza Building A, 4) Mercy Medical Plaza Building B, and 5) Mercy Medical Plaza Common Area.

d. Based upon the Project Modification, it has been determined that the proposed changes to the previously approved Project do not require the preparation of a subsequent EIR because there is no change to the scope of the development project.

2. The Planning Commission has reviewed and considered the information contained in the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, and all oral and documentary evidence received during the hearing on the Project Modification. The Planning Commission has determined that the previously certified EIR constitutes an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

a. No substantial changes are proposed by the Project Modification that will require major revisions of the previously certified EIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

c. No new information of substantial importance has been found that shows any of the following:

i. The Project Modification will have one or more significant effects not discussed in the previously certified EIR;

ii. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;

iii. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

iv. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

3. Based on its review of the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, and all oral and documentary evidence received during the hearing on the Project Modification, the Planning Commission finds that the EIR and reflect the Planning Commission's independent judgment and analysis, certifies the EIR for the Project Modification, and readopts the findings of fact and findings of overriding consideration .

4. The mitigation monitoring program for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

1. The mitigation monitoring program has been adopted and implemented as part of the Project;

2. The mitigation monitoring program meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15091.

5. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the

State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

6. The documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811-0218. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services. *See attached Exhibit A: Resolution 2007-855.*

**C. Tentative Map:** The Tentative Map to subdivide 14.61± acres into five parcels is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:
  - a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;
  - b. The site is physically suitable for the type of development proposed and suited for the proposed density;
  - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
  - d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
  - e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);
3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

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

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

**Conditions Of Approval: Tentative Map**

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P11-017). The design of any improvement not covered by these conditions shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Department of Transportation.

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

**GENERAL: All Projects**

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 1, 2, 3, 4 and 5, at no cost, at the time of sale or other conveyance of either parcel.;
3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-215);
4. Show all continuing and proposed/required easements on the Final Map;

5. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Department of Transportation.

**DEPARTMENT OF TRANSPORTATION: Streets (Anis Ghobril, Dept. Of Transportation 808-5367)**

6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Transportation. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Department of Transportation;
7. This project shall require ornamental street lighting. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;
8. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Department of Transportation;
9. The project shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards fronting the property covered by the Tentative Map;

**CITY UTILITIES (Neal Joyce, Dept. Of Utilities 808-1912)**

10. The applicant shall grant and reserve easements as needed, for water, drainage and sanitary sewer facilities, and for surface storm drainage, at no cost at or before the time of sale or other conveyance of any parcel or lot. A note stating the following shall be placed on the Final Map: "Reciprocal easements for ingress/egress, parking, utilities, drainage, water and sanitary sewer facilities, and surface storm drainage shall be granted and reserved, as necessary and at no cost, at or before the time of sale or conveyance of any parcel shown in this map."

**FIRE: (King Tunson, Fire Department 808-1358)**

11. Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided. A note shall be placed on the Final Map stating, **“Fire Service Mains shall not cross property lines unless a Reciprocal Easement Agreement is granted prior to the sale and/or re-conveyance of said parcels”**;
12. A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access;

**PPDS: Parks (Mary de Beauvieres, Parks Department 808-8722)**

13. **Payment of In-lieu Park Fee:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note);
14. **Maintenance District:** The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Public Improvement Financing, Special Districts Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.);

**ADVISORY NOTES:**

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

15. All previous conditions of approval (P04-215), unless otherwise stated above, remain in full force and effect.
16. The Office of Statewide Health Planning and Development (OSHPD) shall determine who has jurisdiction over the different proposed parcels. Conditions for parcels where OSHPD has jurisdiction, shall be provided by the Office of Statewide Health Planning and Development; (CDD Department)
17. If exterior wall openings are proposed in locations not allowed by, or in greater number than allowed by 2010 CBC Table 705.8, provided as part of the map, a no build easement for all parcels adjacent to those openings, wide enough to comply with Table 705.8; (CDD Department)

18. This project shall comply with all applicable requirement of 2010 California Code of regulations Title 24 parts 2, 3, 4, 5, 6, 8, 9, 10,11 and 12; (CDD Department)
19. Developing this property may require the payment of SRCSD sewer impact fees. Impact fees shall be paid prior to issuance of Building Permits or recordation of the Final Map, whichever comes first. Applicant should contact the Fee Quote Desk at 9916) 876-6100 for sewer impact fee information; (SRCSD)
20. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
  - a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to recordation of the final map. The Quimby fee due for this project is estimated at \$52,800. This is based on 20 multi-family units at an average land value of \$250,000 per acre for the East Sacramento Planning Area, plus an additional 20% for off-site park infrastructure improvements, less acres in land dedication. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.
  - b. Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$106,516. This is based on 20 multi-family units at the Standard Rate of \$3,058 per unit and 125,990 square feet of Commercial Services at the Standard Rate of \$0.36 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit. Please note that these fees are adjusted annually on July 1 of each year to address inflation. The fees represented here will remain in effect until June 30, 2011.
  - c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation. (Parks)

**RESOLUTION NO. 2007-855**

Adopted by the Sacramento City Council

November 27, 2007

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

**BACKGROUND**

- A. On October 25, 2007, the City Planning Commission conducted a public hearing, and, having reviewed and considered the information contained in the Environmental Impact Report, forwarded to the City Council a recommendation to approve with conditions the Mercy General Hospital and Sacred Heart Parish School Project.
- B. On November 27, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Sections 16.24.097, 17.208.020(C), 17.212.035, 17.216.035, and 17.200.010(C)(2)(a, b, and c)(publication, posting, and mail 500'), and received and considered evidence concerning the Mercy General Hospital and Sacred Heart Parish School Project.

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

- Section 1. The City Council finds that the Environmental Impact Report for Mercy General Hospital and Sacred Heart Parish School Project (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

- Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.
- Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A.1.
- Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan as set forth in Exhibit A.2 of this Resolution.
- Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination (NOD) with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.
- Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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

Adopted by the City of Sacramento City Council on November 27, 2007 by the following vote:

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

Noes: Member Hammond.

