

Exhibit A
(Revised 01-27-2021)

CEQA Findings of Fact for the Klotz Ranch Apartments Project

Description of the Project

The Klotz Ranch Apartment project is proposed in the City of Sacramento on a 12.7-acre site generally located south of Pocket Road between I-5 and Freeport Boulevard. The site is bounded by three commercial buildings adjacent to Pocket Road to the north, and vacant parcels to the east, south, and west.

The proposed project would develop a multifamily residential project on the approximately 12.7-acre site. The 266-unit apartment complex would consist of six apartment buildings and recreation/amenity areas with an overall density of approximately 21 dwelling units per acre. The apartment units would range from 506 square feet to 1,251 square feet in size, with a mix of 128 studio/one-bedroom units, 120 two-bedroom units, and 18 three-bedroom units.

The apartment units would be located in six residential buildings – four buildings with 42 units each (Building Type 1) and two buildings with 49 units each (Building Type 2). Building Type 1 structures would provide 45,706 square feet of building space each and include 20 one-bedroom units, 19 two-bedroom units, and three three-bedroom units while Building Type 2 structures would provide 54,554 square feet of building space each and include 24 one-bedroom units, 22 two-bedroom units, and three three-bedroom units. Each of the structures would be 42 feet tall with architectural details (i.e., parapets) reaching a height of 48 feet.

Other components of the proposed project include the 32,680 square feet of amenity space, which would include clubhouse/pool area and outdoor amenities and landscaping around these amenities and apartment buildings.

The main vehicle access point would be from Klotz Ranch Drive, which provides access to I-5 via Pocket Road. An emergency vehicle access point from the parking lot of the adjacent car wash would also be provided in the northeastern corner of the project site. The project proposes to realign the existing gravel road that provides access to the cell phone tower located in the southeastern corner of the site; gated access to the tower would be provided in the southwestern corner of the southern parking lot.

Pedestrian paths would be provided on-site that lead to building entrance areas. These paths would connect to the existing sidewalks on Klotz Ranch Court. The proposed project site would also connect easterly to the Del Rio Trail, providing additional pedestrian and bicycle access in the neighborhood. As part of the

proposed project, a gate along the eastern property boundary would be provided to allow access to the future Del Rio Trail. Such access, including landscape and hardscape improvements, will be provided by the City of Sacramento consistent with the specific design features described in the Del Rio Trail EIR.

The project proposes to incorporate the following measures included in these Findings to minimize energy and water consumption; improve indoor environmental quality; minimize waste disposed in landfills; and minimize vehicular traffic and associated air pollutant emissions.

Project construction would occur over a period of 24 months. Construction would begin in fall 2021, with site grading and utility infrastructure work completed by early spring 2022. Construction of the structures is expected to commence in spring 2022 with completion by fall 2023.

Findings Required Under CEQA

1. Procedural Findings

The Planning **and Design** Commission of the City of Sacramento finds as follows:

Based on the initial study conducted for Klotz Ranch (P19-070), SCH # 2020039059, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project is an anticipated subsequent project identified and described in the 2035 General Plan Master EIR; that the Project is consistent with the 2035 General Plan land use designation and the permissible densities and intensities of use for the project site; that the discussions of cumulative impacts, growth inducing impacts, and irreversible significant effects in the Master EIR are adequate for the Project; and that the Project will have additional significant environmental effects not previously examined in the Master EIR. Therefore, staff prepared an environmental impact report ("EIR") on the Project which incorporates by reference the Master EIR and analyzes only the project-specific significant environmental effects and any new or additional mitigation measures or alternatives that were not identified and analyzed in the Master EIR. Mitigation measures from the Master EIR have been applied to the project as appropriate. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Newspaper Ad was run in the Sacramento Bulletin, a newspaper of general circulation on March 20, 2020 advertising the Notice of Preparation.

b. Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research, each responsible and trustee agency, and Sacramento County Clerk's Office and was circulated for public comments from March 20, 2020 through April 20, 2020.

c. A Notice of Completion (NOC) and copies of the Notice of Preparation and Initial Study were distributed to the Office of Planning and Research on March 20, 2020 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

d. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on October 30, 2020 and ended on December 14, 2020.

e. A Notice of Availability (NOA) of the Draft EIR was emailed to all interested groups, organizations, and individuals who had previously requested notice in writing on October 30, 2020. The NOA was also mailed to all property owners and Neighborhood Groups within 500 feet of the project site. The NOA stated that the City of Sacramento had completed the Draft EIR and was available on the City of Sacramento, Community Development Department EIR webpage at: <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>. The letter also indicated that the official 45-day public review period for the Draft EIR would end on December 14, 2020.

f. A public notice was placed in the Daily Recorder on November 3, 2020, which stated that the Draft EIR was available for public review and comment.

g. A public notice was posted in the office of the Sacramento County Clerk on October 30, 2020.

