

RESOLUTION NO. 2004-773

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF SEP 28 2004

RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE PROPOSED PROMENADE AT NATOMAS PLANNED UNIT DEVELOPMENT PROJECT, LOCATED IN NORTH NATOMAS, NORTH OF INTERSTATE 80 AND EAST OF TRUXEL ROAD AND GATEWAY PARK BOULEVARD, SACRAMENTO, CA.

(APN: 225-0160-086)
(P00-033)

THE CITY COUNCIL OF THE CITY OF SACRAMENTO DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

I. CEQA FINDINGS

The City Council finds that the Recirculated Environmental Impact Report for the Promenade at Natomas project (herein REIR) which consists of the Draft REIR, and Final REIR, labeled "Final Recirculated Draft Environmental Impact Report" (Responses to Comments), and Appendices, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

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

The City Council certifies that the REIR has been presented to it and that the City Council has reviewed it and considered the information contained therein prior to acting on the proposed project.

Pursuant to CEQA Guidelines section 15093, and in support of its approval of the Promenade at Natomas Project, the City Council hereby adopts the attached Findings of Fact and a Mitigation Monitoring Program (attached hereto as Exhibit 1) to require all reasonably feasible mitigation measures be implemented.

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II. PROCEDURAL FINDINGS

1. The City of Sacramento caused an Environmental Impact Report (EIR) on the Project to be prepared pursuant to CEQA, Public Resources Code, section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, section 15000 et seq., and the City of Sacramento environmental guidelines.
2. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research on September 4, 2002 and was circulated for public comments from September 4, 2002 to October 4, 2002.
3. A Notice of Completion (NOC) and copies of the Draft REIR were distributed to the State Clearinghouse on December 15, 2003 to those public agencies that have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.
4. An official forty-five (45) day public review period for the Draft REIR was established by the State Clearinghouse. However, due to the holidays city staff extended the public comment period an additional 5 days. The public review period began on December 15, 2003 and ended on February 2, 2004.
5. A Notice of Availability (NOA) was distributed to all interested groups, organizations, and individuals on December 15, 2003 for the Draft REIR. The Notice of Availability stated that the City of Sacramento had completed the Draft REIR and that copies were available at the City of Sacramento, Planning and Building Department, 1231 I Street, Room 300, Sacramento, California 95814. The letter also indicated that the official public review period for the Draft REIR would end on February 2, 2004.
6. A public notice was placed in The Daily Recorder and the Sacramento Bee on December 15, 2003 which stated that the Promenade at Natomas Project Draft REIR was available for public review and comment.
7. Following closure of the public comment period, a Final REIR (labeled "Final Recirculated Draft Environmental Impact Report") was prepared to incorporate comments received on the Draft REIR and the City's responses to said comments.
8. On August 31 and September 7, 2004, a public hearing on the proposed project was held before the Sacramento City Council. In response to comments received at this hearing, the project applicant submitted two alternative refinements to the proposed project. These changes to the Project were addressed in the Final REIR with the conclusion that neither

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alternative project revision would result in any new significant environmental effects that were not previously analyzed in the RDEIR. Nor would the project changes result in a substantial increase in the severity of any significant effects that were identified in the RDEIR. Traffic, noise, and air quality impacts of the project with these revisions would all be similar to or less severe than what would occur with Scenario B analyzed in the RDEIR. Other environmental impacts would be similar to those analyzed in the RDEIR, because the overall area of site disturbance would not change with these project revisions. All mitigation measures identified in the RDEIR would continue to apply to the project as revised. As neither of the two alternative project changes would result in any new significant adverse environmental effects that were not analyzed in the publicly circulated RDEIR nor a substantial increase in the severity of a significant effect previously identified in the RDEIR, the project changes do not constitute "significant new information" that would warrant recirculation pursuant to CEQA Guidelines §15088.5. However, although not necessary, the description of the changes was sent to the responsible agencies that commented on the RDEIR to ensure the fullest level of agency comment and participation.

9. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the City Council makes the following determinations:
 - A. The REIR consists of the Draft Recirculated Environmental Impact Report, and Final Recirculated Environmental Impact Report (Responses to Comments) REIR (labeled "Final Recirculated Draft Environmental Impact Report") and appendices.
 - B. The REIR was prepared and completed in compliance with CEQA.
 - C. The REIR has been presented to the City Council which reviewed and considered the information therein prior to acting on the Promenade at Natomas Project proposal, and they find that the REIR reflects the independent judgment and analysis of the City of Sacramento.
10. The following information is incorporated by reference and made part of the record supporting these findings:
 - A. The Draft and Final REIR and all documents relied upon or incorporated by reference including:

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- City of Sacramento General Plan, City of Sacramento, January 1988;
- Draft Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March 1987;
- Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988;
- North Natomas Community Plan, City of Sacramento, 1994;
- Zoning Ordinance, City of Sacramento, Revised May 2003; and
- Promenade at Natomas/Sacramento Auto Loop Project, Draft EIR (SCH# 2000072035), April 2003.

B. The Mitigation Monitoring Plan dated April 2004 (attached hereto as Exhibit 1).

C. Testimony, documentary evidence and all correspondence and reports submitted or delivered to the City in connection with the City Council hearings on this project and the associated REIR.

D. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff, and the City's outside consultants relating to the project, including but not limited to, City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

III. FINDINGS OF FACT REGARDING THE RECIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PROMENADE AT NATOMAS PROJECT

The REIR for the Promenade at Natomas project, prepared in compliance with CEQA, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the proposed project or an alternative to the project.

The site for the proposed Promenade at Natomas project is located on 126.4 acres within the City of Sacramento's North Natomas Community Plan area. Light industrial uses within the City limits are located to the north of the project site and industrial office uses are located to the north and east of the site within the County. Interstate 80 (I-80) is located to the south; and vacant land, Truxel

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Road, and the Natomas Marketplace shopping center are to the west of the Proposed Project site.

The Proposed Project site consists of 30.27± acres designated as Employment Center-50 (EC-50), 91.25± acres designated as Light Industrial uses and 4.88± acres of roadways under the NNCP. Under the City's General Plan, the project site designates 30.8 acres for Mixed Use Commercial and 95.6 acres for Heavy Commercial/Warehouse. The site is currently zoned as A-PUD (Agriculture - Planned Unit Development). Access to the project site from the north, south and west is provided by I-80, Truxel Road, and Gateway Park Boulevard. Access from the east is provided via North Freeway Boulevard.

The Proposed Project as changed based on comments at the hearings on August 31, September 7, 2004 and September 28, 2004 does not result in any new significant environmental effects or substantial adverse environmental impacts that were not analyzed in the RDEIR nor a substantial increase in the severity of any significant effect previously identified in the RDEIR. In fact, even though the square footage of the project increases, the alternative proposed project would generally result in less severe impacts than analyzed in the RDEIR. Therefore, the changes to the Proposed Project do not constitute "significant new information" that would warrant recirculation pursuant to CEQA Guidelines Section 15088.5.

Project objectives for the project include the following:

- Increase economic activity and value in the City by developing retail and office uses that are complementary to the adjacent Natomas Marketplace, office and industrial uses.
- Provide for an appropriate use of unique property located near the I-80 and Interstate-5 (I-5) interchange with frontage along I-80.
- Provide additional employment opportunities within the City by developing office and retail uses.
- Develop detailed design guidelines for the project that meet the City's requirements and establish a functional and effective organization of buildings, circulation and parking; create a pleasant and distinctive environment; create a distinctive but compatible building image; create a safe and distinctive nighttime environment; and provide identity and information for tenants and users of the site through attractive signage while avoiding visual competition.

Because the REIR indicates that implementation of the project (or project alternatives) would result in certain adverse impacts, the City is required under

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CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the project, as identified in the EIR.

A. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED

Finding – As authorized by Public Resources Code section 21081 and Title 14, California Administrative Code sections 15091, 15092, and 15093, the City finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental impacts listed, below, as identified in the Initial Study and the REIR. The City further finds that these changes or alterations in the project are within the jurisdiction of the City to require, and that these measures are appropriate and feasible.

These Findings of Fact include mitigation measures that were identified in the Promenade at Natomas Project REIR.

The City finds that the Mitigation Monitoring Plan for the Promenade at Natomas Project (attached as Exhibit 1) ensures compliance with the adopted mitigation measures by identifying the party or parties with the responsibility for implementing each mitigation measure, providing a mechanism for verifying compliance by tying the implementation of each mitigation measure to specific approvals and identifying the party responsible for monitoring the implementation of each mitigation measure.

Impacts Identified in the REIR

In the findings that follow, the City identifies the impacts and mitigation measures identified in the Promenade at Natomas REIR associated with development of the Proposed Project.

1) Impact 7.2-1: Intersections

a. Significant Impact

The prior Retail Project development scenario (PPB) would provide no automall use and would provide approximately 751,000 sf of regional retail uses and 762,500 sf of office/retail uses. Intersection operating conditions associated with the baseline plus Proposed Project scenario are summarized in Table 7.2-11. Although the revised Proposed Project is smaller, the EIR analysis assumes the larger project would be developed. This development scenario would cause **significant impacts** at the following intersections:

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- Northgate Boulevard/Del Paso Road – traffic associated with the Proposed Project would degrade the level of service at the intersection of Northgate Boulevard and Del Paso Road from LOS C to LOS D during the a.m. peak hour. The intersection would operate at LOS F during the p.m. peak hour, with an average delay increase of 15 seconds due to the project. This is considered a **significant impact**.
- Arena Boulevard (North Market Boulevard)/Gateway Park Boulevard - traffic associated with the Proposed Project would degrade the level of service at the intersection of Arena Boulevard from LOS C to LOS D during the p.m. peak hour. This is considered a **significant impact**.
- North Market Boulevard/North Freeway Boulevard - traffic associated with the Proposed Project would degrade the level of service at the intersection of N. Market Boulevard from North Freeway Boulevard from LOS B to LOS F during the p.m. peak hour. This is considered a **significant impact**.
- Truxel Road/Gateway Park Boulevard - traffic associated with the Proposed Project would degrade the level of service at the intersection from LOS B to LOS F during the a.m. peak hour, from LOS C to LOS D during the p.m. peak hour, and from LOS C to LOS D during the Saturday peak hour. This is considered a **significant impact**.
- Truxel Road/San Juan Road – traffic associated with the Proposed Project would degrade the level of service at the intersection from LOS E to LOS F. during the a.m. peak hour. During the p.m. peak hour, the intersection would operate at LOS D. This is considered a **significant impact**.
- Gateway Park Boulevard/North Freeway Boulevard – this new intersection would operate at LOS E during the Saturday peak hour if constructed as shown in Figure 7.2-5. This is considered a **significant impact**.

b. Facts in Support of Finding

The following mitigation measures from the Promenade at Natomas Project Draft REIR would ensure that impacts to intersections are less than significant:

Implement Mitigation Measure 7.2-1 (Draft REIR page 7.2-29 - 7.2-30)

(a) Northgate Boulevard/Del Paso Road - A traffic signal shall be installed with protected left turn signal phasing for eastbound and westbound approaches and split signal phasing for the northbound and southbound approaches. An overlap traffic signal phasing shall be provided to allow northbound Northgate Boulevard right turning traffic to

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proceed on a green arrow simultaneously with the westbound Del Paso Road left turning movement, and prohibit U-turns for the westbound left turning movement.

(b) Arena Boulevard (North Market Boulevard)/Gateway Park Boulevard - Overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement.

(c) North Market Boulevard/North Freeway Boulevard - A traffic signal with protected left turn signal phasing shall be installed for the westbound North Market Boulevard approach. Overlap traffic signal phasing shall be provided to allow northbound North Freeway Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement.

(d) Truxel Road/Gateway Park Boulevard - The four-lane approach to the intersection from the Natomas Marketplace shall be converted to provide a left-turn lane, a combination left-through lane, and two right turn lanes. An overlap traffic signal phasing shall be provided to allow right turning traffic to proceed on a green arrow simultaneously with the northbound Truxel Road left turning movement, and prohibit U-turns for the northbound left turn movement; and

The five-lane approach to the intersection from Gateway Park Boulevard shall be converted to provide three left turn lanes, a through lane, and a right turn lane; and

An overlap traffic signal phasing shall be provided to allow northbound Truxel Road right turning traffic to proceed on a green arrow simultaneously with the southbound Gateway Park Boulevard left turning movement, and prohibit U-turns for the southbound left turn movement; and

Split phasing for the northbound Natomas Marketplace approach and the southbound Gateway Park Boulevard approach shall be provided.

(f) Gateway Park Boulevard/North Freeway Boulevard - A left turn lane shall be added to the southbound Gateway Park Boulevard approach to provide two left turn lanes and two through lanes; and
An overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow

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simultaneously with the westbound North Freeway Boulevard left turning movement, and prohibit U-turns for the westbound left turn movement.

2) Impact 7.2-3: Bikeways

a. Significant Impact

Development of the project would result in the addition of employees, visitors, and shopping patrons to the project site, some who would travel by bicycle. A Class I bike trail is shown on the Sacramento Bikeway Master Plan that would pass through the Proposed Project site. The Proposed Project could interfere with implementation of the bikeway system proposed for North Natomas. This would be a **significant impact**.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to bikeways are less than significant:

Implement Mitigation Measure 7.2-3. (Draft REIR, page 7.2-33)

A Class I bike trail or Class II bike lane shall be provided through the Proposed Project site in accordance with the Sacramento Bikeway Master Plan.

3) Impact 7.2-6: Transit Ridership.

a. Significant Impact

Regional Transit Routes 13 and 14 currently serve the project site with a total of four buses during the a.m. peak hour and two during the p.m. peak hour. The buses on these routes have a capacity of 40 passengers per vehicle for a total capacity of 160 passengers during the a.m. peak hour and 80 passengers during the p.m. peak hour.

The peak direction of patronage along these routes during the weekday commute is toward the Arden/Del Paso Light Rail Station (toward downtown Sacramento) during the a.m. peak hour and away from downtown during the p.m. peak hour. The demand for transit service to the project site would be in the reverse direction of the peak commuter demand.

The prior retail project was projected to generate 83 transit riders during the a.m. peak, and 195 during the p.m. peak hour. The p.m. peak hour

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demand for transit services would exceed the capacity of the transit system. Therefore, this would be a **significant impact**.

The total ridership (on a weekly basis) for the Proposed Project would be approximately three times the ridership for the current zoning. The Proposed Project would generate about 27 fewer riders than the current zoning during the a.m. peak hour, but would increase ridership during the p.m. peak hour by 36 riders. Saturday ridership would increase by 225 transit riders.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to transit ridership are less than significant:

Implement Mitigation Measure 7.2-6 (Draft REIR, page 7.2-35)

Funding shall be provided to RT to expand bus transit service sufficient to accommodate the traffic demand at the site. Funding to expand bus transit service may include, but is not limited to, federal, State, and local sources, including fare box receipts.

4) Impact 7.2-7: Traffic Circulation and Safety

a. Significant Impact

Several roadway design aspects were evaluated with regard to traffic circulation and safety. The number of lanes, access control, and centerline radius required on the primary roadways serving the site were evaluated according to the City of Sacramento Street Design Guidelines (Revised December 2001) (see Appendix D). A summary of the standard number of lanes for roadways affected by the Proposed Project is provided in Table 7.2-15.

Based on the daily traffic volumes, the Sacramento Street Design Guidelines identify a need for six through lanes on Gateway Park Boulevard from Truxel Road to North Freeway Boulevard and on North Freeway Boulevard from Gateway Park Boulevard to the Main Project driveway. The site plans show four lane roadways in these sections.