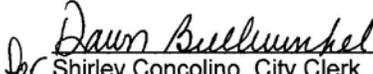
Abstain: None.

Absent: Member Fong.



*Heather Fargo*  
for Mayor Heather Fargo

Attest:



*Dawn Bullwinkel*  
for Shirley Concolino, City Clerk

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

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

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

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

#### **Findings Required Under CEQA**

##### **1. Procedural Findings**

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

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

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

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

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

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

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

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

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

## **2. Record of Proceedings**

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

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

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

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

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

e. Zoning Ordinance of the City of Sacramento

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

g. The Mitigation Monitoring Plan for the Project.

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

### 3. Findings

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

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

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

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

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

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

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

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

**Initial Study 7. Biological Resources**

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

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

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

- **Mitigation Measure 5**

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

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

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

- **Mitigation Measure 6**

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

- **Mitigation Measure 7**

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

- **Mitigation Measure 8**

- Avoid placement of fill exceeding one foot in depth within the critical root zone of all trees. If unavoidable, either design drainage away from the critical root zone off the tree or consider tree removal. Placement of fill materials less than one foot depth an encroachment of less than 20 percent into the critical root zone area should not require special mitigative measures.
- **Mitigation Measure 9**
- Any proposed structure shall not encroach more than 20 percent into the critical root zone area of a retained tree. If unavoidable, tree removal should be considered.
- **Mitigation Measure 10**
- Construction equipment clearance required for proposed structures shall also be limited to 20 percent or less of the critical root zone of preserved trees.
- **Mitigation Measure 11**
- Utilities shall be planned to avoid the critical root zone of trees. In some circumstances, hand digging of utilities through the critical root zone areas may be an option. Boring beneath the critical root zone area may also be an option.
- **Mitigation Measure 12**
- Branches and limbs that have been torn, broken, or split during construction should be removed in accordance with the City's Tree Ordinance. In addition, any dead, diseased, or rubbing limbs should be removed. Other maintenance pruning should be postponed for at least one to two years.
- **Finding:** The mitigation measures listed above provide protection measures ensuring the protection of existing trees that will remain on the project site. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.
- **Initial Study 14. Cultural Resources**
- **Impact: 14.A The proposed project could disturb paleontological resources. Without mitigation, this is a significant impact.**
- **Mitigation Measure 13**
- Should paleontological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Sacramento Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts on a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Sacramento Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other

appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

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

- **5.1 Aesthetics and Visual Resources**

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

- **Mitigation Measure 5.1-2**

- (a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward and sufficiently shielded to avoid substantial light trespass on adjacent uses.
- (b) The project contractor shall use Low E glass in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

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

- **5.2 Air Quality**

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

- **Mitigation Measure 5.2-1**

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

- (a) All disturbed area, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover;
  - (b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant;
  - (c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container;
  - (d) All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring;
  - (e) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer or suppressant;
  - (f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph);
  - (g) Wheel washers shall be installed for all trucks and equipment exiting from unpaved areas or wheels shall be washed manually to remove accumulated dirt prior to leaving the site;
  - (h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent;
  - (i) Excavation and grading activities shall be suspended when winds exceed 20 mph; and
  - (j) The extent of areas simultaneously subject to excavation and grading shall be limited, whenever possible, to the minimum area feasible.
- **Finding:** The proposed project could produce substantial emissions of PM<sub>10</sub> with consequent threats to the ambient air quality at nearby sensitive receptors. Wetting-down buildings undergoing demolition is a technique employed on a regular basis by demolition contractors. The mitigation measures listed above would decrease PM<sub>10</sub> emissions from demolition, excavation, and any other earth-moving activities. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.
- **Impact: 5.2-2 Construction of the proposed project would generate emissions of ozone precursors. Without mitigation, this is a significant impact.**
- **Mitigation Measure 5.2-2**

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

- **Finding:** Since ozone has significant adverse health effects, it is important to consider ozone precursors ROG and NO<sub>x</sub> when addressing project development impacts. The SMAQMD has not developed a threshold of significance for ROG associated with construction activities because the main source of ROG during construction, architectural coatings, can be effectively regulated by SMAQMD Rule 442, Architectural Coatings. Although some measures address NO<sub>x</sub> emissions from heavy-duty diesel construction equipment, the SMAQMD has found it necessary to develop a construction threshold for NO<sub>x</sub> of 85 pounds per day.

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

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

- **Impact: 5.2-6 Construction of the proposed project, in combination with construction activities of other construction projects in the SVAB, would generate emission of ozone precursors that could combine with other precursor emissions and increase ozone levels in the Sacramento Ozone Non-attainment Area. Without mitigation, this is a significant impact.**

- **Mitigation Measure 5.2-6**
- **Implement Mitigation Measure 5.2-2.**
- The following measures shall be incorporated into project construction contracts:
  - (a) The project applicant shall require the project developer or contractor to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.

- (b) The project applicant shall require the project developer or contractor to submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
- (c) The project applicant shall require the project developer or contractor to ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
- (d) The project applicant shall pay into the SMAQMD's construction mitigation fund for construction-generated emissions of NO<sub>x</sub> that exceed 85 lbs/day after credit has been taken for a 20% reduction expected from the implementation of Mitigation Measure 5.2-2(a). Fees shall be assessed based upon the current rate of \$14,300/ton of excess NO<sub>x</sub> emissions generated plus a 5% administrative surcharge. This fee shall be paid to the SMAQMD prior to issuance of building permits. Based upon the URBEMIS modeling, the estimated payment for construction NO<sub>x</sub> emissions would be \$17,527 for the excess NO<sub>x</sub> plus a \$876 surcharge. The project construction contractor shall keep records of equipment use and schedule, use these data to estimate actual NO<sub>x</sub> emissions over the course of construction, and pay additional fees quarterly to the SMAQMD, if actual emissions exceed the estimated emissions.
- (e) Limit diesel equipment idling time to 5 minutes.
- **Finding:** Since ozone has significant adverse health effects, it is important to consider ozone precursors ROG and NO<sub>x</sub> when addressing project development impacts. The SMAQMD has not developed a threshold of significance for ROG associated with construction activities because the main source of ROG during construction, architectural coatings, can be effectively regulated by SMAQMD Rule 442, Architectural Coatings. Although some measures address NO<sub>x</sub> emissions from heavy-duty diesel construction equipment, the SMAQMD has found it necessary to develop a construction threshold for NO<sub>x</sub> of 85 pounds per day.