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

2. Record of Proceedings

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

- a. The Draft and Final EIR and all documents relied upon or incorporated by reference;
- b. The City of Sacramento 2035 General Plan adopted March 3, 2015, and all updates.
- c. The Master Environmental Impact Report for the City of Sacramento 2035 General Plan certified on March 3, 2015, and all updates.
- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2035 General Plan adopted March 3, 2015, and all updates.
- e. Planning and Development Code of the City of Sacramento
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004
- g. Klotz Ranch Commercial Center Planned Unit Development
- h. The Mitigation Monitoring Program for the Project.
- i. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Findings

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

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

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation

measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Because the City has determined that, with the adoption of all feasible mitigation measures, there are no remaining significant and unavoidable impacts, these Findings need not address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) “feasible” within the meaning of CEQA.

In cases in which a project’s significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the “benefits of the project outweigh the significant effects on the environment.” (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) However, because these Findings confirm that there are no significant effects that cannot be mitigated or avoided, there is no need for the City to identify any specific economic, social, and other considerations that, in its judgment, would outweigh the significant environmental effects that the Project could cause.

The California Supreme Court has stated that “[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

In support of its approval of the Project, the Planning and Design Commission makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

A. Impacts Found to be Less Than Significant and Thus Requiring No Mitigation.

Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.) Based on substantial evidence in the whole record of this proceeding, the City Council finds that implementation of the projects will not result in any significant impacts in the following areas and that these impact areas, therefore, do not require mitigation.

Aesthetics, Light, and Glare

Impact 4.1-1: The proposed project could substantially degrade the existing visual character or quality of public views of the site and its surroundings, or conflict with applicable zoning and other regulations governing scenic quality.

Impact 4.1-2: The proposed project could create a new source of substantial light.

Impact 4.1-3: The proposed project could create a new source of glare.

Impact 4.1-4: The proposed project, in combination with other cumulative development, could contribute to substantial cumulative degradation of the existing visual character or quality in the vicinity.

Impact 4.1-5: The proposed project, in combination with other cumulative development, could contribute to cumulative sources of substantial light in the area.

Impact 4.1-6: The proposed project, in combination with other cumulative development, could contribute to cumulative sources of glare.

Air Quality

Impact 4.2-1: Implementation of the proposed project could conflict with or obstruct implementation of an applicable air quality plan.

Impact 4.2-2: Implementation of the proposed project would result in a net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Long-term Impacts)

Impact 4.2-4: Implementation of the proposed project, in conjunction with other planned projects, could result in a cumulative net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Greenhouse Gas Emissions

Impact 4.4-1: Implementation of the proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact 4.4-2: Implementation of the proposed project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact 4.4-3: Implementation of the proposed project, in combination with other development, would contribute to cumulative impacts associated with climate change and GHG emissions.

Noise

Impact 4.5-1: Construction of the project would generate noise that could conflict with City of Sacramento's noise standards.

Impact 4.5-2: Construction of the project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact 4.5-3: Operation of the project could increase local traffic that could result in a substantial permanent increase in ambient exterior noise levels in the project vicinity or conflict with the City of Sacramento noise standards.

Impact 4.5-4: Operation of the project could introduce new stationary noise sources that could conflict with the City of Sacramento noise standards.

Impact 4.5-5: Operation of the project could result in interior noise levels of 45 dBA Ldn or greater at nearby residential uses.

Impact 4.5-6: Construction of the proposed project could expose existing and/or planned buildings, and persons within, to vibration that could disturb people and damage buildings.

Impact 4.5-7: The project could result in exposure of people to cumulative increases in construction noise levels.