No driveway access would be allowed along Truxel Road (an eight-lane roadway), nor would driveway access be allowed along Gateway Park Boulevard between Truxel Road and North Freeway Boulevard for this project, a distance of approximately 850 feet, due to the requirement for 500-foot driveway spacing on six-lane roadways. These access

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restrictions are necessary to prevent potentially hazardous weaving movements across multiple lanes of heavily traveled streets.

The centerline radius on Gateway Park Boulevard between Truxel Road and North Freeway Boulevard is approximately 1000 feet. The standard radius for this section of six-lane roadway is 1500 feet (based on the Sacramento Street Design Guidelines).

The internal roadway configuration has changed under the Proposed Project; however, the internal roadways will be designed to City standards and must be approved by the City Traffic Engineer. This would ensure impacts associated with internal roadways and driveway placement would be less than significant.

The design elements discussed above could result in substandard levels of safety and would constitute a **significant impact**.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to traffic circulation and safety are less than significant:

Implement Mitigation Measure 7.2-7 (Draft REIR, page 7.2-36)

(a) Required number of lanes - Six through lanes shall be provided on Gateway Park Boulevard from Truxel Road to North Freeway Boulevard or Main Project driveway. Driveways shall be prohibited on Truxel Road and Gateway Park Boulevard from Truxel Road to North Freeway Boulevard for this project.

(b) Centerline radii - A design that satisfies Caltrans requirements for horizontal curves described in the Highway Design Manual (Figure 203.2) for the six-lane section of Gateway Park Boulevard shall be provided. A combination of centerline radius modifications (standard is 1,500 feet), superelevation (0.06 maximum is standard per Caltrans Design Manual Table 202.2), and/or speed limit restrictions (55 mph is City standard for six-lane streets in North Natomas serving up to 36,000 vehicles daily). A roadway with 1,000-foot centerline radius and 0.08 superelevation would provide a 55 mph design speed. A 0.04 superelevation could be provided if the design speed were reduced to 50 mph and a 1,000-foot radius were used.

5) Impact 7.2-8: Intersections (cumulative)

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a. Significant Impact

The Proposed Project would increase traffic volumes at study area intersections. Intersection operating conditions associated with the cumulative scenario are summarized in Table 7.2-16. **Significant impacts** would occur at the following intersections:

- Del Paso Road/National Drive – the intersection would operate at LOS E during the p.m. peak hour without the Proposed Project, and the Proposed Project would increase the average delay by 15 seconds. This is considered a **significant impact**.
- Northgate Boulevard/Del Paso Road – the intersection would operate at LOS F during the a.m., p.m., and Saturday peak hour under existing conditions. Without the Proposed Project the Del Paso Road/National Drive intersection would operate at LOS E during the p.m. peak hour. Under the project the average delay would increase by 15 seconds. This is considered a **significant impact**.

Increase the average delay at the intersection by 18 seconds during the a.m. and p.m. peak hours, by 8 seconds during Saturday peak hour. This is considered a **significant impact**.

- North Market Boulevard/National Drive - the intersection would operate at LOS F during the a.m. peak hour without the Proposed Project, and the project would increase the average delay by 16 seconds. This is considered a **significant impact**.
- North Market Boulevard/North Freeway Boulevard - traffic would degrade the level of service at the intersection from LOS B to LOS D during the p.m. peak hour. This is considered a **significant impact**.
- Truxel Road/San Juan Road – the intersection would operate at LOS F during the a.m. peak hour without the project, and with the project would increase the average delay by 38 seconds. During the p.m. and Saturday peak hours, the intersection would operate at LOS D, and with the project would increase the average delay by 10 seconds and 12 seconds, respectively. This is considered a **significant impact**.
- Gateway Park Boulevard/North Freeway Boulevard – traffic from the project would degrade the level of service at the intersection from LOS C to LOS D during the p.m. and Saturday peak hours. This is considered a **significant impact**.

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- Arena Boulevard/Gateway Park Boulevard (additional **significant impact** because the Proposed Project would degrade the level of service at the intersection from LOS C to LOS D during the Saturday peak hour)
- Northgate Boulevard/I-80 East Ramps (additional **significant impact** because the intersection would operate at LOS F during the p.m. peak hour without the project, and with the project would increase the average delay by 16 seconds)
- Truxel Road/I-80 East Ramps – traffic from the project would degrade the level of service at the intersection from LOS D to LOS E during the p.m. peak hour. This is considered a **significant impact**.

b. Facts in Support of Finding

The following mitigation measures from the Promenade at Natomas Project Draft REIR would ensure that impacts to intersections (cumulative) are less than significant:

Implement Mitigation Measure 7.2-8 (Draft REIR, pages 7.2-42 through 7.2-47)

(a) Del Paso Road/National Drive - Three through lanes shall be provided in each direction on Del Paso Road in conformance with the North Natomas Community Plan¹; and

Two lanes shall be added to the northbound National Drive approach to provide two left turn lanes, two through lanes, and one right turn lane; and

One lane shall be added to the southbound National Drive approach to provide two left turn lanes, one through lane, and one combination through-right turn lane.

(b) Del Paso Road/Northgate Boulevard - A traffic signal shall be installed with protected left turn signal phasing for eastbound and westbound approaches and split signal phasing for the northbound and southbound approaches; and

For the eastbound Del Paso Road approach, the following shall be provided: one left turn lane, three through lanes, and one right turn lane

¹ The entire section of Del Paso Road will need to be widened to six lanes within the study area (from Gateway Park Boulevard to Northgate Boulevard) to provide acceptable traffic operations for cumulative conditions.

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with overlap signal phasing to allow eastbound Del Paso Road right turning traffic to proceed on a green arrow simultaneously with the northbound Northgate Boulevard left turning movement, and prohibit U-turns for the northbound left turning movement; and

For the westbound Del Paso Road approach, the following shall be provided: two left turn lanes, two through lanes, and a combination through-right turn lane; and

For the northbound Northgate Boulevard approach, the following shall be provided: two left turn lanes, a combination left-through lane, and two right turn lanes with overlap traffic signal phasing to allow northbound Northgate Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound Del Paso Road left turning movement, and prohibit U-turns for the westbound left turning movement.

(c) Arena Boulevard (North Market Boulevard)/Gateway Park Boulevard - An overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement. This mitigation measure would improve the level of service from LOS D to LOS C during peak Saturday conditions.

(d) North Market Boulevard/National Drive - Two lanes shall be added to the northbound National Drive approach to provide one left turn lane, one through lane, and one right turn lane with overlap phasing to allow northbound National Drive right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement; and

Two lanes shall be added to the southbound National Drive approach to provide one left turn lane, one through lane, and one right turn lane with overlap phasing to allow southbound National Drive right turning traffic to proceed on a green arrow simultaneously with the eastbound North Market Boulevard left turning movement, and prohibit U-turns for the eastbound left turning movement; and

Two lanes shall be added to the eastbound North Market Boulevard approach to provide two left turn lanes, one through lane, and one combination through-right turn lane; and

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One lane shall be added to the westbound North Market Boulevard approach to provide one left turn lane, one through lane, and one combination through-right turn lane.

(e) North Market Boulevard/North Freeway Boulevard - A traffic signal shall be installed with protected left turn signal phasing for the westbound North Market Boulevard approach, provide overlap traffic signal phasing to allow northbound North Freeway Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement.

(i) Truxel Road/I-80 East Ramps - The existing lanes for southbound Truxel Road shall be modified to provide two through lanes and two right turn lanes. This modification would require the approval of Caltrans.

(k) Truxel Road/San Juan Road - Implement Mitigation Measure 7.2-1(f); and

An overlap traffic signal phasing shall be provided to allow eastbound San Juan Road right turning traffic to proceed on a green arrow simultaneously with the northbound Truxel Road left turning movement, and prohibit U-turns for the northbound left turning movement.

(l) Gateway Park Boulevard / North Freeway Boulevard - Two lanes shall be added to the northbound Gateway Park Boulevard approach to provide two left turn lanes, two through lanes, and two right turn lanes with overlap phasing to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Freeway Boulevard left turning movement, and prohibit U-turns for the westbound left turn movement; and

Two lanes to the southbound Gateway Park Boulevard approach shall be added to provide two left turn lanes, two through lanes, and one right turn lane; and

An overlap traffic signal phasing shall be provided to allow right turning traffic from the Natomas Village Center to proceed on a green arrow simultaneously with the northbound Gateway Park Boulevard left turning movement, and prohibit U-turns for the northbound left turn movement.

6) Impact 7.2-10: Transit Ridership (cumulative)

a. Significant Impact

A light rail transit (LRT) extension, the Downtown-Natomas-Airport (DNA),

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is planned along Truxel Road with construction expected to commence in 2010. The North Natomas Composite Plan Transportation Evaluation (Kittleson & Associates, Inc. 1992) indicates that LRT would capture four percent of the trips that terminate within ¼ mile of a transit station, and three percent of the trips outside that limit. That assumption would indicate that LRT would serve about 540 weekday trips for current zoning – about 70 percent of the total weekday transit trips.

The Proposed Project development scenario would serve about 780 new weekday riders. The planned LRT system will be designed with a capacity to serve development according to the current zoning. During the peak hour of operation, the project would generate about 25 more LRT riders than current zoning – the equivalent of about one-half additional LRT car during the p.m. peak hour. This would be a **significant impact**.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to transit ridership (cumulative) are less than significant:

Implement Mitigation Measure 7.2-10 (Draft REIR, page 7.2-50)

Funding shall be provided to expand LRT operations to accommodate the additional project demand for transit services. Funding to expand bus transit service may include, but is not limited to, federal, State, and local sources, including fare box receipts.

7) Impact 7.6-1: Creation of health hazards

a. Significant Impact

A Phase I ESA was performed at the project site by McLaren/Hart in 1999 (Appendix H) and did not identify any hazardous materials release sites located within a one-mile radius of the project site, with the exception of the Natomas Airport, which is located approximately 3,000 feet west of the project site. Although groundwater contamination was reported at the Natomas Airport, groundwater in the vicinity of the airport was determined to flow towards the west and south, away from the project site. Because groundwater contamination at the Natomas Airport site is flowing away from the project site, it would not affect the quality of groundwater underlying the project site and would not present a potential health hazard.

As part of the Phase I ESA, shallow soil sampling was performed at the project site to determine whether historical agricultural activities, such as

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pesticide and herbicide application, had adversely impacted soil at the project site. As previously indicated on Table 7.6-1, the identified pesticides were detected at concentrations significantly below remedial levels for industrial and residential land uses, and were also well below the California threshold for toxicity. Therefore, the soil at the project site does not appear to be contaminated with pesticides or herbicides that could affect human health or the environment. In addition, the Phase I ESA did not identify any evidence of environmental conditions from any adjacent properties that would be a health or safety concern for people at the project site.

It is possible that not all environmental conditions have been reported or identified at the project site, such as buried disposal sites, trash pits, or other underground storage devices. The presence of any of these, either on or adjacent to the project site, could generate conditions that could be a hazard to public health and the environment. Under the Proposed Project, unearthing of any of the aforementioned unknown/potential sites could generate toxic or flammable conditions that could present immediately dangerous situations. The unknown presence and potential discovery of unknown hazards during site preparation and construction (excavation and grading) of the Proposed Project is considered a ***potentially significant impact***.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts associated with health hazards are less-than-significant.

Implement Mitigation Measure 7.6-1 (Draft REIR, page 7.6-8)

If a Phase I Environmental Site Assessment (ESA) has not been prepared for the entire project site, one shall be prepared in conformance with American Society of Testing and Materials (ASTM) standards prior to any site disturbing activities associated with the Proposed Project. If a Phase I ESA has been prepared for a site, but the physical condition of the site or its adjacent properties has substantially changed (i.e., new development), the original Phase I ESA shall be updated by an environmental professional to ensure that the environmental liability associated with the project site has not changed.

If the Phase I ESA concludes there is a potential for adverse site conditions to exist at the project site, soil and/or groundwater samples shall be collected by an environmental professional and analyzed for the appropriate contaminants. If the results of the analytical tests indicate contaminant levels that exceed remedial goals, or are above health and

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safety levels determined to be acceptable by the State for a specific land use, an environmental professional shall contact the Sacramento County Environmental Management District (SCEMD), or the appropriate regulatory agency, for guidance regarding site remediation. The project applicant shall initiate the recommendations of the regulatory agency to ensure that health and safety hazards do not exist.

If, during construction activities, evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (i.e., stained or odorous soil, or oil or discolored water), construction activities shall cease in the affected area. An environmental professional shall assess the situation and make appropriate recommendations.

8) Impact 7.8-1: Fill of jurisdictional waters of the U.S.

a. Significant Impact

The drainage canals that are located along the western and southern boundaries of the project site for the Proposed Project may be subject to the jurisdiction of the Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. If the drainage canals fall under the jurisdiction of the Corps, any project activities that result in discharge or placement of fill material into these canals would require a wetland delineation and permit under Section 404 of the Clean Water Act.

The Proposed Project proposes to construct a roadway across the canal located along the western boundary of the project site. Impacts to habitats near the canal associated with construction of a roadway can be mitigated through compliance with the Natomas Basin HCP providing no fill is placed in the canal. However, if placing a culvert or support structure in the canal were required to construct the roadway, a wetland delineation and permit would be required. These standards also apply to any construction activities that could impact the drainage canals located along the southern boundaries of the project site. Impacts to jurisdictional Waters of the United States are considered **significant impacts**.

b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas project Draft REIR would ensure that impacts to jurisdictional waters of the U.S. are less than significant.

Implement Mitigation Measure 7.8-1 (Draft REIR, page 7.8-16)

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(a) If it is determined that project construction activities will not result in the discharge or placement of fill materials (which include, but are not limited to construction materials such as culverts or support structures) in the canals that are located along the western and southern boundaries of the project site, impacts to habitats near the canal can be mitigated through implementation of Mitigation Measure 7.8-3(a) and (b).

Or

(b) If it is determined that project construction activities will result in the discharge or placement of fill materials (which include, but are not limited to construction materials such as culverts or support structures) in the canals that are located along the western and southern boundaries of the project site, the project applicant shall retain a qualified biologist to prepare a wetland delineation and mitigation plan that provides for: (1) identification of waters of the U.S. that could be impacted by the Proposed Project, (2) avoidance of or no net loss of waters of the U.S. in the project area, and (3) the compensation methodologies for project impacts on waters of the U.S. The delineation and mitigation plan shall be submitted for review and approval by the Corps prior to initiation of construction, and shall include a five-year monitoring program to ensure success.

Or

(c) In lieu of developing a mitigation plan that outlines the avoidance or creation of waters of the U.S., the project applicant shall purchase mitigation credits through a Corps-approved mitigation bank. The purchased credits shall fully offset the acreage and value of waters of the U.S. lost due to project construction.

These measures may be implemented by obtaining applicable permits from the Army Corps of Engineers and CDFG.

Creation and preservation of wetland habitat, or the purchase of mitigation credits through an accredited wetland mitigation bank would reduce this impact to a *less-than-significant* level by replacing the amount, type, and value of wetland habitat lost to project construction.

Any fill or adverse modification to a wetland would require a permit from the Corps prior to any construction activities. Typically, permits issued by the Corps condition a project with mitigation to offset unavoidable impacts on wetlands and other waters of the U.S. in a manner that achieves the goal of no net loss of wetland acres or values. Therefore, the above mitigation may be implemented through the permitting process.