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

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

- **5.3 Cultural Resources**

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

- **Mitigation Measure 5.3-2**

- (a) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground disturbing activity within 100 feet of the resources shall be halted immediately, and the City of Sacramento Development Services Department and the City Preservation Director shall be notified within 24 hours. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's professional qualifications for Archaeology. The City Preservation Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of Interior's Standards for Archaeological Documentation.

- If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of Interior's professional qualifications for Archaeology and/or Architectural History.
- (b) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendent, including the excavation and removal of the human remains. The City of Sacramento Development Services Department shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.
- **Finding:** The project site has been occupied and disturbed by human activities for decades and the majority of the site is currently paved or covered with existing buildings. However there is a possibility that subsurface historical resources or unique archaeological resources existing on the project site that could be uncovered during grading, excavation, and other earth-moving activities during construction. The project area also retains a low sensitivity for the presence of human remains. However, there is a possibility that human remains, including those interred outside of formal cemeteries; exist on the project site that could be disturbed during grading, excavation, and other earth-moving activities during construction. If encountered during construction such resources could be damaged or destroyed. The mitigation measures listed above provides discovery and evaluation procedures for any previously unknown archaeological resources on the project site and requires that a professional archaeologist employ data recovery or other methods that meet the Secretary of Interior's Standards for Archaeological Documentation to reduce impacts on unique

archaeological resources. The above mitigation measures also include direction per State law as to how human remains would be handled if discovered. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

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

substances that could adversely affect human health of the environment. With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

○ **5.5 Noise**

○ **Impact: 5.5-1 Construction and demolition activities associated with the project would temporarily increase noise at nearby sensitive receptors, including existing residences, the existing Sacred Heart Parish School (SHPS), and the newly constructed Sacred Heart Parish School. Without mitigation, this is a significant impact.**

○ **Mitigation Measure 5.5-1**

○ The project developer shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- (a) Two weeks prior to the commencement of construction, provide notification to surrounding land uses, disclosing the construction schedule, including the various types of activities that would occur throughout the duration of the construction period.
- (b) Ensure that construction equipment is properly muffled according to industry standards.
- (c) Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- (d) Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses.
- (e) Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.
- (f) Locate construction staging areas along with the operation of earthmoving equipment within the SHPS and MGH sites as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- (g) Where feasible, limit construction activities during Heart Center excavation immediately adjacent to the existing Sacred Heart Parish School while school is in season.

○ **Finding:** Construction activities associated with demolition and construction of the Heart Center, new SHPS, and residential apartments would generate daytime noise levels above the City's 55 dBA exterior limit. The impacts associated with construction noise are considered by the City to be less than significant. Sensitive uses in the vicinity of construction activities, including students at the existing SHPS,

residents located to the north and west of the project site and residential uses adjacent to the proposed SHPS would be exposed to construction noise during the daytime. Residents in these areas could be present during the day and would be exposed to higher noise levels generated during daytime hours.

- The placement of sound absorbing barriers would be a method to reduce excessive noise levels generated by construction activities. The placement of such a barrier would reduce noise levels by approximately 5 to 10 dBA. Additionally accommodation during construction activity for National Standardized testing days of children at SHPS, including curtailing activities that would disturb or interfere with the testing environment would minimize the impacts of construction of the Heart Center to the extent feasible during preparation and testing periods.
- Implementation of the mitigation measures listed above may include the use of noise barriers (e.g., sound walls) or noise blankets. The erection of temporary sound barriers, as required by Mitigation Measure 5.5-1, construction noise exposure at the residential uses along J Street would be reduced by 5 to 10 dBA, and would therefore be at or below the existing ambient noise levels. In addition, Mitigation Measure 5.5-1(f), which requires that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible would also reduce construction-related noise levels. No other feasible mitigation measures are available. While construction noise levels would be reduced to the extent feasible, noise levels would still exceed the 55 dBA exterior noise level set forth by Section 8.68.060 of the City Code. However, since construction noise would be reduced where feasible with implementation of the mitigation measures, and because construction noise is exempted by the provisions of the City Code, this impact is reduced to a *less than significant* level.
- **Impact: 5.5-4 Construction Activities would contribute to cumulative noise levels in the project vicinity. Without mitigation, this is a significant impact.**
- **Mitigation Measure 5.5-4**
  - Implement Mitigation Measure 5.5-1
  - The project developer shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:
    - (a) Two weeks prior to the commencement of construction, provide notification to surrounding land uses, disclosing the construction schedule, including the various types of activities that would occur throughout the duration of the construction period.
    - (b) Ensure that construction equipment is properly muffled according to industry standards.
    - (c) Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.

- (d) Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses.
- (e) Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.
- (f) Locate construction staging areas along with the operation of earthmoving equipment within the SHPS and MGH sites as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- (g) Where feasible, limit construction activities during Heart Center excavation immediately adjacent to the existing Sacred Heart Parish School while school is in season.