Impact 4.5-8: The proposed project could contribute to cumulative increases in traffic noise levels.

Transportation

Impact 4.6-1: The proposed project's VMT per service population (residents and employment) could exceed 85 percent of the existing average for the SACOG region.

Impact 4.6-2: Implementation of the proposed project could adversely affect existing or planned bicycle or pedestrian facilities or could fail to adequately provide for access by bicycle or pedestrian.

Impact 4.6-3: Implementation of the proposed project could adversely affect public transit operations and could fail to adequately provide access to transit.

Impact 4.6-5: Implementation of the proposed project, in combination with other development, could contribute to cumulative conditions where VMT per service population (residents and employment) could exceed 85 percent of the existing average for the SACOG region.

Impact 4.6-6: Implementation of the proposed project, in combination with other development, could adversely affect existing or planned bicycle or pedestrian facilities or could fail to adequately provide for access by bicycles or pedestrians.

Impact 4.6-7: Implementation of the proposed project, in combination with other development, could adversely affect public transit operations and could fail to adequately provide access to transit.

B. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.

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

insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

Air Quality

Impact 4.2-2: Implementation of the proposed project would result in a net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Short-term Impacts)

Mitigation Measures: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.2-2(a)

The applicant shall require all construction plans to include the following SMAQMD best management practices:

- Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered.
- Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- Limit vehicle speeds on unpaved roads to 15 miles per hour.
- Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determine to be running in proper condition before it is operated.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations,

Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.gov, or www.arb.ca.gov/doors/compliance_cert1.html.

Mitigation Measure 4.2-2(b)

All diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

The Lead Agency may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the Lead Agency grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available, as detailed in Table M-AIR-1A below.

For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the region occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the project and (ii) geographic proximity to the project site of Tier 4 Final equipment.

The Contractor shall maintain records concerning its efforts to comply with this requirement.

Table M-AIR-1A describes the Off Road Compliance Step Down approach. If engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Contractor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3 as demonstrated below.

**TABLE M-AIR-1A
OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN APPROACH**

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	ARB Level 3 VDECS
3	Tier	ARB Level 3 VDCES

If seeking a waiver from this requirement it must be demonstrated, to the satisfaction of the Lead Agency, that the emissions do not exceed significance thresholds as stated above in **Table 4.2-7**.

If the project implements the “step down” approach, utilizing construction equipment with less than Tier 4 emissions standards and the resulting emissions exceed the SMAQMD threshold, a mitigation fee (per ton of emissions) will be assessed to achieve the remaining mitigation.

Finding: Implementation of Mitigation Measures 4.2-2(a) and 4.2-2 (b) would substantially reduce the potential for short-term construction emissions from the proposed project to below the respective significance thresholds and therefore, the impact would be mitigated to **less than significant**.

Impact 4.2-3: Implementation of the proposed project could expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.2-3: Implement Mitigation Measure 4.2-2(b), see Impact 4.2-2.

Finding: Implementation of Mitigation Measure 4.2-2(b) would reduce the on-site DPM construction emissions that would be associated with the proposed project to the extent that the associated cancer risk would be less than 10 in one million and chronic hazard index less than 1.0; therefore, therefore impact would be mitigated to **less than significant**.

Impact 4.2-5: Implementation of the proposed project, in conjunction with other planned projects, could cumulatively expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.2-5: Implement Mitigation Measure 4.2-2(b), see Impact 4.2-2.

Finding: With implementation of Mitigation Measure 4.2-2(b), which would require all diesel-powered construction equipment to be equipped with engines that meet Tier 4f emissions standards, and would decrease the maximum incremental carcinogenic risk to 0.9 in one million for residents, on-site DPM construction emissions that would be associated with the proposed project would be reduced to the extent that the associated cancer risk would be less than 10 in one million; and therefore, the cumulative impact would be mitigated to **less than significant**.

Cultural Resources and Tribal Cultural Resources

Impact 4.3-1: Construction of the proposed project could impact Historical Resources and Unique Archaeological Resources.

Mitigation Measures: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.3-1(a): Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Prior to Ground-Disturbing Activities.

The City shall require the applicant/contractor to provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. The City may invite a Native American representative from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be

located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

Mitigation Measure 4.3-1(b): Archaeological and Native American Monitoring and the Discovery of Cultural Materials and/or Human Remains.