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9) Impact 7.8-3: Loss of Swainson's Hawk habitat

a. Significant Impact

The Swainson's hawk nests primarily within riparian corridors in the Central Valley. However, the Swainson's hawk will also nest in isolated trees, trees along field borders or roads, small groves, or on the edges of remnant oak woodlands if they are located within flying distance (about 5 miles) of suitable foraging habitat. The trees that are located immediately adjacent to the western boundary of the project site provide suitable nesting habitat for the Swainson's hawk. The project site mainly consists of a fallow field, and as such provides suitable foraging habitat for the Swainson's hawk, because this species typically forages for insects and small rodents in grasslands, fallow fields, livestock pastures, and low-growing croplands. There are approximately 25 Swainson's hawk nest sites within five miles of the project site.

Swainson's hawk is listed as a threatened species by the CDFG, and is protected under the provisions of the California Endangered Species Act (CESA) and the California Fish and Game Code (sections 3503 and 3511). Should the Proposed Project impact this species, the project applicant would have to demonstrate compliance with CESA. However, CESA only regulates "take" of individuals and does not address habitat loss that is not directly linked to the loss of individuals of State-listed species. Therefore, the loss of potential Swainson's hawk foraging habitat is addressed only as a CEQA issue, while the potential loss or disturbance of Swainson's hawk nest sites is a CEQA and CESA issue.

The Proposed Project would convert land that supports suitable foraging and nesting habitat for Swainson's hawk into urban uses through rough and finished grading; construction of buildings, roads, and placement of related infrastructure. Implementation of the Proposed Project would remove approximately 120 acres of suitable Swainson's hawk foraging habitat, and could remove suitable nesting trees that are immediately adjacent to the western boundary of the project site. Loss of foraging habitat for this species could result in indirect mortality of adults and juveniles due to increased foraging competition, and increased foraging costs. Implementation of the Proposed Project could also result in the disruption of nesting Swainson's hawks, if they are found to be nesting within trees that are along the western boundary of the project site.

Removal of Swainson's hawk foraging habitat and potential disturbance of Swainson's hawk nest sites are considered **significant impacts**.

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b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to Swainson's hawk habitat are less than significant.

Implement Mitigation Measure 7.8-3 (Draft REIR, page 7.8-18)

(a) The project applicant/developer shall comply with all requirements of the adopted Natomas Basin HCP and any additional mitigation measures identified in the Natomas Basin HCP EIR/EIS and conditions in the ITPs issued by USFWS and CDFG.

Species-specific mitigation measures from the Final Natomas Basin HCP include:

(b) Pre-construction surveys to determine whether any Swainson's Hawk nest sites occur on or within ½ mile of the lands designated for development.

(c) Timing restrictions for construction activity if an occupied Swainson's hawk nest is identified (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season.

(d) An on-site biological monitor (CDFG-approved raptor biologist funded by the developer) would be assigned to the project if construction or other project-related activities that could cause nest abandonment or forced fledging are proposed within the ¼ mile buffer zone.

(e) Valley oaks, tree groves, riparian habitat and other large trees will be preserved wherever possible. The City and Sutter County shall preserve and restore stands of riparian trees used by Swainson's hawks and other animals, particularly near Fisherman's Lake and elsewhere in the Plan Area where large oak groves, tree groves and riparian habitat have been identified in the Plan Area.

(f) The raptor nesting season shall be avoided when scheduling construction near nests in accordance with applicable guidelines published by the Wildlife Agencies or through consultation with the Wildlife Agencies.

(g) Annually, prior to the Swainson's hawk nesting season (March 15 to September 15) and until build out of their Authorized Development has occurred, the City of Sacramento and Sutter County will notify each landowner of any property within the permit area(s) on which a Swainson's

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hawk nest tree is present, and will identify the nest tree, and alert the owner to the specific mitigation measures prohibiting the owner from removing the nest tree.

10) Impact 7.8-4: Loss of foraging or nesting habitat for non-listed special status avian species

a. Significant Impact

The project site associated with implementation of the Proposed Project consists of open fallow and ruderal fields, and as such provide suitable foraging and nesting habitat for several non-listed, special-status avian species, including northern harrier, western burrowing owl, loggerhead shrike, tri-colored blackbird, and white-tailed kite. At least one of these species, the western burrowing owl, has been documented as nesting within the banks of the east Drain Canal, approximately 0.25 miles west of the project site.² The direct loss or degradation of suitable foraging habitat or the removal of, or disturbance to nesting habitat within or directly adjacent to the project site(s) associated with implementation of the Proposed Project could result in the indirect mortality of these non-listed, special-status avian species or a reduction in local populations that depend on fallow fields and grasslands for foraging.

Although there are no specific agencies or permitting authorities that regulate impacts on non-listed avian species, the above special-status avian species can be considered rare or endangered in accordance with CEQA because, due to their designation as California Special Concern species (species that are vulnerable to extinction because of declining population levels, limited ranges, and/or continuing threats), they meet the criteria of CEQA Guidelines subsection 15380(b) (see page 7.8-10). Therefore, the mortality of, loss of nesting habitat, or loss of foraging habitat for these species would be considered a **significant impact**.

b. Facts in Support of Finding

The following mitigation measures from the Promenade at Natomas Project Draft REIR would ensure that impacts to non-listed special status avian species are less than significant.

1. Implement Mitigation Measure 7.8-4 (Draft REIR, page 7.8-20)

(a) Implement Mitigation Measure 7.8-3 (a).

2 EIP Associates, unpublished data, January, 2000.

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Implementation of Mitigation Measure 7.8-3 (a) would reduce project impacts to foraging habitat for non-listed special status avian species to a less-than-significant level by ensuring the implementation of conservation strategies for Swainson's hawk that are outlined in the Natomas Basin HCP, as well as additional mitigation measures identified in the Natomas Basin HCP EIR/EIS and conditions in the ITPs. Because foraging habitats that support Swainson's hawk (a species that is covered under the Natomas Basin HCP) can also support northern harrier, western burrowing owl, loggerhead shrike, tri-colored blackbird, and white-tailed kite, conservation strategies outlined in the Natomas Basin HCP for Swainson's hawk will also benefit these latter species. These conservation strategies, mitigation measures, and conditions will ensure that project impacts to foraging habitat for non-listed special status avian species will be fully offset by replacing the amount, type, and value of habitat lost to project construction. In addition, these species may be covered separately with specific mitigation requirements and conservation strategies under the Natomas Basin HCP, in which case impacts would be further mitigated to a *less-than-significant level*.

(b) For the northern harrier, loggerhead shrike, tri-colored blackbird, and white-tailed kite:

The project applicant shall retain a qualified biologist to conduct pre-construction (no earlier than 2 weeks prior to project construction activities) nest surveys within (1) the trees that are along the western and southern boundaries of the project sites, (2) any other trees that may be removed or damaged as a result of project construction or operation, (3) within suitable grassland nesting habitat for northern harrier, and (4) within suitable nesting habitat for tri-colored blackbird (e.g., within the blackberry thickets that are along the western boundary of the Proposed Project site). If active nests for any of these species are found, the nest sites shall be reported to CDFG. Removal of the nesting substrate that contains the nest(s) shall be conducted in accordance with CDFG direction. At a minimum, removal of the nesting substrate shall be delayed until after a qualified biologist has determined that the chicks in the nest(s) have fledged. In addition, prior to fledging, a buffer zone (equipment exclusion zone) of at least 100 feet should be established around the nest(s) to avoid disturbance to active nest(s) during project construction. If no active nests are found, no mitigation would be required.

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In lieu of conducting pre-construction surveys, the project applicant shall ensure construction activities do not occur during the nesting season of these species (typically March 1 through July 31). If construction occurs during the non-nesting season, the species would not be impacted.

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Implementation of Mitigation Measures 7.8-4 (a) and (b) would reduce project impacts to nesting habitat for northern harrier, loggerhead shrike, tri-colored blackbird, and white-tailed kite to a *less-than-significant level* by ensuring the protection of active nests and unfledged young.

(c) For the western burrowing owl:

Mitigation shall include, but not be limited to, the following items as identified in the Natomas Basin HCP:

1. Prior to project construction, the project applicant shall retain a qualified biologist to conduct pre-construction surveys of suitable habitat within the project sites within 30 days prior to project construction to document the presence and distribution of burrowing. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be re-surveyed.

2. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

3. If nest sites are found, the USFWS and the CDFG shall be contacted regarding suitable mitigation measures, which may include a 300-foot buffer from the nest site during the breeding season (February 1 – August 31), or a relocation effort for the burrowing owls if the birds have not begun egg-laying and incubation or the juveniles from the occupied burrows are foraging independently and are capable of independent survival.

4. If relocation of the owls is approved for the site by the USFWS and CDFG, the developer shall hire a qualified biologist to prepare a plan for relocating the owls to a suitable site.

Where onsite avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitation on Conservancy upland reserves.

11) Impact 7.8-5: Loss of suitable habitat for giant garter snake

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a. Significant Impact

The giant garter (GGS) snake is listed as a threatened species by CDFG and the USFWS and is protected under the provisions of the California and Federal Endangered Species Acts. This species is a highly aquatic snake, relying upon aquatic environments both for food and for shelter and escape from predators. Although no GGS were seen during the January 3, 2001 site visit of the Proposed Project site, the drainage canals and adjacent upland vegetation along the western and southern boundaries of the project site provide marginally suitable habitat for GGS. The patches of vegetation along the margins of the canals provide adequate hibernation habitat and the banks of the canals provide suitable locations for basking. The USFWS typically considers all upland areas within 200 feet of aquatic giant garter snake habitat to be upland habitat for GGS. Implementation of the Proposed Project could result in the removal of suitable GGS aestivation habitat, which, in turn, could result in the incidental direct take of GGS (mechanical injury) and indirect take through habitat loss. Danger posed by construction activities is greatest during the winter dormant period (November through March) when these snakes are inactive below the ground and are unable to flee machinery. Loss of suitable habitat for the GGS and potential take of this species is considered to be a **significant impact**.

b. Facts in Support of Finding

The following mitigation measures from the Promenade at Natomas Project Draft REIR would ensure that impacts to giant garter snakes are less than significant.

1. Implement Mitigation Measure 7.8-5 (Draft REIR, page 7.8-22)

(a) Implement Mitigation Measures 7.8-3 (a).

Compliance with Mitigation Measure 7.8-3 (a) would reduce project impacts to GGS to a less-than-significant level by ensuring the implementation of conservation strategies outlined for GGS (a covered species) in the Natomas Basin HCP, as well as additional mitigation measures identified in the Natomas Basin HCP EIR/EIS and conditions in the ITPs. These conservation strategies, mitigation measures, and conditions will ensure that project impacts to GGS or their habitat will be fully offset by replacing the amount (through applicable mitigation ratios), type, and value of GGS habitat lost to project construction, as well as avoiding impacts to individual GGS, aestivation sites, or basking habitat that may be within or adjacent to the project site.

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(b) Timing restrictions: No grading, excavating or filling activities will take place within 30 feet of existing giant garter snake habitat between October 1 and May 1, unless approved by CDFG. By conducting earth-moving activities during the summer months when snakes are active, it is expected that snakes in the construction area will be able to avoid construction equipment such that direct injury or mortality would be avoided. Further, snakes will not be in their winter retreats where they are vulnerable to injury during earth-moving activities.

(c) Dewatering requirements: Dewatering of existing habitat will begin after November 1, but no later than April 1 of the following year. All water must be removed from existing habitat by April 15, or as soon thereafter as weather permits, and the habitat will be kept dry without any standing water for 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat. By dewatering habitat between November 1 and April 1, snakes would not be attracted to construction zones when they emerge from their winter retreats. If habitat must be dewatered after April 15, it must remain dry for 15 consecutive days prior to excavating or filling the habitat. Snakes have been found to leave habitat within a few days of dewatering (USFWS, 1999b). By waiting 15 days after dewatering, it is reasonable to expect that any snakes would have left the construction zone prior to start of construction activities and injury to snakes would be avoided.

12) Impact 7.8-6 Loss of biological resources (cumulative) (RDEIR page 7.8-23)

a. Significant Impact

Over the past 150 years, urban development has encroached upon and removed biological resources throughout the Central Valley, including wetlands, riparian vegetation, annual grasslands, and other habitats that support special-status species. The project site supports small pockets of habitat, including suitable habitat for GGS, Swainson's hawk, and non-listed special status avian species. The project site also supports potential jurisdictional waters of the United States and is adjacent to potential City of Sacramento heritage trees. Habitat values associated with the majority of habitats affected by this project are relatively low due to the proximity of urban uses, isolation and fragmentation, urban runoff, and invasion of non-native species. However, despite the relatively low values, many of these habitats are still used by special status species, and project impacts to these habitats and the species they support can be significant. As discussed in project impacts 7.8-1 through 7.8-5, construction of the Proposed Project would result in the loss and/or degradation of up to 126-acres of suitable foraging habitat for Swainson's hawk and non-listed special status avian species, suitable habitat for GGS, potential City of

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Sacramento heritage trees, and potential waters of the U.S. Impacts to these species and habitats can be fully mitigated at the project specific level to a level of less-than-significant. However, the Proposed Project's incremental contribution to cumulative impacts to these habitats and the species they support in the Sacramento region and throughout the Central Valley is considered a **significant cumulative impact**.

b. Facts in Support of Finding

Based on implementation of Mitigation Measures 7.8-1 through 7.8-5 that ensure compliance with the adopted Natomas Basin HCP and are consistent with the Natomas Basin HCP EIR/EIS Findings and Statement of Overriding Considerations, the project's incremental contribution to cumulative impacts to habitats and special-status species would be less than significant. The proposed project's contribution to significant ongoing regional and statewide habitat losses is considered less than significant.

Implement Mitigation Measures 7.8-1(a) through (c); 7.8-2; 7.8-3 (a) through (g); 7.8-4 (a) through (c); and 7.8-5(a) through (c).

13) Impact 7.9-2: Archeological resources

a. Significant Impact

No archaeological or prehistoric resources are known to exist in the project area. The only suggestion that there could be such resources, as yet unidentified, is the presence of isolated artifacts in the vicinity, as documented by Chavez. The Information Center, in reply to the records search request, stated the following:

Chavez noted two artifacts, however, one within the project (#9: Bowl Mortar) and another just outside (#6: Bowl Mortar rim fragment). This suggests the possibility that there was an early site somewhere in the local vicinity.

This potential impact is the only one known for the Proposed Project area. A surface inspection can rarely be entirely certain that no buried archaeological or prehistoric resource is present within a project area. In the case of the Proposed Project, annual flooding prior to implementation of RD 1000 and agricultural practices since that time could have obscured surface evidence of an archeological site while leaving an intact or partially intact subsurface deposit. Therefore, this is considered a **potentially significant impact**.

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b. Facts in Support of Finding

The following mitigation measure from the Promenade at Natomas Project Draft REIR would ensure that impacts to archeological resources are less than significant.

Implement Mitigation Measure 7.9-2 (Draft REIR, page 7.9-9)

Should artifacts, exotic rock, bone, or a concentrated deposit of shell be uncovered during any future construction activities, an archeologist shall be consulted for an on-the-spot evaluation. If bone is uncovered that appears to be human, the County Coroner shall be contacted. If the coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission shall be contacted to identify most likely descendants.

B. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED

Finding – The City finds that, where feasible, the changes or alterations that have been required, or incorporated into, the Project which reduce the significant environmental impacts listed in the REIR. However, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceeding before the city including the Draft REIR and Final REIR prepared for this project. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the reduction is not to a less-than-significant level. Also incorporated into this section are the findings of fact stated in Section III that reject the No Project Alternative and project alternatives as infeasible or for failure to achieve the basic objectives of the project or because those alternatives offer no substantial environmental advantages over the Proposed Project.

1. **Impact 7.2-1 Intersections**

a. Significant and Unavoidable Impact

Truxel Road/San Juan Road

This mitigation measure would improve the level of service from LOS D or worse to LOS C during peak conditions. However, because it is not feasible to add lanes at this location, due to the available right-of-way, phasing alone may not fully mitigate the impact, the impact would be considered **significant and unavoidable**.

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b. Facts in Support of Finding

A right turn lane shall be added to the westbound San Juan Road approach to provide two left turn lanes, two through lanes and two right turn lanes and provide overlap traffic signal phasing to allow westbound San Juan Road right turning traffic to proceed on a green arrow simultaneously with the southbound Truxel Road left turning movement, and prohibit U-turns for the southbound left turning movement.

An overlap traffic signal phasing shall be provided to allow northbound Truxel Road right turning traffic to proceed on a green arrow simultaneously with the westbound San Juan Road left turning movement, and prohibit U-turns for the westbound left turning movement. The project applicant would be required to work with the Traffic Engineering Services to determine optimum phasing at this location.

However, because it is not feasible to add lanes at this location, due to the lack of available right-of-way and re-phasing alone may not fully mitigate the impact, the impact would be considered **significant and unavoidable**.

2. **Impact 7.2-2 Freeways**

a. Significant and Unavoidable Impact

The following discussion of freeway operations addresses only the impacts identified as significant according to the significance criteria identified earlier in this section. Other portions of the freeway would fail to satisfy Caltrans standards with or without the project and would not be identified as significant impacts.

Development of the Proposed Project would increase traffic volumes on the freeway system. I-80 mainline operating conditions associated with the baseline plus project scenario are included in Tables 7.2-12 and 7.2-13 (see page 7.2-31 of the RDEIR).

Westbound I-80 would operate at LOS F west of Northgate Boulevard during the a.m. peak hour with or without the Proposed Project and for all the project alternatives. Likewise, the I-80 westbound Northgate Boulevard off-ramps would operate at LOS F during the a.m. peak hour. None of these freeway operational problems would be significant impacts of the project because the condition would exist without the project.

In addition, during the p.m. peak hour, both the northbound and southbound Northgate Boulevard ramps onto eastbound I-80 would operate at LOS F, but the downstream freeway would also operate at LOS F, so there would be no significant impacts at the ramps. A significant

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impact at a freeway ramp would occur if project traffic would cause the ramp's merge/diverge level of service to be worse than the freeway's level of service.

Freeway off-ramp queues would be contained without extending into the ramp's deceleration area or onto the freeway for the Proposed Project and all alternatives. Expected queues are shown in the traffic study supplemental document that contains the level of service calculations.

The following discussion addresses significant impacts of the Proposed Project.

The Proposed Project development scenario would cause significant impacts at freeway locations. The project would cause the southbound Truxel Road merge onto westbound I-80 to operate at LOS E during the p.m. peak hour when the freeway would operate at LOS C. This is considered a **significant impact**.

Identification of a fair-share payment amount requires an accurate cost assessment of required improvements, and their associated costs. Caltrans may not have this information. In addition, since the City cannot control the actions of a State agency and the City cannot make occupancy of the project contingent on Caltrans' approval. Therefore, the City can only condition the project to work with Caltrans to determine the fair-share payment.

b. Facts in Support of Finding

Therefore, no feasible mitigation measures are available to reduce the impact to a less-than-significant level.

3. **Impact 7.2-8 Intersections (Cumulative)**

a. Significant and Unavoidable Impact

North Market Boulevard/Northgate Boulevard - the intersection would operate at LOS F during the a.m. peak hour without the project, and with the project would increase the average delay by 34 seconds. The intersection would operate at LOS E during the p.m. peak hour without the project, and with the project would increase the average delay by 15 seconds. This is considered a **significant impact**.

Truxel Road/Gateway Park Boulevard - traffic from the project would degrade the level of service at the intersection from LOS C to LOS F during the a.m. peak hour. The intersection would operate at LOS F during the p.m. and Saturday peak hour without the project; the project

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would essentially double the average delay at the intersection during these time periods. This is considered a **significant impact**.

Truxel Road/I-80 West Ramps – traffic from the project would degrade the level of service at the intersection from LOS C to LOS E during the Saturday peak hour. This is considered a **significant impact**.

Northgate Boulevard/I-80 East Ramps - this intersection would operate at LOS F during the p.m. peak hour without the project, and with the project would increase the average delay by 16 seconds. This is considered a **significant impact**.

b. Facts in Support of Finding

North Market Boulevard/Northgate Boulevard (#9)

This mitigation measure would not improve the level of service in comparison to the level of service without the project. The mitigation measure would reduce delay at the intersection during congested periods below the delay that would occur without the project. However, because it is not feasible to add lanes in this location and the mitigation measures would not fully mitigate the impact, the impact of the project after mitigation would be **significant and unavoidable**.

One lane shall be added to the southbound Northgate Boulevard approach to provide one left turn, two through lanes, and one combination through-right turn lane. However, it may not be feasible to add lanes at this location; and

The right-turn channelizing island shall be removed and two lanes added to the eastbound North Market Boulevard approach to provide a left turn lane, a combination through-right turn lane, and two right turn lanes; and

The two westbound North Market Boulevard approach lanes shall be provided and provide one left turn lane and one combination through-right turn lane; and

A protected left-turn phasing for all intersection approaches shall be provided; and

An overlap traffic signal phasing shall be provided to allow eastbound North Market Boulevard right turning traffic to proceed on a green arrow simultaneously with the northbound Northgate Boulevard left turning movement, and prohibit U-turns for the northbound left turning movement.

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Truxel Road/Gateway Park Boulevard (#11)

Delays at this intersection would be higher after mitigation than with no project and no mitigation. Therefore, this impact would remain **significant and unavoidable** even with Mitigation Measure 7.2-1(e).

Implement Mitigation Measure 7.2-1(e).

Truxel Road/I-80 West Ramps (#13)

No feasible mitigation measures were identified; therefore, this impact would remain **significant and unavoidable**.

No feasible mitigation measures were identified for this intersection. If the Northgate Boulevard bridge structure across I-80 were widened to add one lane to the southbound Northgate Boulevard approach, resulting in one through lane, one combination through-right turn lane, and one right turn lane, the level of service would be improved from LOS F to LOS E during p.m. peak hour conditions – better than the LOS F conditions that would occur without the project. This modification would not be feasible due to the lack of available right-of-way for the identified improvements and the cost of improvements is higher than what can reasonably be expected for a single project; therefore, the impact would be **significant and unavoidable**.

Northgate Boulevard/I-80 East Ramps (#16)

No feasible mitigation measures were identified for this intersection. If the Northgate Boulevard bridge structure across I-80 were widened to add one lane to the southbound Northgate Boulevard approach, resulting in one through lane, one combination through-right turn lane, and one right turn lane, the level of service would be improved from LOS F to LOS E during p.m. peak hour conditions – better than the LOS F conditions that would occur without the project. This modification would not be feasible due to the lack of available right-of-way for the identified improvements and the cost of improvements is higher than what can reasonably be expected for a single project; therefore, the impact would be **significant and unavoidable**.

4. Impact 7.2-9 Freeways (Cumulative)

a. Significant and Unavoidable Impact

The Proposed Project development scenario would increase traffic volumes on the freeway system. I-80 mainline operating conditions

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associated with the cumulative scenario are summarized in Tables 7.2-18 and 7.2-19, and cause the following **significant impacts** on I-80:

- Traffic would cause the freeway level of service to deteriorate from LOS E to LOS F on the I-80 mainline east of Northgate Boulevard during the Saturday peak hour.
- Traffic would cause the westbound I-80 diverge at the Northgate Boulevard interchange to operate at LOS F during the p.m. peak hour when the freeway would operate at LOS E (without the project, the diverge would operate at LOS D and the freeway would operate at LOS E).

For eastbound I-80 east of Northgate Boulevard, it might be possible to mitigate impacts associated with the Proposed Project for this section of I-80; however, there are several constraints that make mitigation infeasible. A discussion of the potential mitigation and constraints that make mitigation infeasible are provided under the discussion of baseline conditions. In summary, adding lanes to I-80 would require widening the bridge across the Natomas East Main Drainage Canal and the Union Pacific Railroad tracks. Widening the freeway east of the bridge may require additional right-of-way or expensive construction methods to avoid right-of-way acquisition. The potential mitigation measure is considered infeasible; therefore, this impact would remain *significant and unavoidable*. For westbound I-80 at the Northgate Boulevard Off-Ramp, it might be possible to mitigate impacts associated with the project for the off-ramp; however, similar constraints to those listed above make mitigation infeasible. The potential mitigation would require providing a two lane exit ramp by adding an auxiliary lane 1300 feet in advance of the interchange ramp as required by Caltrans design standards. This mitigation measure would improve p.m. peak hour ramp operations to LOS D or better, but would also require widening the bridge across the Natomas East Main Drainage Canal and the Union Pacific Railroad tracks. Widening the freeway east of the bridge may require additional right-of-way or expensive construction methods to avoid right-of-way acquisition. The potential mitigation measure is considered infeasible; therefore, this impact would remain **significant and unavoidable**.

b. Facts in Support of Finding

Compliance with this mitigation measure would improve p.m. peak hour ramp operations to LOS D or better, but would also require widening the bridge across the Natomas East Main Drainage Canal and the Union Pacific Railroad tracks. Widening the freeway east of the bridge may require additional right-of-way or expensive construction methods to avoid right-of-way acquisition. The potential mitigation measure is considered

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infeasible; therefore, this impact would remain **significant and unavoidable**.

5. **Impact 7.3-2 Construction-related ozone precursor emissions**

a. Significant and Unavoidable Impact

CO, ROG, and NO_x are emitted from the operation of diesel construction equipment, while ROG is generated from asphalt off-gassing (application of asphalt, not asphalt itself, releases vapors). Using URBEMIS7G, it was estimated that approximately 22 pieces of diesel powered equipment would be used on the site throughout construction of the project. In addition to mobile equipment, stationary diesel equipment, such as generators would also be used.

As shown in Table 7.3-5 (see page 7.3-15 in the RDEIR), under the Proposed Project, 45.48 lbs/day of ROG, 565.58 lbs/day of NO_x and 12.33 lbs/day of CO would be generated by construction equipment. Under the Proposed Project, NO_x emissions would exceed the district's adopted thresholds of 85 lbs/day, resulting in a **significant impact**.

b. Facts in Support of Finding

Sacramento County is currently in attainment for CO and the SMAQMD has not adopted any CO thresholds. Consequently, the Proposed Project would not violate SMAQMD thresholds and no mitigation is required. However, construction activities associated with the Proposed Project would result in the generation of NO_x pollutants that would exceed the SMAQMD threshold of 85 lbs/day, resulting in a significant impact. Implementation of the following mitigation measures would reduce the amount of NO_x emissions created during construction activities, but not to a level that is below the district thresholds. Therefore, this impact would remain **significant and unavoidable**.

To reduce NO_x emissions associated with construction activities, the prime contractor shall provide a plan for approval by the City of Sacramento and SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, shall achieve a fleet-averaged 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and

The prime contractor shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The

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inventory shall include the horsepower rating, engine production year, and 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.

The prime contractor shall ensure that emission 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 shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supercede other SMAQMD or state rules or regulations.

6. Impact 7.3-3 Project operational emissions

a. Significant and Unavoidable Impact

Operational emissions associated with the Proposed Project would be generated primarily by vehicles traveling to and from the site. However, area source emissions, such as those from natural gas associated with heating facilities, would also contribute to operational emissions. Unlike construction emissions, operational emissions are on-going and would affect the air quality more severely than short-term construction emissions.

As indicated in Table 7.3-6, operational emissions associated with the Proposed Project are estimated to be approximately 375 lbs/day of ROG, 393 lbs/day of NO_x, 3,274 lbs/day of CO, and 3.36 µg/m³ of PM₁₀. Under the Proposed Project, ROG and NO_x emissions would exceed SMAQMD's thresholds of 65 lbs/day, resulting in a **significant impact**.

b. Facts in Support of Finding

The majority of long-term operational pollutants would be generated by vehicles traveling to and from the project site. The mitigation measures presented below are in keeping with the policies presented in the NNCP that promote alternative forms of transportation and making the project area more pedestrian and bike friendly. As stated in the implementation

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goals, the Natomas area shall strive for a 35 percent reduction in all pollutants and all nonresidential development is required to reduce ROGs by 50 percent when compared to the baseline conditions. It should be noted that the project site is located along a proposed light rail transit line and minor bus line which, when constructed and operating, will further encourage patrons and employees to use an alternative form of transportation.³ The light rail line is proposed to travel along Truxel Road while the bus line would travel along Gateway Boulevard. Many of the following mitigation measures would encourage people to use alternative forms of transportation, however, the effectiveness of these mitigation measures in reducing potential air emissions cannot be guaranteed. Although implementation of the following mitigation measures would reduce the magnitude of this impact, operational emissions would still exceed district thresholds, resulting in a **significant and unavoidable impact**.

Prior to project construction, the project applicant and city shall consult with the SMAQMD to ensure all applicable and feasible mitigation measures are being implemented, which shall include the following:

- a) Bicycle lockers and/or bike racks shall be provided at all office buildings and retail centers.
- b) Provide an additional 20 percent of required Class I and Class II bicycle parking facilities.
- c) A display case or kiosk displaying transportation information in a prominent area accessible to employees and patrons.
- d) Parking lot shade shall be increased by 20 percent over city code requirements.
- e) Preferential parking for carpool/vanpools shall be provided to encourage shared ridership.
- f) The parking lot design shall include clearly marked and shaded pedestrian pathways between transit facilities and building entrances.
- g) The project applicant shall require building and/or property owners contracts with landscapers who operate equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use.

3 City of Sacramento. North Natomas Community Plan. Adopted by City Council Resolution No. 94-259. May 3, 1996. Amended April 16, 1996. Pp 43.

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- h) For all office development, promote telecommuting and implement an employee telecommuting program.
- i) Implement Clean Air Business Practices such as using low-emission delivery vehicles, contracting with alternative fuel waste hauling companies, etc.

7. Impact 7.3-5 Critical air pollutants (cumulative)

a. Significant and Unavoidable Impact

As discussed in the project description, the Proposed Project would require a General Plan Amendment, Community Plan Amendment and zoning changes to the existing site. Most notably, 101 acres of the site are currently designated for warehouses or similar uses, which produce considerably fewer air emissions because of the lower trip generation rate per 1,000 square feet. To accommodate the Proposed Project, the project site would be redesignated as commercial, office, or retail, all of which would result in more vehicle trips and higher emissions.

Furthermore, as noted previously in this section, the project area is located within Sacramento County that is currently designated as non-attainment for both State and federal ozone standards. The primary cause of ozone formation in the region is due to mobile vehicles that generate the pollutants ROG and NO_x, both of which are ozone precursors.