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

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

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

- While construction of the proposed project could combine with other construction activities in the project vicinity and cumulative construction noise levels could be in

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

○ **5.7 Transportation and Circulation**

○ **Impact: 5.7-14 Construction would include disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Pedestrian and transit access may be disrupted. Heavy vehicles would access the site and may need to be staged for construction. Existing parking areas would be disrupted during construction. The addition of construction personnel would result in a need for additional parking. There would also be a need for the staging of construction materials and vehicles on-site. These changes could result in an on-site parking shortage.**

○ **Mitigation Measure 5.7-14**

- (a) Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and subject to review and all affected agencies and will contain the following (at a minimum):
- Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.
  - Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.
  - Prohibition of construction traffic using any of the existing residential roadways in the vicinity of the project.
  - Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area.
  - Maintenance of access for emergency vehicles in the project area.
  - Provision of manual traffic control (if required).
  - Clear demarcation of construction areas along project roadways.
- (b) Prior to any demolition or grading activities, the applicant shall provide notification to all residences and businesses in the vicinity of the project site of the construction starting date and duration.
- (c) The applicant shall monitor parking occupancy on a regular basis during construction, particularly upon the closure of any parking facility. Adequate

parking shall be maintained at all times. As necessary, remote parking (with shuttle service) shall be provided for employees, including construction workers.

**Finding:** Mercy's parking plan during construction reports 1,332 existing parking spaces. The number would decrease to 1,307 spaces during phase 1 of construction, increase to 1,339 spaces during phase 2 of construction, and increase to 1,390 spaces during phase 3 of construction. However, given the current observed parking demand of 1,309 vehicles, the available parking during construction may not be adequate to accommodate construction parking. In addition, some parking spaces beyond those shown in the Mercy construction-parking plan may be needed for construction purposes, at least on an occasional basis. With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

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

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

**5.7 Transportation and Circulation**

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is

updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

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

- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial

projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial

projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

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- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

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- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the the District and has a 20-year planning horizon.
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- Some of the these proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The

MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

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○ Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

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

○ Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range

plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.

- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

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

### **5.7 Transportation and Circulation**

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
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- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.
- Consequently, the City has been unable to identify any feasible mitigation measures imposable on this project that could reduce or avoid the impact of the project on freeway segments to a less-than-significant level. The California Environmental Quality Act (Pub. Resources Code, §2100 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). For these reasons, the impact remains *significant and unavoidable*.

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- **Impact: 5.7-3** The project would increase traffic volumes at freeway ramp junctions. Without mitigation, this is a *significant impact*.
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- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
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- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

- **Finding:** Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes Business Route 80, US 50, and SR 99 improvement projects near the project site. The DSMP is the Vision Document for the District and has a 20-year planning horizon.
- Some of the proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax, and other taxes rather than development fees.
- Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the project's impact on the identified freeway mainline section. The freeway improvement projects proposed by Caltrans are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore the City cannot determine either the cost of the proposed improvement projects or the project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principals that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

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

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

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

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

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

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

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

- Consistent with the CEQA Guidelines, primary consideration was given to alternatives that would reduce significant impacts while still meeting most of the project objectives. Those alternatives that would have impacts identical to or more severe than the proposed project, or that would not meet most of the project objectives, were rejected from further consideration. The following alternatives for the Mercy General Hospital and Sacred Heart Parish School's Mixed Use Project were considered but rejected from further analysis because none of the alternatives listed below were determined to be feasible under CEQA.

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

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

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

- Summary of Alternatives Considered

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

two off-site alternatives, which would similarly eliminate the additional square footage at the MGH site, though these alternatives assume construction of cardiac services at another location. The alternatives considered in this analysis include the following:

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

#### **No Project Alternative**

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

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

region. Even with planned expansions at Sutter General, UC Davis Medical Center, Mercy San Juan, Kaiser, and Sutter Roseville hospitals, there is a projected deficit of inpatient beds to serve the growing population in the region. A reduction of beds at MGH would further exacerbate this deficit.

- MGH would not be able to leave the buildings as is (without being retrofitted to address SB 1953 requirements) without having a significant effect on its own acute care capacity, emergency department, and hospitals in the Sacramento region. The South and East Wing buildings together account for 223 acute care beds. In order to be able to use the South and East Wing buildings for acute care after 2013, MGH would be required to comply with SB 1953 to ensure that the hospital is capable of remaining intact, maintaining current operations, and providing acute care medical services after a seismic event (please see Chapter 2, Project Description for a discussion of the requirements of SB 1953). Under the No Project Alternative, MGH would likely opt to retrofit the South and East Wings in order to be operational after 2013 under SB 1953. With the retrofits, MGH would have a bed capacity of 283 (compared to 316 with the proposed project). The South and East Wing buildings would need to be retrofitted for structural compliance, as well as interior renovations to modernize the buildings to meet current standards for patient care. For instance, as discussed in Chapter 2, Project Description, the architectural standard for inpatient acute care hospitals has increased from less than 1,000 gross square feet (sf) per bed to at least 2,000 gross sf per bed. Current guidelines also dictate 100 sf of clear floor area per semi-private medical/surgical bed, 120 sf of clear floor area per private medical/surgical bed, and 200 sf of clear floor area per private intensive care unit bed.

- Retrofits to the South and East Wing buildings would require entire units to be taken out of service at one time, thus affecting hospital capacity and the ability to provide uninterrupted service during retrofitting. As discussed in Chapter 2, one to two floors of each hospital building (approximately 30 to 60 beds) would have to be taken out of service at a time to accommodate the retrofit requirements. When determining the capacity of the hospital, not only the number of beds but also the type of bed, such as intensive care (ICU) or medical/surgery, must be considered. If a disproportionate number of a particular type of bed is removed from service, the ability of the hospital to provide general acute care would be less than the absolute number of beds out of service would indicate. For instance, there are 130 general medical-surgical beds at MGH that are not dedicated for specialized treatment. If 30 to 60 beds out of service were medical-surgical beds, the hospital's ability to provide service in that area would be reduced by 25 to nearly 50 percent during this period.