Assuming development within the Sacramento Valley Air Basin through the year 2025, development of the site would result in higher emissions than it would if it were built-out in accordance with existing General Plan, Community Plan and zoning designations, and because the region is designated as severe non-attainment for ozone, the Proposed Project would contribute considerably to a **significant cumulative impact** to air quality.

b. Facts in Support of Finding

The Proposed Project would significantly impact cumulative air quality in the region. The following mitigation measures would reduce the magnitude of the impact; however, cumulative impacts to air quality would still exist and this impact would remain **significant and unavoidable**.

Implement Mitigation Measures 7.3-1 through 7.3-3.

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8. Impact 7.3-7 Toxic air contaminant concentrations

a. Significant and Unavoidable Impact

As previously noted, the adopted health risk threshold for exposure to TAC is 10 in 1 million. This means that if a source results in more than 10 excess cancer cases per 1 million people, a significant impact may occur. The local air districts are responsible for regulating and monitoring TACs from stationary sources. Permits, and in some cases the implementation of Best Available Control Technology (BACT) or Maximum Available Control Technology (MACT), are required to ensure that stationary sources do not in and of themselves pose a significant risk to sensitive receptors. However, it is possible for stationary sources that individually do not exceed the adopted risk threshold of 10 in 1 million to cumulatively exceed the adopted risk threshold of 10 in 1 million when numerous facilities are operated simultaneously. At the present time, there are no known stationary sources within the vicinity of the project site that emit TACs. Implementation of the Proposed Project is not anticipated to result in the construction of stationary sources that emit TACs. In the event any facilities are constructed, they would be required to comply with the rules and regulations of local air districts to ensure that the health risk of 10 in 1 million is not exceeded.

In 1998 the CARB identified diesel particulate matter as a toxic air contaminant. Diesel particulate differs from other TACs in that it is generated primarily by mobile sources. The risk to sensitive receptors associated with exposure to this TAC depends upon a number of factors, including the wind direction, wind speed, concentration of the diesel particulate matter, the length of exposure, the existing concentration of diesel particulate matter in the air, and the distance from the source. The CARB currently estimates that the existing overall risk level associated with diesel particulate matter in California is estimated to be 540 excess cancer cases per 1 million people. Consequently, the existing risk level is higher than the adopted threshold of 10 in 1 million.

With implementation of the Proposed Project, diesel powered trucks would be used to deliver and distribute material goods associated with development of the site. Diesel trucks would also be used to transport goods to retail and commercial uses on the site. In addition to delivery trucks associated with the project, the project site is located adjacent to an existing freeway.

Although there are no residential homes within the project site, people would work within the project site for an average of 8 hours per day and 5 days per week. In some cases the work schedule may be slightly less or more. During the time the employee is working within the project site, they

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would be exposed to TACs associated with the delivery trucks and existing freeway traffic.

The CARB has produced a series of risk characterization scenarios as an Appendix to the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. The Scenario that most closely resembles the Proposed Project is known as the "Low Volume Freeway". In this Scenario, the freeway has three lanes in each direction and receptors were placed as close as 20 meters from the edge of the freeway. It was assumed that there was a flow of 2,000 trucks per day. Based on this Scenario, the health risk was estimated to be 200 excess cancer cases per million people based on 70 years of exposure.⁴ This estimated risk exceeds the threshold of 10 excess cancer cases per million people.

While this low volume freeway Scenario can be applied to the Proposed Project, it is important to note that there are differences between this Scenario and the project site. Most notably, although the Interstate-80 freeway is located immediately adjacent to the project site, most likely setback requirements and the design of the project would result in a distance that is greater than 20 meters between sensitive receptors (employees) and the existing freeway.

Traffic volumes along west bound I-80 that were recorded at the Northgate/I-80 intersection were estimated to be 126,000 vehicles per day. The number of vehicles estimated for the east bound lanes at the same intersection were estimated to be 104,000 vehicles per day.⁵

The CARB has not produced a risk scenario analyzing the potential impacts associated with the exposure of diesel particulate matter for trucks making deliveries that would be comparable to operation of the Proposed Project. However, the CARB has produced a risk scenario for idling school buses, which would most closely resemble the risk associated with diesel trucks delivering products to the project site. In this Scenario, the diesel particulate matter emissions from the loading and unloading of school children was quantified and the associated health risk was estimated. It was assumed that the buses were idling between 2 and 15 minutes while the children were loading and unloading. The risk associated with this Scenario was estimated to be 90 excess cancer cases per million people based on 70 years of exposure. This estimated

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- 4 California Air Resources Board. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. Stationary Source Division, Mobile Source Control Division. October 2000, Appendix VII.
- 5 California Department of Transportation. www.dot.ca.gov/hg/traffops/saferesr/terafdata/1999. website accessed December 11, 2002.

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risk Scenario also exceeds the threshold of 10 excess cancer cases per million people.

Furthermore, it should be noted that the project site is located adjacent to an existing light industrial area. This area currently delivers and distributes goods via diesel trucks on a daily basis. The same is also true of the existing Natomas Market Place, which also receives deliveries from diesel powered trucks on a daily basis.

Diesel particulate matter is a unique TAC in that it is generated by mobile sources, which are currently unregulated by local air districts. However, mobile source emissions, including diesel particulate matter are regulated by the CARB, a State entity. The CARB has derived a number of strategies for reducing diesel particulate matter. These strategies include retro-fitting existing engines by installing a diesel particulate filter, using alternative fuels, and stricter emission control standards for all new engines.

Although the risk scenarios presented here for comparison represent a worst-case scenario, since they assume an individual will receive continuous maximum exposure to the TAC for 70 years (the estimated lifetime of an individual), and although the Proposed Project's individual contribution to diesel particulate matter within the area would be minimal, development of the Proposed Project in combination with other development in the region could still expose employees to a substantial risk that is greater than the adopted 10 in 1 million threshold. Therefore, this would be a **significant cumulative impact**.

b. Facts in Support of Finding

Under the Proposed Project, the trucks used for delivering materials to the project site are not owned or operated by the project applicant, and therefore retro-fitting existing engines with diesel particulate filters, requiring the use of alternative fuels, and/or purchasing new trucks that meet the new, stricter diesel particulate matter emission standards are not feasible mitigation measures. Any mitigation to reduce the magnitude of this impact must be implemented by the CARB and would occur over time as stricter emissions requirements are adopted and implemented.

Because there are no feasible mitigation measures available to reduce the magnitude of this impact, it would remain **significant and unavoidable** for the Proposed Project.

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9. **Impact 7.4-2 Traffic Noise (Project-specific)**

a. Significant and Unavoidable Impact

The Proposed Project would generate increased traffic on the existing roadway network. Pursuant to the City of Sacramento Noise Element, a substantial increase in traffic noise levels is defined as a 4 dB increase.

Under the Proposed Project, traffic noise level increases are predicted to be 4 dB or more on 7 roadway segments on weekdays and 13 roadway segments on weekends, as shown in Table 7.4-6. Noise-sensitive land uses include new multi-family residential uses in the vicinity of Truxel and Arena. The Proposed Project includes a 5 dB increase on the east segment of the Truxel/Arena intersection on weekdays and a 12 dB and 9 dB increase on the east and west segments, respectively on weekends. Therefore, this is considered a **significant impact**.

b. Facts in Support of Finding

Increased traffic generated by the development of the Proposed Project will cause traffic noise levels to increase on the local roadway network. The extent by which existing land uses are affected by these increases will depend on their proximity to the roadways in question as well as their individual sensitivity to noise.

The reason no noise mitigation measures are available for this impact is that such mitigation would require modification to either the source of traffic noise, the transmission path between the road and the receivers, or the receiver. Modification to the noise source would require the quieting of individual vehicles, which is preempted from local control by the State Motor Vehicle Code. While noise-reducing pavement materials have been shown to reduce traffic noise levels in some areas, this measure would require re-paving of the impacted roadway segments and still would not provide sufficient noise reduction to reduce this impact to a level of insignificance.

Treatment of the path of sound between the roadway and receiver would require the construction of noise barriers at impacted receptors within the plan area. New single-family residential uses located near the project site include sound walls; however, new multi-family apartments do not. Irrespective of the cost associated with such mitigation, barriers could not be constructed at all locations or would not be effective at all locations due to engineering and safety constraints, as well as topographic and vehicular access constraints. In addition, the relative change in noise levels with or without sound walls would be similar. For example, if the project would increase traffic noise levels by 6 dB along a roadway

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segment with residences that have sound walls, those residences would have lower overall noise levels in their backyards, but the project-related traffic noise increase, relative to those lower baseline levels, would still be 6 dB, which is significant.

Finally, treatment of the receptor would essentially consist of retrofitting the buildings of noise-sensitive receptors to provide additional attenuation of traffic noise by the amount which development of the project or alternatives would cause traffic noise to increase. The costs and other constraints associated with such retrofitting would render this option infeasible. Therefore, this impact is considered a **significant and unavoidable** impact for the Proposed Project.

10. **7.4-4 Traffic Noise. (Cumulative)**

a. Significant and Unavoidable Impact

The Proposed Project would generate increased traffic on the existing roadway network. Under the Proposed Project, traffic noise level increases are predicted to be 4 dB or more on seven roadway segments on weekdays and nine roadway segments on weekends, as indicated by Table 7.4-6. There would be a 5 dB increase on the east segment of the Truxel/Arena intersection during weekdays and weekends. Because there are noise-sensitive land uses in the vicinity of Truxel and Arena, this is considered a **significant impact**.

b. Facts in Support of Finding

Increased traffic generated by the development of the Proposed Project will cause traffic noise levels to increase on the local roadway network. The extent by which existing land uses are affected by these increases will depend on their proximity to the roadways in question as well as their individual sensitivity to noise.

Please see the discussion under Impact 7.4-2 regarding why no noise mitigation measures are available for this impact. This impact is considered a **significant and unavoidable** impact for the Proposed Project.

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IV. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative, plus a range of alternatives to the project or its location. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project. For the reasons documented in the REIR and summarized below, the City finds that approval and implementation of the project as proposed is appropriate, and rejects each one and any combination of project alternatives. The evidence supporting these findings is presented in Chapter 4 of the REIR.

1. **Alternative A: No Project Alternative**

The No Project Alternative (Alternative A) is required by CEQA. The No Project Alternative would maintain existing conditions. The No Project Alternative would not construct the proposed improvements. The project site would remain as it is currently, with no further site modifications.

Finding

Specific economic, social, or other considerations make infeasible the No Project Alternative identified in the REIR and described below.

Facts in Support of Findings

1. Alternative A would not meet any of the goals and objectives of the project or meet the goals of the NNCP.
2. The No Project Alternative identified in the REIR and described above would not have substantial environmental benefits when compared to the Proposed Project in that:
 - a) Alternative A would not meet any of the goals and objectives of the Proposed Project because Alternative A would not increase economic activity; or provide employment opportunities and services to the community.

2. **Alternative B: Community Plan Buildout Alternative**

The Community Plan Buildout Alternative (Alternative B) would develop the site consistent with the existing NNCP land use designations.

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Finding

Specific economic, social, or other considerations make infeasible the Community Plan Buildout Alternative identified in the REIR and described below.

Facts in Support of Findings

1. The Community Plan Buildout Alternative identified in the REIR and described above would not have substantial environmental benefits when compared to the Proposed Project in that:
 - a) The Community Plan Buildout Alternative would not meet the project objectives. Specifically, this alternative would not develop retail uses that would increase economic activity in the area and complement the adjacent Natomas Marketplace.
 - b) Significant effects of the Proposed Project are acceptable when balanced against this alternative and the facts set forth in the Statement of Overriding Considerations.

3. Alternative C: Retail/Mixed Use Alternative

This alternative proposes retail, office, and warehouse/light manufacturing uses, but the total square footage for this alternative would be slightly more than the Proposed Project. Areas 1 and 2 would be zoned as SC-PUD in order to be utilized as retail space. Area 3 would be zoned M-1 and EC, which could be used as light manufacturing, office and retail.

Finding

Specific economic, social, or other considerations make infeasible the Retail/Mixed Use Alternative identified in the REIR and described below.

Facts in Support of Findings

1. The Retail/Mixed Use Alternative identified in the REIR and described above would not have substantial environmental benefits when compared to the Proposed Project in that:
 - a) The Retail/Mixed Use Alternative would result in impacts very similar to the Proposed Project. Because the Retail/Mixed Use Alternative would disturb a similar area as the Proposed Project and would result in similar uses,

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except slightly more intense, the impacts would be very similar to the Proposed Project.

- b) The Mixed Use Alternative would not meet the goals and objectives of the NNCP, because it does not provide employment center uses to encourage light rail ridership.
- c) The Mixed Use Alternative would essentially meet the project objectives established for the project.

4. Alternative D: Offsite Alternative

This alternative includes a 92-acre site located in West Sacramento east of Interstate 80 (I-80). The site is bounded by I-80 to the west, Harbor Boulevard to the east, and Reed Avenue to the north. Uses on the site include approximately 750,000 sf of retail uses, 762,500 sf of office uses, and a parking garage.

Finding

Specific economic, social, or other considerations make infeasible the Offsite Alternative identified in the REIR and described below.

Facts in Support of Findings

- 1. The Offsite Alternative identified in the REIR and described above would not have substantial environmental benefits when compared to the Proposed Project in that:
 - a) The Offsite Alternative would result in greater impacts than the Proposed Project.
 - b) The Offsite Alternative would not meet the goals and objectives of either the project or the NNCP.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

Under CEQA, the City must balance the benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of a Project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines section 15093(a)). However, CEQA requires the City to support, in writing, specific reasons for considering a Project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (CEQA Guidelines section

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15093(b)). Those reasons are provided below as the "Statement of Overriding Considerations."

The City finds that the economic, social, or other benefits of the Project outweigh the unavoidable environmental impacts and that the Alternatives are rejected based upon the following legal, environmental, social, technological and other considerations.

In accordance with the requirements of CEQA and the CEQA Guidelines, the mitigation measures identified in the REIR and the Mitigation Monitoring Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the REIR. Nonetheless, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are: (a) increase in traffic congestion at intersections (project-specific and cumulative); (b) increase traffic congestion along freeways (project-specific and cumulative); (c) increase in air pollutants associated with project construction and operation (project-specific); (d) increase in toxic air contaminants (cumulative); and (e) increase in traffic noise (project-specific and cumulative).

The economic, education, social, and other considerations of the project outweigh the significant unavoidable impacts identified above. These considerations are described below, followed by an indication of the specific benefits of the project.

Increase in traffic congestion impact. Increased traffic associated with the proposed project would increase traffic congestion at local intersections in the project area and along freeways under project-specific and cumulative conditions. Roadway improvements would help to offset the impacts; however, the impact would continue to be significant and unavoidable. As discussed below, this traffic impact has been balanced against the specific benefits of the project.

Increase in air pollutants impact. The increase in construction-related ozone precursors would contribute to an increase in NO_x emissions. Even with mitigation the total emissions would not be reduced to a less-than-significant level. In addition, the increase in vehicle traffic associated with the project would exceed acceptable levels of ROG and NO_x emissions. Mitigation is proposed that would help to offset vehicle trips; however, it would not be substantial enough to reduce the impact to a less-than-significant level. The increase in Toxic Air Contaminants associated with diesel emissions and other mobile sources would exceed acceptable standards. Therefore, the impact remains significant and unavoidable. As discussed below this air quality impact has been balanced against the specific benefits of the project.

Increase in traffic noise impact. The increase in noise associated with the project would exceed acceptable levels. No feasible mitigation is available to either reduce or offset the impact; therefore, the impact would remain significant and unavoidable. As discussed below this noise impact has been balanced against the specific benefits of the project.

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The City specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the Proposed Project have been eliminated or substantially lessened where feasible. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

1. The Promenade at Natomas is designed to encourage non-vehicular modes of travel (i.e., light rail). Office uses have been located, consistent with the NNCP, within a close proximity of the proposed new light rail stop identified in the 1994 NNCP map to encourage employees to use light rail.
2. The Promenade at Natomas project is designed to provide an internal circulation system that provides for vehicles, pedestrians and bicyclists to safely access and pass through the site.
3. The development of office uses is consistent with the City's NNCP to develop office uses within 1/4 of a mile of a light rail stop. The project also meets the intent of the General Plan by promoting a regional office market and promoting development that encourages a mixed-use regional commercial and office projects, and developing employee intensive uses that would encourage light rail ridership.
4. The Proposed Project would provide an economic benefit to the City of Sacramento by providing temporary construction jobs, permanent office and service sector and other jobs, sales tax and other revenue and other economic activity associated with this type of a project. The project increases the potential number of jobs at this location by approximately 1,129 and substantially increased sales tax and property tax.
5. The Proposed Project provides needed services and amenities to the Community and the City.
6. The proposed project provides a unique regional retail opportunity adjacent to Interstate 80 without converting Employment Center designated property as recommended in the 2000 Economic Research Associates (ERA) Study which was adopted by the City.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

P00-033

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Exhibit 1 – Mitigation Monitoring Plan for Alternative 2

**CITY OF SACRAMENTO
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Planning and Building Department, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines section 15097.

Project Description

Project Name/File Number: Promenade at Natomas/P00-033

City of Sacramento Contact Person: Grace Hovey
City of Sacramento
Development Services Department
1231 I Street, Room 300
Sacramento, California 95814
(916) 808-7601

Applicant: Opus West Corporation

Address: 8880 Cal Center Drive, Suite 360
Sacramento, CA 95826

Project Site

The site for the proposed Promenade at Natomas project (Proposed Project) is located on 126.4 acres within the City of Sacramento's NNCP area. Light industrial uses within the City limits are located to the north of the project site and industrial office uses are located to the north and east of the site within the County. Interstate 80 (I-80) is located to the south; vacant land, Truxel Road, and the Natomas Marketplace shopping center are to the west of the Proposed Project site.

The approximately 9,038-acre NNCP area is located within both the City of Sacramento and Sacramento County limits. The project site is located entirely within the City of Sacramento. The NNCP area is generally bounded by Elkhorn Boulevard to the north, I-80 to the south, Steelhead Creek to the east, and the City of Sacramento to the west.

The Proposed Project site consists of 30.27± acres designated as Employment Center-50 (EC-50), 91.25± acres designated as Light Industrial uses and 4.88± acres of roadways under the NNCP. Under the City's General Plan, the project site designates 30.8 acres for Mixed Use Commercial and 95.6 acres for Heavy

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Commercial/Warehouse. The site is currently zoned as A-PUD (Agriculture - Planned Unit Development). Access to the project site from the north, south and west is provided by I-80, Truxel Road, and Gateway Park Boulevard. Access from the east is provided via North Freeway Boulevard.

Project Background

In 2000, the Opus West Corporation (project applicant) submitted an application to the City of Sacramento for entitlements for development of approximately 126.4 acres of the Proposed Project site as a regional retail center (retail project). In July 2000, the City prepared and circulated a NOP for the proposed retail project to solicit feedback from responsible and trustee agencies and the general public on issues to be addressed in the EIR. In April 2001, the City held a public meeting on the proposed retail project to receive input from the community on concerns with regard to potential environmental impacts (copy of the NOP and responses are included as Appendix A).⁶ Comments received included a desire to see a project alternative that addressed development of an automall on the project site. Subsequently, the project applicant submitted a revised application to the City and proposed different land uses and site design. The City released a second NOP on September 4, 2002 (see Appendix C).⁷ The proposed land use designations and acreage distribution was modified to create a project that included an automall and was consistent with existing North Natomas Community Plan (NNCP) designations. The revised project analyzed both a proposed automall (Scenario A) and a retail project (Scenario B) and was renamed the Promenade at Natomas/Sacramento Auto Loop.

The Promenade at Natomas/Sacramento Auto Loop DEIR was released for public review in early April 2003. During this time the project applicant submitted a revised development application to the City to eliminate the proposed automall development scenario in lieu of a retail project that is less intense than the retail project (Scenario B) analyzed in the Promenade at Natomas/Sacramento Auto Loop EIR. For the purpose of the analysis contained in this Recirculated Draft EIR (RDEIR), it is assumed that because the project includes a less intense development than that evaluated for Scenario B in the Promenade at Natomas/Sacramento Auto Loop DEIR, impacts associated with the Proposed Project would be less severe. Therefore, unless noted, the RDEIR assumes the same impacts and mitigation measures as those identified for Scenario B in the Promenade at Natomas/Sacramento Auto Loop DEIR.

6 Appendices are included in Volume II of the Promenade at Natomas/Sacramento Auto Loop Project DEIR. Available at the City's Planning Department, 1231 I Street, Sacramento.

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The following is a summary of changes made to Scenario B: Retail Project analyzed in the Promenade at Natomas/Sacramento Auto Loop DEIR.

- The total amount of development has been reduced 151,300 square feet (sf) from 1,512,500 sf to 1,361,200 sf.
- The revised project does not attempt to change the existing Employment Center land use designation on the southwest portion of the site adjacent to Gateway Park Boulevard and Truxel Road. The original project located office uses to the northeast portion of the site (requiring a Community Plan Land Use Amendment), while the revised project (Proposed Project) locates office uses within the existing Employment Center designated land, ensuring improved access to the proposed light rail transit route.
- The larger floor-plate retail uses (over 100,000 square feet) have been shifted to the north and east portions of the site, medium sized floor-plate retail uses (below 30,000 square feet) have been placed along Interstate 80 at the southeastern portion of the site, a pedestrian oriented retail village has been placed in the center of the site, and office uses have been placed at the southwestern portion of the site, closer to Truxel Road.

Adjacent Land Uses

The existing surrounding land uses include office development to the east, warehouse and light industrial uses to the north, vacant land to the west across Gateway Boulevard, and the Natomas Marketplace shopping center to the southwest across Truxel Road. The closest residential area is Natomas Crossing located approximately one half mile to the northeast of the project site

Project Objectives

The project applicant for the Proposed Project has identified the following project objectives:

- Increase economic activity and value in the City by developing retail and office uses that are complementary to the adjacent Natomas Marketplace, office and industrial uses.
- Provide for an appropriate use of unique property located near the I-80 and Interstate-5 (I-5) interchange with frontage along I-80.
- Provide additional employment opportunities within the City by developing office and retail uses.

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- Develop detailed design guidelines for the project that meet the City's requirements and establish a functional and effective organization of buildings, circulation and parking; create a pleasant and distinctive environment; create a distinctive but compatible building image; create a safe and distinctive nighttime environment; and provide identity and information for tenants and users of the site through attractive signage while avoiding visual competition.

Project Description

Under the Proposed Project, the project site would be divided into three areas. This has changed slightly from what was included in the previous analysis. Area 1 comprises the western portion of the site and contains approximately 30.8 acres. Of this acreage, approximately 2.68 acres is designated for a drainage easement and the required 100-foot freeway setback. In addition, 2.1 acres is designated for roadways leaving 26.02 acres is designated for Employment Center (EC-50-PUD) zoning. Area 2 is the central portion of the site and contains approximately 12.8 acres designated for Regional Commercial (SC-PUD). Area 3 consists of the northern and southern parcels and contains approximately 82.8 acres. Of the total acreage, 65.6 acres is designated for SC-PUD, 8.22 acres for a drainage easement, and 8.98 acres for roadways. Primary access to the project site would be provided from Gateway Park Boulevard and North Freeway Boulevard. Access to the site would be available from I-80 via Gateway Park Boulevard, with Truxel Road serving as the primary surface street connector between Gateway Park Boulevard and I-80 for exiting traffic. Truxel Road would also serve as a primary connector road to Gateway Park Boulevard from the Natomas area and other parts of Sacramento. Of this acreage, the following is proposed:

- Area 1 provides for the development of 490,000 sf of office uses and 60,000 sf of hotel uses;
- Area 2 provides for the development of 49,800 sf of regional commercial uses;
- Area 3 provides for the development of 613,400 sf of regional commercial uses, 48,000 sf of hotel uses and 100,000 sf of office uses;
- 10.9-acres of drainage easement/detention basin is included for Areas 1 and 3; and
- A total of 11.08 acres is required for roadways through the project site.

The Proposed Project consists of three different land use designations. Development under the Proposed Project would require an amendment of the City's General Plan. The 95.6 acres currently designated for Heavy Commercial/Warehouse uses would change to 95.6 acres designated for

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Regional Commercial and Office uses. The 30.8 acres would remain Mixed Use Commercial as stated in the General Plan, but the boundaries between the two land uses would require realignment. Development under the NNCP would require an amendment to change the 95.6 acres designated for Light Industrial uses to 95.6 acres designated for Regional Commercial. The 30.8 acres would remain Employment Center-50 but would also require realignment. A re-zone of the entire 126.4 project site currently zoned A-PUD would be required. The re-zone would change 30.8 acres currently designated Employment Center-50 (EC-50) to EC-50 Planned Unit Development (EC-50-PUD) and A-OS-PUD (for the drainage easement/setback) and 95.6 acres to Shopping Center Planned Unit Development (SC-PUD) and A-OS-PUD (for the drainage easement/detention basins).

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 Promenade at Natomas Project Recirculated Draft Environmental Impact Report (RDEIR).

Mitigation Measures

The mitigation measures are taken from the Promenade at Natomas Project RDEIR, and are assigned the same number they had in the RDEIR. 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.

Mitigation Measure: All mitigation measures that were identified in the Promenade at Natomas Project RDEIR are presented, and numbered accordingly. The mitigation measures from the RDEIR are presented by topic (e.g., Noise).

Monitoring Program: For every mitigation measure, one or more action is described. These are the center of the MMP, as they delineate the means by

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which RDEIR 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.

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.

Parties Responsible for Implementing Measure: This item identifies the entity that will undertake the required action.

Entity Responsible for Ensuring Compliance: 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.

Verification of Compliance: This section provides confirmation that a measure has been implemented, with space for the signature, title, and department of the individual who is verifying compliance. A space is also provided for notes.

Where more than one action is required in the monitoring program, each item is numbered, and the timing and responsible parties are numbered accordingly.

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|----------------------|---|--|--------------------|-------------------------------------|--|----------------------------|
| 7.2.1 Intersections. | <p>(a) Northgate Boulevard/Del Paso Road (#3) A traffic signal shall be installed with protected left turn signal phasing for eastbound and westbound approaches and split signal phasing for the northbound and southbound approaches. An overlap traffic signal phasing shall be provided to allow northbound Northgate Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound Del Paso Road left turning movement, and prohibit U-turns for the westbound left turning movement.</p> <p>(b) Arena Boulevard (North Market Boulevard)/ Gateway Park Boulevard (#5) Overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement.</p> | <p>Install a traffic signal at Northgate Boulevard/Del Paso Road intersection. With the lane configuration and phasing specified here and in Mitigation Measure 7.2-8(b), if not previously constructed. If constructed, implement lane modifications listed here and in Mitigation Measure 7.2-8(b) and modify the signal phasing, as deemed appropriate by the City Traffic Engineer to optimize signal operations. Any costs incurred to implement the measure shall be paid by the project developer. Improvements shall be coordinated with other improvement projects in the vicinity.</p> <p>Provide overlap traffic signal phasing that optimizes signal operations, as deemed appropriate by the Department of Transportation. Any costs incurred to implement the measure shall be paid by the project developer. Improvements shall be coordinated with other improvement projects in the vicinity.</p> | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department and Department of Transportation | |

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|--------|--|---|--------------------|-------------------------------------|--|----------------------------|
| | <p>(c) North Market Boulevard/North Freeway Boulevard (#8) A traffic signal with protected left turn signal phasing shall be installed for the westbound North Market Boulevard approach. Overlap traffic signal phasing shall be provided to allow northbound North Freeway Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement.</p> | <p>Install a traffic signal at North Market/North Freeway Boulevard intersection, if not previously constructed. Phasing shall be as indicated in Mitigation Measure 7.2-8(e), as deemed appropriate by the City Traffic Engineer. Any costs incurred to implement the measure shall be paid by the project developer. Improvements may require approval by the County of Sacramento.</p> | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department and Department of Transportation | |
| | <p>(d) Truxel Road/Gateway Park Boulevard (#11) The four-lane approach to the intersection from the Natomas Marketplace shall be converted to provide a left-turn lane, a combination left-through lane, and two right turn lanes. An overlap traffic signal phasing shall be provided to allow right turning traffic to proceed on a green arrow simultaneously with the northbound Truxel Road left turning movement, and prohibit U-turns for the northbound left turn movement; and The five-lane approach to the intersection from Gateway Park Boulevard shall be converted to provide three left turn lanes, a through lane, and a right turn lane; and An overlap traffic signal phasing shall be provided to allow northbound Truxel Road right turning traffic to proceed on a green arrow simultaneously with the southbound Gateway Park Boulevard left turning movement, and prohibit U-turns for the southbound left turn movement; and Split phasing for the northbound Natomas Marketplace approach and the southbound Gateway Park Boulevard approach shall be provided.</p> | <p>Improvements shall be implemented as deemed appropriate by the City Traffic Engineer. Any costs incurred shall be paid by the project developer. Improvements shall be coordinated with other improvements projects in the vicinity.</p> | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department and Department of Transportation | |

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|--------|--|---|--------------------------|--|--|----------------------------|
| | <p>(e) Truxel Road/San Juan Road (#17) A right turn lane shall be added to the westbound San Juan Road approach to provide two left turn lanes, two through lanes and two right turn lanes and provide overlap traffic signal phasing to allow westbound San Juan Road right turning traffic to proceed on a green arrow simultaneously with the southbound Truxel Road left turning movement, and prohibit U-turns for the southbound left turning movement. However, it may not be feasible to add lanes in this location; and</p> <p>An overlap traffic signal phasing shall be provided to allow northbound Truxel Road right turning traffic to proceed on a green arrow simultaneously with the westbound San Juan Road left turning movement, and prohibit U-turns for the westbound left turning movement.</p> | <p>Adding additional lanes is not feasible due to limited right-of-way. Signal phasing shall be implemented as deemed appropriate by the City Traffic Engineer. Any costs incurred shall be paid by the project developer.</p> | <p>Project developer</p> | <p>Prior to occupancy of any building.</p> | <p>City of Sacramento, Development Services Department</p> | |
| | <p>(f) Gateway Park Boulevard/North Freeway Boulevard (#19) A left turn lane shall be added to the southbound Gateway Park Boulevard approach to provide two left turn lanes and two through lanes; and</p> <p>An overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Freeway Boulevard left turning movement, and prohibit U-turns for the westbound left turn movement.</p> | <p>Project design shall be modified to accommodate the identified improvements and the lane configuration specified here and in Mitigation Measure 7.2-8 as deemed appropriate by the City Traffic Engineer. The required improvements shall be designed and built as part of the public improvements required for this site. Signal phasing shall be implemented as deemed appropriate by the City Traffic Engineer. Any costs incurred shall be paid by the project developer. Improvements shall be coordinated with other improvement projects in the vicinity.</p> | <p>Project developer</p> | <p>Prior to occupancy of any building.</p> | <p>City of Sacramento, Development Services Department</p> | |