- Nonetheless, even with the 2013 retrofits, the South and East Wing buildings would not be able to meet the 2030 retrofit requirements (see Chapter 2, Project Description). Thus, with the No Project Alternative in which building retrofits are performed on the South and East Wing buildings, MGH would have an acute care capacity of 54 beds (from the North and Northeast buildings) after 2030. In 2030 with the proposed project, MGH would have an acute care capacity of 141 beds.

- Under the No Project Alternative, MGH would operate at a substantially reduced level compared to current operations due to the reduction in acute care beds (after 2013 or 2030) and the disparity between the ED patient load and the hospital's acute care bed capacity. The reduction in capacity at MGH would result in a diversion of patients to other area hospitals, which could require further expansions of those facilities.
- **Facts in Support of Finding of Infeasibility**
- The No Project Alternative is rejected because it does not achieve the project's objectives and would ultimately result in the need for new or modified hospital facilities on the project site or other location. The No Project Alternative would generally fail to meet the objectives of the proposed project. The No Project Alternative would allow MGH to comply with the State of California's SB 1953 seismic retrofit requirement, but acute care services at MGH's current East Sacramento site would be temporarily affected during the retrofit process. It would take a large capital investment to allow MGH to continue to function as a full-service hospital up to 2030, at which time the hospital capacity would be substantially reduced. The No Project Alternative would not increase cardiovascular procedural and intensive care capacity and consolidate cardiovascular services in a site that is proximate to the existing MMP buildings. One of the primary objectives of the proposed project is to allow MGH to provide continued, uninterrupted delivery of full-service, general acute care services at the East Sacramento site. In order to do so, modifications other than seismic retrofits are required. Thus, the No Project Alternative would be inconsistent with this objective.

#### **Alternate Campus Alternative**

- The Alternate Campus Alternative would include development of the Heart Center at another CHW Sacramento area campus and the continuation of non-cardiovascular hospital services on the MGH campus. According to CHW, Methodist Hospital and Mercy Hospital of Folsom are configured to support the current technology and are flexible to adapt to new trends in healthcare delivery, such that they would be able to support the uses in a new heart center. Therefore, this alternative assumes the construction of the approximately 123,000-square foot Heart Center building at the Methodist Hospital in south Sacramento or at Mercy Hospital of Folsom. Methodist is located in south Sacramento, adjacent to State Route 99 to the east, with commercial uses to the north and south and single-family residential to the west. Mercy Folsom is located in the City of Folsom with medical office uses to the north and west and single-family residential to the south and east.
- It is assumed that the building would be the same size and constructed in a similar manner as the proposed project. Therefore, the type and number of construction equipment, the length of construction, and the amount and type of building materials at either of these campuses would be the same as that of the Heart Center portion of the proposed project. This alternative does not assume demolition or any other construction on either of the other campuses, so the overall construction schedule and construction impacts would be less than that of the proposed project.

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

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

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

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

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

**Off-Site Hospital Alternative**

- Several comments received in response to the Notice of Preparation suggested that MGH be moved to another location. Therefore, the Off-Site Hospital Alternative assumes that a new hospital to replace MGH, including the proposed new Heart Center, would be constructed at another location on an undeveloped site in the City of Sacramento. A site at the northwest corner of I-5 and Del Paso Road was chosen as representative to provide a comparative analysis of the effects of this alternative; however, similar effects would be anticipated at other "greenfield" or undeveloped locations in the City. Because this alternative would occur on an undeveloped site independent of any other hospital facilities, this analysis assumes construction and operation of a full-service hospital, similar in size to the MGH facilities that would be available with the proposed project. Thus, this alternative assumes construction of approximately 425,000 square feet of hospital buildings on approximately 10 acres.
- With the relocation of all the hospital uses from the MGH campus to the Off-Site Hospital site, the existing MGH hospital would be vacated and available for reuse. Because the medical office buildings are independent of MGH, it is likely that those buildings would continue to operate; however, the existing hospital buildings could reasonably be occupied by another medical-related use, such as medical office or some type of assisted-care residential living facility. Another potential scenario would include demolition of the hospital buildings and construction of a different use, such as residential or commercial. However, this would require a general plan amendment and rezone to the appropriate designation.

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

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

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

**F. Statement of Overriding Considerations:**

Pursuant to Guidelines section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.6. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

**Statement of Overriding Considerations:**

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

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

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

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

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

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

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

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

The project will increase cardiovascular procedural and intensive care capacity to support current and projected volumes of cardiac surgery and catheterization

procedures and enable the cardiovascular program to function more efficiently. Additionally, the proposed project would locate cardiovascular services in a site that is proximate to the Mercy Medical Plaza (physician office building) to ensure maximum physician accessibility in the event of an emergency.

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

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

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

Exhibit A.2: Mitigation Monitoring Plan (MMP)

**5.0 MITIGATION MONITORING PLAN**

**INTRODUCTION**

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

**MITIGATION MEASURES**

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

**MMP COMPONENTS**

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

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

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

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

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

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

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

5.0 Mitigation Monitoring Plan

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

MGH and SHPS Mixed-Use Project  
October 2007  
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5.0 MITIGATION MONITORING PLAN

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

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MGH and SHPS Mixed-Use Project  
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5.0 MITIGATION MONITORING PLAN

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

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**5.0 MITIGATION MONITORING PLAN**

<b>MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN</b>			
<b>Mitigation Measure</b>	<b>Action</b>	<b>Implementing Party</b>	<b>Timing</b>
<p><b>Mitigation Measure 12</b></p> <p>Branches and limbs that have been torn, broken, or split during construction should be removed in accordance with the City's Tree Ordinance. In addition, any dead, diseased, or rubbing limbs should be removed. Other maintenance pruning should be postponed for at least one to two years.</p>	<p>Maintain branches and limbs according to guidelines set forth by Mitigation Measure 12.</p>	<p>Project applicant/ Project contractor</p>	<p>On-going during project construction</p>
<p><b>Mitigation Measure 13</b></p> <p>Should paleontological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site or the recovery of the resources. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts on a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Sacramento Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	<p><b>Initial Study 14. Cultural Resources</b></p> <p>Cease construction and retain a qualified paleontologist to evaluate the significance of the resource. Prepare an excavation plan if necessary.</p>	<p>Project applicant/ qualified paleontologist</p>	<p>During project excavation and construction</p>
<p><b>5.1-2</b></p> <p>(a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward and sufficiently shielded to avoid substantial light trespass on adjacent uses.</p> <p>(b) The project contractor shall use Low E glass in order to reduce the reflective qualities of the building, while maintaining energy efficiency.</p> <p>5.1-4 Implement Mitigation Measure 5.1-2.</p>	<p><b>DEIR Section 5.1 Aesthetics and Visual Resources</b></p> <p>Design lighting system to avoid lighting of adjacent properties; include Low E glass to minimize glare.</p>	<p>Project applicant/ Project contractor</p>	<p>Prior to the approval of final development plans and specifications</p>
<p>5.1-2</p>	<p>See Mitigation Measure 5.1-2</p>	<p>See Mitigation Measure 5.1-2</p>	<p>See Mitigation Measure 5.1-2</p>
<p>City of Sacramento Development Services Department</p>	<p>City of Sacramento Development Services Department</p>	<p>City of Sacramento Development Services Department</p>	<p>City of Sacramento Building Division</p>

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**5.0 MITIGATION MONITORING PLAN**

<b>MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN</b>		
<b>Mitigation Measure</b>	<b>Action</b>	<b>Monitoring Party</b>
<p><b>5.2.1</b> To reduce fugitive dust emissions, in compliance with Rule 403 of the SWAQMD, the following mitigation measures would be implemented during construction:</p> <p>(a) All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover.</p> <p>(b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.</p> <p>(c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container.</p> <p>(d) All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.</p> <p>(e) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer or suppressant.</p> <p>(f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</p> <p>(g) Wheel washers shall be installed for all trucks and equipment exiting from unpaved areas or wheels shall be washed manually to remove accumulated dirt prior to leaving the site.</p> <p>(h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 4 percent.</p> <p>(i) Excavation and grading activities shall be suspended when winds exceed 20 mph; and</p> <p>(j) The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.</p>	<p>Ensure that the project applicant has included required measures in construction bid documents.</p>	<p>Prior to construction activities</p> <p>Project applicant</p> <p>City of Sacramento Development Services Department</p>

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN				
Mitigation Measure	Action	Implementing Party	Monitoring Party	
Timing				
<p>5.2-2 The following measures shall be incorporated into project construction contracts:</p> <p>(a) The project applicant shall require the project developer or contractor to provide a plan for all equipment by SMAQMD, demonstrating that the heavy-duty (750 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction.</p> <p>(b) The project applicant shall require the project developer or contractor to submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used in aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that no monthly update shall 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.</p> <p>(c) The project applicant shall require the project developer or contractor to ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the results shall be submitted to SMAQMD. The duration of the project shall not be less than 30 days. A 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.</p>	<p>Ensure that the project applicant has included required measures in construction bid documents.</p> <p>Ensure that the project applicant has submitted equipment inventory to the SMAQMD.</p> <p>Perform a visual survey for equipment emission opacity, prepare monthly report.</p>	<p>Project applicant</p> <p>Project applicant/ Project Contractor</p> <p>Project applicant</p>	<p>Prior to construction activities</p> <p>Prior to construction activities; monthly updates thereafter</p> <p>Perform weekly surveys and monthly reports</p>	<p>City of Sacramento Development Services Department</p> <p>City of Sacramento Development Services Department</p> <p>City of Sacramento Development Services Department</p>

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5.0 MITIGATION MONITORING PLAN

MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN			
Mitigation Measure	Action	Implementing Party	Monitoring Party
(d) The project applicant shall pay into the SMAQMD's construction mitigation fund for emissions-related fees that exceed 85% of the total project cost after credit has been taken for a 20% reduction expected from the implementation of Mitigation Measure 5.2-2(a). Fees shall be assessed based upon the current rate of \$14,300/ton of excess NO <sub>x</sub> emissions generated plus a 5% administrative surcharge. This fee shall be paid to the SMAQMD prior to issuance of building permits. Based upon the URBEMIS modeling, the estimated payment for construction NO <sub>x</sub> emissions would be \$17,527 for the excess NO <sub>x</sub> plus a \$876 surcharge. The project construction contractor shall keep records of equipment use and schedule, use these data to estimate actual NO <sub>x</sub> emissions over the course of construction, and pay additional fees quarterly to the SMAQMD, if actual emissions exceed the estimated emissions.	Ensure that the project applicant has included required measure in construction bid documents.	Project applicant	City of Sacramento Development Services Department
(e) Limit diesel equipment idling time to 5 minutes.	Ensure that the project applicant has included required measure in construction bid documents.	Project applicant	City of Sacramento Development Services Department
5.2-6 Implement Mitigation Measure 5.2-2	See Measure 5.2-2	See Measure 5.2-2	See Measure 5.2-2
5.3-2	DEIR Section 5.3 Cultural Resources	See Measure 5.2-2	See Measure 5.2-2
(a) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("middens"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City of Sacramento Development Services Department and the City Preservation Director shall be notified within 24 hours. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's professional qualifications for Archaeology. The City Preservation Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.	Ensure that the project developer has implemented the cultural resources measures set forth by Mitigation Measure 5.3-1	Project applicant/ Archaeologist	City of Sacramento Development Services Department

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**5.0 MITIGATION MONITORING PLAN**