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|---|--|--|--------------------|---|--|----------------------------|
| 7.2-3 Bikeways | A Class I bike trail or Class II bike lane shall be provided through the Proposed Project site in accordance with the Sacramento Bikeway Master Plan. | Project design shall be modified to include an east-west bikeway connection through the site. All on-site easements and facilities necessary to implement this requirement shall be provided. All easements necessary for the bikeway connection shall be provided. Any costs incurred shall be paid by the project developer. | Project developer | Construction of facilities shall be prior to occupancy of any building. Dedication of easements shall be prior to recordation of Final MOP. | City of Sacramento, Development Services Department and Department of Transportation | |
| 7.2-6 Transit ridership | Funding shall be provided to RT to expand bus transit service sufficient to accommodate the traffic demand at the site. Funding to expand bus transit service may include, but is not limited to, federal, state, and local sources, including fare box receipts. | Provide Funding to expand bus transit. | Project developer | Prior to issuance of building permits. | City of Sacramento, Development Services Department and Regional Transit | |
| 7.2-7 Traffic circulation and safety | (a) Required number of lanes Six through lanes shall be provided on Gateway Park Boulevard from Truxel Road to North Freeway Boulevard or Main Project driveway. Driveways shall be prohibited on Truxel Road and Gateway Park Boulevard from Truxel Road to North Freeway Boulevard. (b) Centerline radii A design that satisfies Caltrans requirements for horizontal curves described in the Highway Design Manual (Figure 203.2) for the six-lane section of Gateway Park Boulevard shall be provided. A combination of centerline radius modifications (standard is 1,500 feet), superelevation (0.06 maximum is standard per Caltrans Design Manual Table 202.2), and/or speed limit restrictions (55 mph is City standard for six-lane streets | The required improvements shall be implemented with other public improvements required for the project. Any costs incurred shall be paid by the project developer. Improvements shall be coordinated with other improvement projects in the vicinity. The six lane road design of Gateway Park Boulevard shall be designed and constructed to the satisfaction of the City Traffic Engineer. Super elevation of the road section may be necessary. Any costs incurred shall be paid by the project developer. | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|----------------------------------|--|---|--------------------|---|--|----------------------------|
| | <p>in North Natomas serving up to 36,000 vehicles daily). A roadway with 1,000-foot centerline radius and 0.08 superelevation would provide a 55 mph design speed. A 0.04 superelevation could be provided if the design speed were reduced to 50 mph and a 1,000-foot radius were used.</p> | <p>Improvements shall be coordinated with other improvement projects in the vicinity.</p> | | | | |
| 7.2.8 Intersections (Cumulative) | <p>(a) Del Paso Road/National Drive (#2) Three through lanes shall be provided in each direction on Del Paso Road in conformance with the North Natomas Community Plan; and</p> <p>Two lanes shall be added to the northbound National Drive approach to provide two left turn lanes, two through lanes, and one right turn lane; and</p> <p>One lane shall be added to the southbound National Drive approach to provide two left turn lanes, one through lane, and one combination through-right turn lane.</p> <p>(b) Del Paso Road/Northgate Boulevard (#3) A traffic signal shall be installed with protected left turn signal phasing for eastbound and westbound approaches and split signal phasing for the northbound and southbound approaches; and</p> <p>For the eastbound Del Paso Road approach, the following shall be provided: one left turn lane, three through lanes, and one right turn lane with overlap signal phasing to allow eastbound Del Paso Road right turning traffic to proceed on a green arrow simultaneously with the northbound Northgate Boulevard left turning movement, and prohibit U-turns for the northbound left turning movement; and</p> | <p>This improvement is included in the North Natomas Financing Plan. The project applicant is required to participate in that funding program and pay all related fees.</p> | Project developer | <p>Prior to issuance of any building permits.</p> | <p>City of Sacramento, Development Services Department</p> | |
| | | <p>Implement Mitigation Measure 7.2-1(a)</p> | Project developer | <p>Prior to occupancy of any building.</p> | <p>City of Sacramento, Development Services Department</p> | |

1 The entire section of Del Paso Road will need to be widened to six lanes within the study area (from Gateway Park Boulevard to Northgate Boulevard) to provide acceptable traffic operations for cumulative conditions.

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|--------|---|--|--------------------|---|--|----------------------------|
| | For the westbound Del Paso Road approach, the following shall be provided: two left turn lanes, two through lanes, and a combination through-right turn lane; and For the northbound Northgate Boulevard approach, the following shall be provided: two left turn lanes, a combination left-through lane, and two right turn lanes with overlap traffic signal phasing to allow northbound Northgate Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound Del Paso Road left turning movement, and prohibit U-turns for the westbound left turning movement. | Implement Mitigation Measure 7.2-1(b) | Project developer | Prior to issuance of occupancy of any building. | City of Sacramento, Development Services Department and Department of Transportation | |
| | (c) Arena Boulevard (North Market Boulevard)/Gateway Park Boulevard (#5) An overlap traffic signal phasing shall be provided to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement. (d) North Market Boulevard/National Drive (#7) Two lanes shall be added to the northbound National Drive approach to provide one left turn lane, one through lane, and one right turn lane with overlap phasing to allow northbound National Drive right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement; and Two lanes shall be added to the southbound National Drive approach to provide one left turn lane, one through lane, and one right turn lane with overlap phasing to allow southbound National Drive right turning traffic to proceed on a green arrow simultaneously with the eastbound North Market | The project applicant shall pay their fair-share of any identified improvements. Payment shall be based on the engineer's estimate for construction costs and the amount of site trips in excess of those for land uses assumed in the NNCP. Coordination and approval by Sacramento county may be required. Any costs incurred to implement the measure shall be paid by the project developer. | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department | |

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|--------|---|--|--------------------|---|---|----------------------------|
| | Boulevard left turning movement, and prohibit U-turns for the eastbound left turning movement; and | | | | | |
| | Two lanes shall be added to the eastbound North Market Boulevard approach to provide two left turn lanes, one through lane, and one combination through-right turn lane; and | | | | | |
| | One lane shall be added to the westbound North Market Boulevard approach to provide one left turn lane, one through lane, and one combination through-right turn lane. | | | | | |
| | (e) North Market Boulevard/ North Freeway Boulevard (#8) A traffic signal shall be installed with protected left turn signal phasing for the westbound North Market Boulevard approach, provide overlap traffic signal phasing to allow northbound North Freeway Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Market Boulevard left turning movement, and prohibit U-turns for the westbound left turning movement. | Implement Mitigation Measure 7.2-1(c) | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department | |
| | (f) North Market Boulevard/Northgate Boulevard (#9) One lane shall be added to the southbound Northgate Boulevard approach to provide one left turn, two through lanes, and one combination through-right turn lane. However, it may not be feasible to add lanes at this location and The right-turn channelizing island shall be removed and two lanes added to the eastbound North Market Boulevard approach to provide a left turn lane, a combination through-right turn lane, and two right turn lanes; and The two westbound North Market Boulevard approach | The project applicant shall pay their fair-share of any or all of the identified improvements, if deemed necessary by Sacramento County. Payment shall be based on the engineer's estimate for construction costs and the amount of site trips in excess of those for land uses assumed in the NNCP. Coordination and approval by Sacramento County may be required. | Project developer | Prior to issuance of any building permit. | City of Sacramento, Development Services Department | |

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|--|---|--|--------------------|-------------------------------------|---|----------------------------|
| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| | lanes shall be provided and provide one left turn lane and one combination through-right turn lane; and A protected left-turn phasing for all intersection approaches shall be provided; and An overlap traffic signal phasing shall be provided to allow eastbound North Market Boulevard right turning traffic to proceed on a green arrow simultaneously with the northbound Northgate Boulevard left turning movement, and prohibit U-turns for the northbound left turning movement. | | | | | |
| | (g) Truxel Road/Gateway Park Boulevard (#11) Delays at this intersection would be higher after mitigation than with no project and no mitigation. Therefore, this impact would remain significant and unavoidable. | Implement Mitigation Measure 7.2-1(e) | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department | |
| | (i) Truxel Road/I-80 East Ramps (#14) The existing lanes for southbound Truxel Road shall be modified to provide two through lanes and two right turn lanes. This modification would require the approval of Caltrans. | The likelihood of this impact occurring is minimal. The City is required to monitor interchange operations and implement modifications of certain thresholds per City Agreement 95-217. If the need for this improvement arises, the City will implement the appropriate improvements. | City of Sacramento | When needed. | City of Sacramento, Development Services Department | |
| | (k) Truxel Road/San Juan Road (#17) Implement Mitigation Measure 7.2-1(f); and An overlap traffic signal phasing shall be provided to allow eastbound San Juan Road right turning traffic to proceed on a green arrow simultaneously with the northbound Truxel Road left turning movement, and prohibit U-turns for the northbound left turning movement. | Implement Mitigation Measure 7.2-1(e) | Project developer | Prior to occupancy of any building. | City of Sacramento, Development Services Department | |
| | (l) Gateway Park Boulevard / North Freeway Boulevard (#19) | Implement Mitigation Measure 7.2-1(f) | Project developer | Prior to occupancy of | City of Sacramento, | |

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|--|---|--|------------------------------|---|--|----------------------------|
| | Two lanes shall be added to the northbound Gateway Park Boulevard approach to provide two left turn lanes, two through lanes, and two right turn lanes with overlap phasing to allow northbound Gateway Park Boulevard right turning traffic to proceed on a green arrow simultaneously with the westbound North Freeway Boulevard left turning movement, and prohibit U-turns for the westbound left turn movement; and Two lanes to the southbound Gateway Park Boulevard approach shall be added to provide two left turn lanes, two through lanes, and one right turn lane; and An overlap traffic signal phasing shall be provided to allow right turning traffic from the Natomas Village Center to proceed on a green arrow simultaneously with the northbound Gateway Park Boulevard left turning movement, and prohibit U-turns for the northbound left turn movement. | | | any building; Prior to issuance of building permit. | Development Services Department | |
| 7.2-10 Transit ridership (Cumulative) | Funding shall be provided to expand LRT operations to accommodate the additional project demand for transit services. Funding to expand bus transit service may include, but is not limited to, federal, state, and local sources, including fare box receipts. | Implement Mitigation Measure 7.2-6 | Project developer | Prior to issuance of building permit. | City of Sacramento, Development Services Department and Regional Transit | |
| 7.3. AIR QUALITY | | | | | | |
| 7.3-2 Construction related ozone precursor emissions. | To reduce NOx emissions associated with construction activities, the prime contractor shall provide a plan for approval by the City of Sacramento and SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, shall achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and | The prime contractor shall provide a plan for approval by the City of Sacramento and SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor. | Project developer/contractor | Prior to issuance of building permit and during construction. | City of Sacramento, Department of Public Works | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--|--|-------------------------------------|--|--|------------------|----------------------------|
| <p>The prime contractor shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used on project. The inventory shall include the horsepower rating, engine production year, and 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.</p> <p>The prime contractor shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and monthly summaries of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other SMAQMD or state rules or regulations.</p> | <p>The prime contractor shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used on project. The inventory shall include the horsepower rating, engine production year, and 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.</p> <p>A visual survey of all in-operation equipment shall be made at least weekly, and monthly summaries of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.</p> | <p>Project developer/contractor</p> | <p>Prior to issuance of building permit.</p> | <p>City of Sacramento, Department of Public Works</p> | | |
| <p>7.3-3 Project operation emissions.</p> | <p>Prior to project construction, the project applicant and city shall consult with the SMAQMD to ensure all applicable and feasible mitigation measures are being implemented, which shall include the following:</p> | <p>Project developer/contractor</p> | <p>Prior to issuance of a building permit.</p> | <p>City of Sacramento, Planning and Building Department;</p> | | |

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SEP 28 2004

Exhibit 1 - Mitigation Monitoring Plan

| PROMENADE AT NATOMAS PROJECT MITIGATION MONITORING PLAN | | | | | | |
|--|---|--|------------------------------|---|--|----------------------------|
| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| | a) Bicycle lockers and/or bike racks shall be provided at all office buildings and retail centers. | Bicycle lockers and/or bike racks shall be provided at all office buildings and retail centers. | Project developer/contractor | Prior to issuance of a building permit. | City of Sacramento, Department of Public Works | |
| | b) Provide an additional 20 percent of required Class I and Class II bicycle parking facilities. | Provide an additional 20 percent of required Class I and Class II bicycle parking facilities. | Project developer/contractor | Prior to issuance of a building permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | c) A display case or kiosk displaying transportation information in a prominent area accessible to employees and patrons. | A display case or kiosk displaying transportation information in a prominent area accessible to employees and patrons. | Project developer/contractor | Prior to issuance of a building permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |

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| PROMENADE AT NATOMAS PROJECT MITIGATION MONITORING PLAN | | | | | | |
|--|---|---|------------------------------|---|--|----------------------------|
| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| | d) Parking lot shade shall be increased by 20 percent over city code requirements. | Parking lot shade shall be increased by 20 percent over city code requirements. | Project developer/contractor | Prior to issuance of a building permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | e) Preferential parking for carpool/vanpools shall be provided to encourage shared ridership. | Preferential parking for carpool/vanpools shall be provided to encourage shared ridership | Project developer/contractor | Prior occupancy of any building. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--------|--|--|------------------------------|---|--|----------------------------|
| | f) The parking lot design shall include clearly marked and shaded pedestrian pathways between transit facilities and building entrances. | The parking lot design shall include clearly marked and shaded pedestrian pathways between transit facilities and building entrances. | Project developer/contractor | Prior to issuance of a building permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | g) The project applicant shall require building and/or property owners contracts with landscapers who operate equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use. | Only landscapers who operate equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use will be used. | Project developer/contractor | Prior occupancy of any building. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | h) For all office development, promote telecommuting and implement an employee telecommuting program. | Telecommuting will be promoted for all office development. | Project developer/contractor | Prior occupancy of any building. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | i) Implement Clean Air Business Practices such as using low-emission delivery vehicles, contracting with alternative fuel waste hauling companies, etc. | Clean Air Business Practices will be implemented. | Project developer/contractor | Prior occupancy of any building. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| 7.6-1 Creation of health hazards. | <p>7.6 PUBLIC HEALTH/HAZARDS</p> <p>(a) If a Phase I Environmental Site Assessment (ESA) has not been prepared for the entire project site, one shall be prepared in conformance with American Society of Testing and Materials (ASTM) standards prior to any site disturbing activities associated with the Proposed Project. If a Phase I ESA has been prepared for a site, but the physical condition of the site or its adjacent properties has substantially changed (i.e., new development), the original Phase I ESA shall be updated by an environmental professional to ensure that the environmental liability associated with the project site has not changed.</p> <p>If the Phase I ESA concludes there is a potential for adverse site conditions to exist at the project site, soil and/or groundwater samples shall be collected by an environmental professional and analyzed for the appropriate contaminants. If the results of the analytical tests indicate contaminant levels that exceed remedial goals, or are above health and safety levels determined to be acceptable by the State for a specific land use, an environmental professional shall contact the Sacramento County Environmental Management District (SCEMD), or the appropriate regulatory agency, for guidance regarding site remediation. The project applicant shall initiate the recommendations of the regulatory agency to ensure that health and safety hazards do not exist.</p> <p>(b) If, during construction activities for the Proposed Project, evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (i.e., stained or odorous soil, or oil or discolored water), construction activities shall cease in the affected area. An environmental professional shall assess the situation and make appropriate recommendations.</p> | <p>Prepare a Phase I ESA for entire project site if one has not previously been prepared.</p> | Project developer | Prior to construction. | City of Sacramento, Planning and Building Department | |
| | | <p>If, during construction activities for the Proposed Project, evidence of hazardous materials suspected through either obvious or implied measures construction activities shall cease in the affected area. An environmental professional shall</p> | Project developer | During construction. | City of Sacramento, Planning and Building Department | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| 7.8-1 Fill jurisdictional waters of the United States. | (a) If it is determined that project construction activities will not result in the discharge or placement of fill materials (which include, but are not limited to construction materials such as culverts or support structures) in the canals that are located along the western and southern boundaries of the project site, impacts to habitats near the canal can be mitigated through implementation of Mitigation Measure 7.8-3(a) and (b). OR (b) If it is determined that project construction activities will result in the discharge or placement of fill materials (which include, but are not limited to construction materials such as culverts or support structures) in the canals that are located along the western and southern boundaries of the project site, the project applicant shall retain a qualified biologist to prepare a wetland delineation and mitigation plan that provides for: (1) identification of waters of the U.S. that could be impacted by the Proposed Project, (2) avoidance of or no net loss of waters of the U.S. in the project area, and (3) the compensation methodologies for project impacts on waters of the U.S. The delineation and mitigation plan shall be submitted for review and approval by the Corps prior to initiation of construction, and shall include a five-year monitoring program to ensure success. | assess the situation and make appropriate recommendations. 7.8 BIOLOGICAL RESOURCES If it is determined that project construction activities will not result in the discharge or placement of fill materials in the canals implement Mitigation Measure 7.8-3(a) and (b). OR If it is determined that project construction activities will result in the discharge or placement of fill materials in the canals the project applicant shall retain a qualified biologist to prepare a wetland delineation and mitigation plan. | Project developer/contractor | Prior to issuance of grading permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| | | | Project developer/contractor | Prior to issuance of grading permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |

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|--|--|--|--|--|---|----------------------------|
| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
| | OR (c) In lieu of developing a mitigation plan that outlines the avoidance or creation of waters of the U.S., the project applicant shall purchase mitigation credits through a Corps-approved mitigation bank. The purchased credits shall fully offset the acreage and value of waters of the U.S. lost due to project construction. These measures may be implemented by obtaining applicable permits from the Army Corps of Engineers and CDFG. These measures may be implemented by obtaining applicable permits from the Army Corps of Engineers and CDFG. | OR In lieu of developing a mitigation plan that outlines the avoidance or creation of waters of the U.S., the project applicant shall purchase mitigation credits through a Corps-approved mitigation bank. | Project developer/contractor | Prior to issuance of grading permit. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works | |
| 7.8-3 Loss of Swainson's Hawk nesting habitat. | (a) The project applicant/developer shall comply with all requirements of the adopted Natomas Basin HCP and any additional mitigation measures identified in the Natomas Basin HCP EIR/EIS and conditions in the ITPs issued by USFWS and CDFG. (b) Pre-construction surveys to determine whether any Swainson's Hawk nest sites occur on or within 1/4 mile of the lands designated for development. (c) Timing restrictions for construction activity if an occupied Swainson's hawk nest is identified (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. (d) An on-site biological monitor (CDFG-approved raptor biologist funded by the developer) would be assigned to the project if construction or other project-related activities that could cause nest abandonment or forced fledging are proposed within the 1/4 mile buffer zone. | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. Perform pre-construction surveys for Swainson's Hawk nest sites. Any trees that are to be removed that contain occupied nests must be removed during non-nesting season. Assign an on-site biological monitor. | Project developer/contractor Project developer/contractor Project developer/contractor | Prior to and during construction. Prior to construction. Prior construction. During construction. | City of Sacramento, Planning and Building Department. City of Sacramento, Planning and Building Department. City of Sacramento, Planning and Building Department. | |

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PROMENADE AT NATOMAS PROJECT
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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--|---|---|------------------------------|-----------------------------------|---|----------------------------|
| | (e) Valley oaks, tree groves, riparian habitat and other large trees will be preserved wherever possible. The City and Sutter County shall preserve and restore stands of riparian trees used by Swainson's hawks and other animals, particularly near Fisherman's Lake and elsewhere in the Plan Area where large oak groves, tree groves and riparian habitat have been identified in the Plan Area. | Preserve valley oaks, tree groves, riparian habitat, and other large trees wherever possible. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department. | |
| | (f) The raptor-nesting season shall be avoided when scheduling construction near nests in accordance with applicable guidelines published by the Wildlife Agencies or through consultation with the Wildlife Agencies. | Comply with Wildlife Agencies guidelines with regards to construction near nests. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department. | |
| | (g) Annually, prior to the Swainson's hawk nesting season (March 15 to September 15) and until build out of their Authorized Development has occurred, the City of Sacramento and Sutter County will notify each landowner of any property within the permit area(s) on which a Swainson's hawk nest tree is present, and will identify the nest tree, and alert the owner to the specific mitigation measures prohibiting the owner from removing the nest tree. | Annual notification of landowners of any property within the permit area on which Swainson's Hawk nest tree is present. | Project developer/contractor | Prior to and during construction. | City of Sacramento, Planning and Building Department. | |
| 7.8.4 Loss of foraging and nesting habitat for non-listed special-status avian species. | (a) Implement Mitigation Measure 7.8-3 (a). (b) For the northern harrier, loggerhead shrike, tri-colored blackbird, and white-tailed kite: | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. | Project developer | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | The project applicant shall retain a qualified biologist to conduct pre-construction (no earlier than 2 weeks prior to project construction activities) nest surveys within (1) the trees that are along the western and southern boundaries of the project sites, (2) any other trees that may be removed or damaged as a result of project | A qualified biologist shall conduct pre-construction (no earlier than 2 weeks prior to project construction activities) nest surveys. Prior to fledging, a buffer zone (equipment | Project developer | Prior to project construction. | City of Sacramento, Planning and Building Department; City of | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--------|---|--|-------------------------------------|---|--|----------------------------|
| | <p>construction or operation, (3) within suitable grassland nesting habitat for northern harrier, and (4) within suitable nesting habitat for tri-colored blackbird (e.g., within the blackberry thickets that are along the western boundary of the proposed project site). If active nests for any of these species are found, the nest sites shall be reported to CDFG. Removal of the nesting substrate that contains the nest(s) shall be conducted in accordance with CDFG direction. At a minimum, removal of the nesting substrate shall be delayed until after a qualified biologist has determined that the chicks in the nest(s) have fledged. In addition, prior to fledging, a buffer zone (equipment exclusion zone) of at least 100 feet should be established around the nest(s) to avoid disturbance to active nest(s) during project construction. If no active nests are found, no mitigation would be required.</p> | <p>exclusion zone) of at least 100 feet should be established around the nest(s) to avoid disturbance to active nest(s) during project construction. If no active nests are found, no mitigation would be required.</p> | | | <p>Sacramento, Department of Public Works.</p> | |
| | <p>OR</p> <p>In lieu of conducting pre-construction surveys, the project applicant shall ensure construction activities do not occur during the nesting season of these species (typically March 1 through July 31). If construction occurs during the non-nesting season, the species would not be impacted.</p> | <p>OR</p> <p>In lieu of conducting pre-construction surveys, the project applicant shall ensure construction activities do not occur during the nesting season of these species (typically March 1 through July 31).</p> | <p>Project developer</p> | <p>Prior to project construction.</p> | <p>City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works.</p> | |
| | <p>(c) For the western burrowing owl: Mitigation shall include, but not be limited to, the following items as identified in the Natomas Basin HCP:</p> <p>Prior to project construction, the project applicant shall retain a qualified biologist to conduct pre-construction surveys of suitable habitat within the project sites within 30 days prior to project construction to document the presence and distribution of burrowing owls. If ground-disturbing activities are delayed or suspended for more</p> | <p>A qualified biologist shall conduct pre-construction surveys of suitable habitat within the project sites within 30 days prior to project construction to document the</p> | <p>Project developer/contractor</p> | <p>30 days prior to project construction.</p> | <p>City of Sacramento, Planning and Building Department; City of</p> | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--------|---|---|------------------------------|----------------------|---|----------------------------|
| | than 30 days after the pre-construction survey, the site shall be re-surveyed. | presence and distribution of burrowing owls. | | | Sacramento, Department of Public Works. | |
| | Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. | Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | If nest sites are found, the USFWS and the CDFG shall be contacted regarding suitable mitigation measures, which may include a 300-foot buffer from the nest site during the breeding season (February 1 – August 31), or a relocation effort for the burrowing owls if the birds have not begun egg-laying and incubation or the juveniles from the occupied burrows are foraging independently and are capable of independent survival. If relocation of the owls is approved for the site by the USFWS and CDFG, the developer shall hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. Where onsite avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitation on Conservancy upland reserves. | If nest sites are found, the USFWS and the CDFG shall be contacted regarding suitable mitigation measures. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |

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| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|--|--|--|--|---|---|----------------------------|
| 7.8-5 Loss of giant garter snake habitat. | (a) Implement Mitigation Measures 7.8-3 (a). (b) Timing restrictions: No grading, excavating or filling activities will take place within 30 feet of existing giant garter snake habitat between October 1 and May 1, unless approved by CDFG. By conducting earth-moving activities during the summer months when snakes are active, it is expected that snakes in the construction area will be able to avoid construction equipment such that direct injury or mortality would be avoided. Further, snakes will not be in their winter retreats where they are vulnerable to injury during earth-moving activities. (c) Dewatering requirements: Dewatering of existing habitat will begin after November 1, but no later than April 1 of the following year. All water must be removed from existing habitat by April 15, or as soon thereafter as weather permits, and the habitat will be kept dry without any standing water for 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat. By dewatering habitat between November 1 and April 1, snakes would not be attracted to construction zones when they emerge from their winter retreats. If habitat must be dewatered after April 15, it must remain dry for 15 consecutive days prior to excavating or filling the habitat. Snakes have been found to leave habitat within a few days of dewatering (USFWS, 1999b). By waiting 15 days after dewatering, it is reasonable to expect that any snakes would have left the construction zone prior to start of construction activities and injury to snakes would be avoided. | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. No grading, excavating or filling activities will take place within 30 feet of existing giant garter snake habitat between October 1 and May 1, unless approved by CDFG. Dewatering of existing habitat will begin after November 1, but no later than April 1 of the following year. | Project developer/contractor Project developer/contractor Project developer/contractor | Prior to and during construction. During construction. During construction. | City of Sacramento, Planning and Building Department. City of Sacramento, Planning and Building Department. City of Sacramento, Planning and Building Department. | |
| 7.8-6 Development of the proposed project would result in the | a) Implement Mitigation Measures 7.8-1(a) | If it is determined that project construction activities will not result in the discharge or placement of fill materials in the | Project developer/contractor | Prior to project construction. | City of Sacramento, Planning and Building | |

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|---|---|---|------------------------------|---|---|----------------------------|
| loss of biological resources (cumulative) | | canals implement Mitigation Measure 7.8-3(a) and (b). | | | Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-1(b) | OR If it is determined that project construction activities will result in the discharge or placement of fill materials in the canals the project applicant shall retain a qualified biologist to prepare a wetland delineation and mitigation plan. | Project developer/contractor | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-1(c) | OR In lieu of developing a mitigation plan that outlines the avoidance or creation of waters of the U.S., the project applicant shall purchase mitigation credits through a Corps-approved mitigation bank. | Project developer/contractor | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-3 (a) | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. | Project developer/contractor | Prior to and during project construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-3 (b) | Perform pre-construction surveys for Swainson's Hawk nest sites. | Project developer/contractor | Prior to construction. | City of Sacramento, Planning and Building Department | |

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|--------|---|---|------------------------------|---|---|----------------------------|
| | Implement Mitigation Measures 7.8-3 (c) | Any trees that are to be removed that contain occupied nests must be removed during non-nesting season. | Project developer/contractor | Prior to construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-3 (d) | Assign an on-site biological monitor. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-3 (e) | Preserve valley oaks, tree groves, riparian habitat, and other large trees wherever possible. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-3 (f) | Comply with Wildlife Agencies guidelines with regards to construction near nests. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-3 (g) | Annual notification of landowners of any property within the permit area on which Swainson's Hawk nest tree is present. | Project developer/contractor | Prior to and during project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |

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|--------|---|--|------------------------------|--|---|----------------------------|
| | Implement Mitigation Measures 7.8-4 (a) | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. | Project developer | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-4 (b) | A qualified biologist shall conduct pre-construction (no earlier than 2 weeks prior to project construction activities) nest surveys. Prior to fledging, a buffer zone (equipment exclusion zone) of at least 100 feet should be established around the nest(s) to avoid disturbance to active nest(s) during project construction. If no active nests are found, no mitigation would be required. | Project developer | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | | OR | | | | |
| | | In lieu of conducting pre-construction surveys, the project applicant shall ensure construction activities do not occur during the nesting season of these species (typically March 1 through July 31). | Project developer | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-4 (c) | A qualified biologist shall conduct pre-construction surveys of suitable habitat | Project developer/contractor | 30 days prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |

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|--------|---|--|------------------------------|--------------------------------|---|----------------------------|
| | | within the project sites within 30 days prior to project construction to document the presence and distribution of burrowing owls. | | | Building Department; City of Sacramento, Department of Public Works. | |
| | | Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG. | Project developer/contractor | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | | If nest sites are found, the USFWS and the CDFG shall be contacted regarding suitable mitigation measures. | Project developer/contractor | Prior to project construction. | City of Sacramento, Planning and Building Department; City of Sacramento, Department of Public Works. | |
| | Implement Mitigation Measures 7.8-5(a) | Comply with adopted Natomas Basin HCP and Natomas Basin HCP EIR/EIS. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
| | Implement Mitigation Measures 7.8-5 (b) | No grading, excavating or filling activities will take place within 30 feet of existing giant garter snake habitat between October 1 and May 1, unless approved by CDFG. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |

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|---|---|---|------------------------------|----------------------|--|----------------------------|
| | Implement Mitigation Measures 7.8-5 (c) | Dewatering of existing habitat will begin after November 1, but no later than April 1 of the following year. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
| 7.9: CULTURAL RESOURCES | | | | | | |
| 7.9-2 No archaeological or prehistoric resources are known to exist in the project area. The proposed project could impact unidentified resources. | Should artifacts, exotic rock, bone, or a concentrated deposit of shell be uncovered during any future construction activities, an archeologist shall be consulted for an on-the-spot evaluation. If bone is uncovered that appears to be human, the County Coroner shall be contacted. If the coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission shall be contacted to identify most likely descendants. | Should artifacts, exotic rock, bone, or a concentrated deposit of shell be uncovered during any future construction activities, an archeologist shall be consulted for an on-the-spot evaluation. If bone is uncovered that appears to be human, the County Coroner shall be contacted. If the coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission shall be contacted to identify most likely descendants. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |

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RESOLUTION NO.:

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**PROMENADE AT NATOMAS PROJECT
MITIGATION MONITORING PLAN**

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party | Verification of Compliance |
|---|---|---|------------------------------|----------------------|--|----------------------------|
| | Implement Mitigation Measures 7.8-5 (c) | Dewatering of existing habitat will begin after November 1, but no later than April 1 of the following year. | Project developer/contractor | During construction. | City of Sacramento, Planning and Building Department | |
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