<b>MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN</b>	<b>Mitigation Measure</b>	<b>Action</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
<p>(b) If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent the interests and/or organizations in the historic in which the project could be affected shall be consulted. When archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.</p> <p>If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.96 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the graves of the NAHC shall be protected in a manner consistent with the NAHC's policies. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Sacramento Development Services Department shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p>	<p>Suspend work if any remains are discovered during site work. Comply with notification, investigation, and agreements set forth in MM 5.3-3.</p>	<p>Project applicant/ Project Contractor</p>	<p>During any phase of archaeological testing, excavation, or construction</p>	<p>City of Sacramento Development Services Department and the Sacramento County Coroner</p>	

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**MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT  
MITIGATION MONITORING PLAN**

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

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**5.0 MITIGATION MONITORING PLAN**

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

5.0 MITIGATION MONITORING PLAN

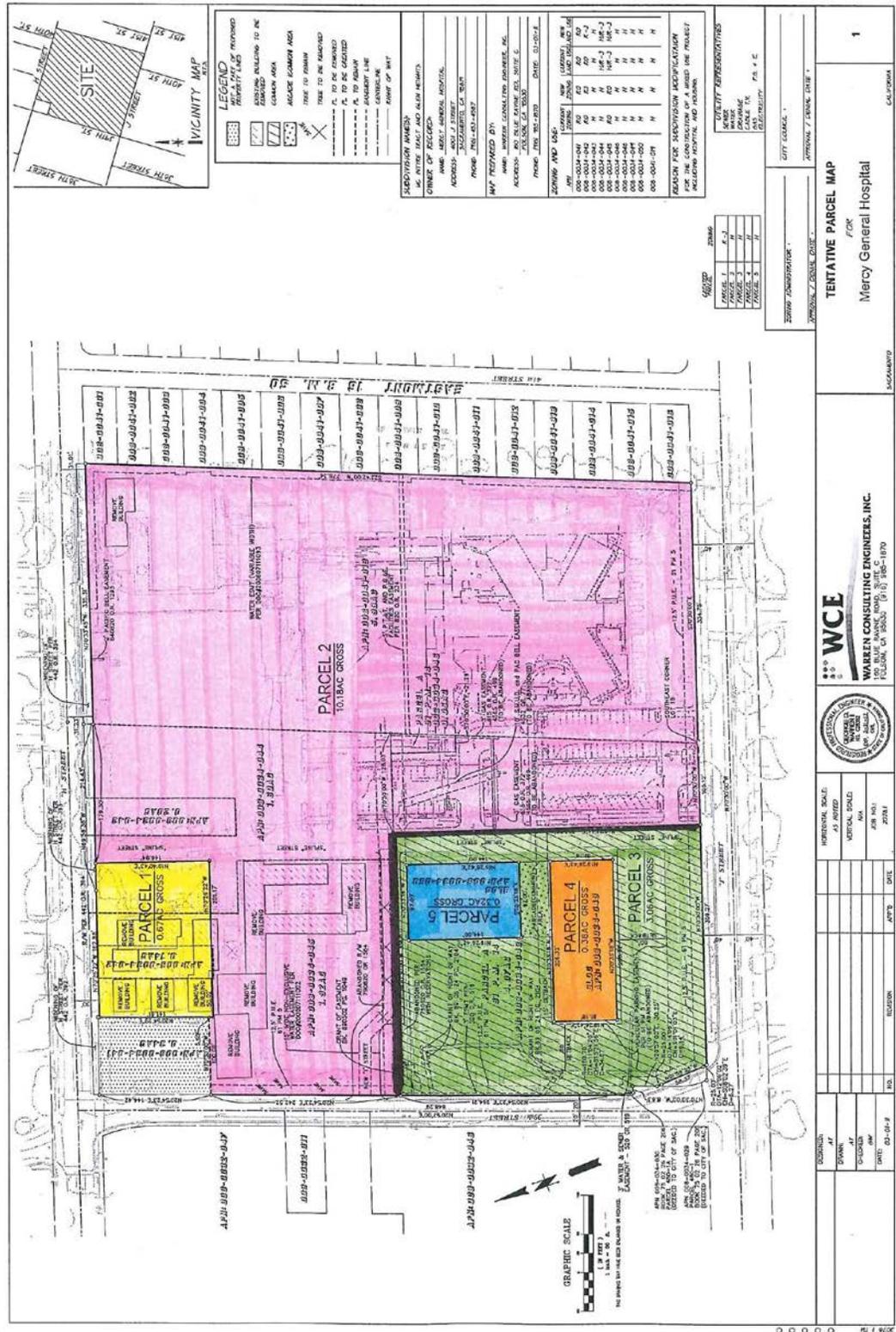
MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT MITIGATION MONITORING PLAN			
Mitigation Measure	Action	Implementing Party	Monitoring Party
(c) The applicant shall monitor parking occupancy on a regular basis during construction, particularly upon the closure of any parking facility.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

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MGH and SHPS Mixed-Use Project  
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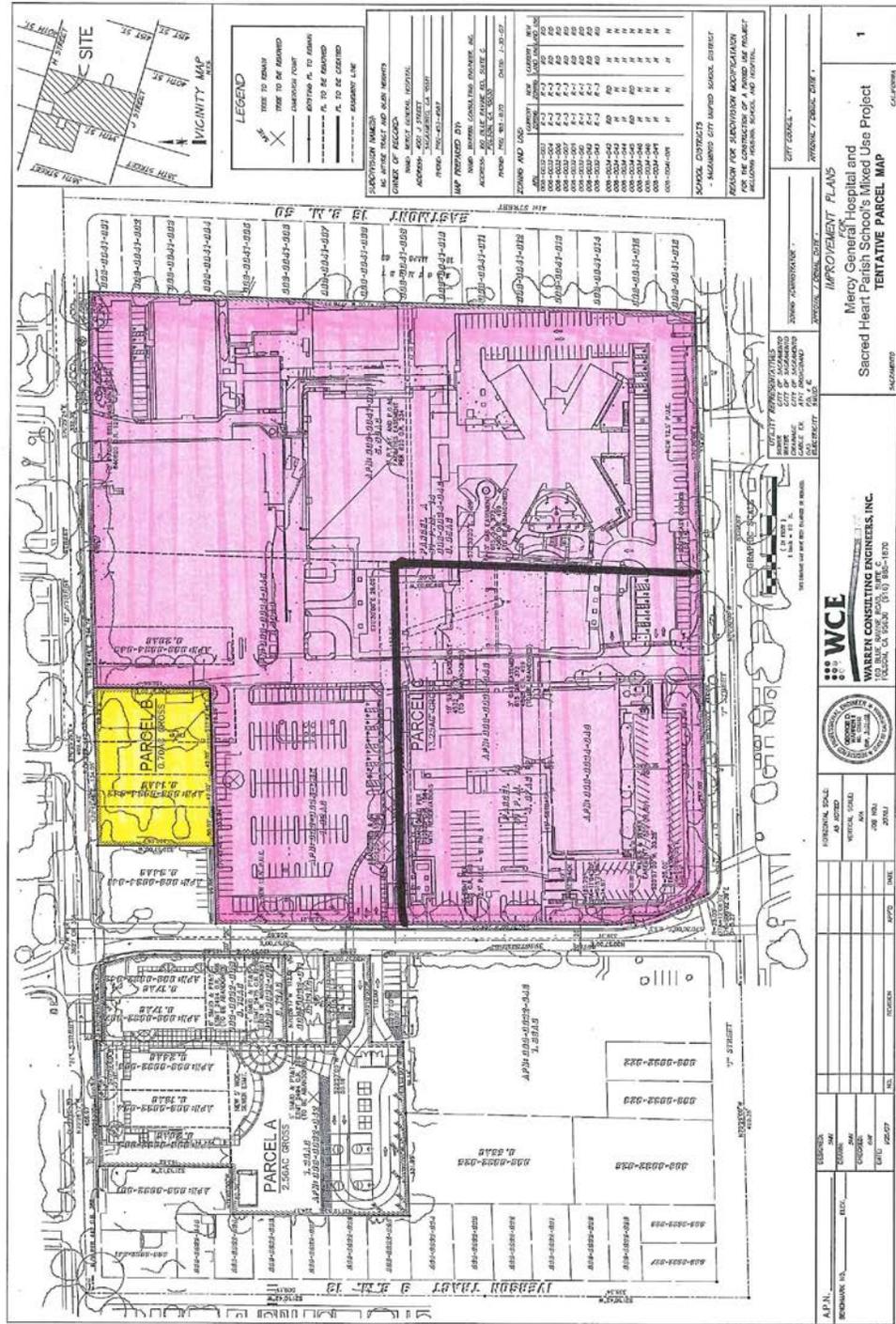
Exhibit B: Proposed Tentative Map\*



\*Map Exhibit has been colored by staff for illustrative purposes.

Parcel 1 (Yellow) is the site for the future residential units. Parcel 2 (Pink) is for the hospital site. Parcel 3 (Green) is for the common area for the medical plaza buildings. Parcel 4 (Orange) and Parcel 5 (Blue) are for the Mercy Medical Plaza buildings which have airspace condominiums and multiple owners.

Exhibit C: Previously Approved Tentative Map\*



\*Map Exhibit has been colored by staff for illustrative purposes. Parcel 1 (Yellow) is the site for the future residential units. Parcel 2 (Pink) is for the entire hospital site. The black line indicates the common area used by the medical plaza buildings which includes the new heart center building footprint.

Attachment 2: Land Use and Zoning Map



Attachment 3: ESIA Email

**Evan Compton**

---

**From:** Paul Noble [noblep5@comcast.net]  
**Sent:** Monday, April 25, 2011 1:48 PM  
**To:** Evan Compton  
**Subject:** Re: P11-017: Mercy Hospital Tentative Map

Evan,

Thank you for sharing the information about the proposed modification to the parcel map for Mercy General Hospital. The ESIA Board reviewed the proposal and, in general, we agree that it makes sense to split the map into a separate parcel for each building. However, there was some concern that the new map might make it easier for CHW to sell, transfer, expand or change the uses of buildings on the site. We request that the City of Sacramento ensure that there is no change in or weakening of the conditions of approval for the construction project now in progress on the Mercy General campus as a result of the proposed new parcel map.

Paul Noble, President  
East Sacramento Improvement Association

----- Original Message -----

**From:** [Evan Compton](#)  
**To:** [Evan Compton](#)  
**Sent:** Friday, March 25, 2011 11:39 AM  
**Subject:** P11-017: Mercy Hospital Tentative Map

Please find attached a copy of the early project notification for the Mercy Hospital Tentative Map.

Thanks,

Evan Compton  
Associate Planner  
Community Development Department  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811  
916-808-5260 (phone)  
916-808-5786 (fax)

Attachment 4: ESP, Inc. Email

**Evan Compton**

---

**From:** Evan Compton  
**Sent:** Tuesday, April 05, 2011 12:25 PM  
**To:** 'Will H. Green, M.D.'  
**Subject:** RE: P11-017: Mercy Hospital Tentative Map

The applicant has submitted the application because a portion of the heart center is located within the existing common area for the owners of the Mercy Medical Plazas and to adjust this line and to create new parcels for each of the MMP buildings, it requires a Tentative Map.

Thanks,

Evan Compton  
Associate Planner  
Community Development Department  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811  
916-808-5260 (phone)

PLEASE NOTE: Due to furloughs in 2011, the Community Development Department will be closed the first Friday of every month.

-----Original Message-----

**From:** Will H. Green, M.D. [<mailto:wgreen@surewest.net>]  
**Sent:** Monday, April 04, 2011 9:02 AM  
**To:** Evan Compton  
**Subject:** RE: P11-017: Mercy Hospital Tentative Map

Thanks for the clarification.

ESPTF has changed its' name. We are now East Sacramento Preservation, Inc. or ESP.

Can you explain the reasoning behind this change and divisions into multiple parcels???