Prior to authorization to proceed, the applicant shall retain a Secretary of the Interior-qualified archaeologist shall, with input from consulting tribes, to prepare a Cultural Resources Monitoring Plan. Monitoring shall be required during initial ground-disturbing activities and may be extended should the area be determined to require monitoring of deeper sediments, according to a schedule outlined in the Cultural Resources Monitoring Plan. The plan shall include (but not be limited to) the following components:

- Person(s) responsible for conducting monitoring activities, including an archaeological monitor and an appropriate number of a Native American Tribal monitors (number and kind of appropriate monitors to be determined in consultation with consulting tribes);
- Person(s) responsible for overseeing and directing the monitors;
- Provision of a monitor trailer and, if requested by consulting tribes to treat and secure discoveries at the site, a secure area for preparation of materials for treatment (reburial or repatriation), at the applicant's expense;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, ~~patriation~~ appropriate documentation, repatriation);
- Methods to ensure security of cultural resources sites, including protective fencing, security, and protocol for notifying local authorities (i.e. Sheriff, Police) should site looting ~~and~~ or other resource damaging or illegal activities occur during construction.

During the course of the monitoring, the archaeologist and Native American Tribal monitor may adjust the frequency—from continuous to

intermittent—based on the conditions and professional judgment regarding the potential to impact cultural and tribal cultural resources.

Mitigation Measure 4.3-1(c): In the Event that Cultural Resources or Tribal Cultural Resources Are Discovered During Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources.

If cultural resources or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be temporarily suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to cultural resources and tribal cultural resources. This will be accomplished, if feasible, by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.
- Recommendations for avoidance of cultural resources and tribal cultural resources will be reviewed by the City representative, interested consulting tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives.
- Consulting tribes will be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with ~~interested culturally-affiliated Native American~~ consulting tribes and a designated Native American Tribal representative(s) will be invited to monitor the

installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with ~~a Native American Tribal representative~~ consulting tribes.

- The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.”

If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources:

- Each resource will be evaluated for California Register of Historical Resources- (California Register) eligibility through application of established eligibility criteria, in consultation with consulting ~~Native American Tribes~~ tribes, as applicable.

If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the California Register, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology) approved by the City and with ~~interested culturally affiliated Native American~~ consulting tribes that respond to the City’s invitation within two weeks of receiving the invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested ~~culturally affiliated Native American~~ consulting tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by consulting tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

Consulting tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and

maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.

If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:

- Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protect the cultural character and integrity of the resource.
 - Protect the traditional use of the resource.
 - Protect the confidentiality of the resource.
 - Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.
 - Protect the resource.

Mitigation Measure 4.3-4 Prepare and implement a Confidential Tribal Cultural Resources Treatment Plan.

The City, the applicant, and a Secretary of the Interior-qualified archaeologist retained by the applicant, will prepare and implement, in consultation with culturally-affiliated tribes, a confidential tribal cultural resources treatment plan for the project site. This treatment plan may be either incorporated into the monitoring plan required by Mitigation Measure 4.3-1(b) or prepared as a stand-alone document. The plan shall include (but not be limited to) the following components:

- delineation of the horizontal and vertical extent of discoveries outside the NAP using appropriate techniques which may include, but not be limited to: ground penetrating radar, geoarchaeological trenching, and additional studies coordinated with consulting tribes, conducted at the applicant's expense;
- if determined to be necessary, the methods of contractor excavation (such as slower controlled grading) or any required equipment to minimize inadvertent damage to any subsurface resources;
- the amount of tribal monitoring, if different than what is required by the project monitoring plan;
- procedures for the discovery of human remains, as required by Mitigation Measure 4.3-3;
- protocol for recovery of materials, including tribal consultation and the preparation of materials for reburial at a culturally-appropriate and dignified location not subject to future disturbance to be identified in the treatment plan, conducted at the applicant's expense;
- framework for further consultation and additional treatment, proportional to the impacts encountered, which could include financial donation(s) to tribal cultural activities, land trusts or banking, or other organizations, as agreed upon by the applicant, tribes, and City; and
- the scope and timing of documentation of the methods and results of the implementation of the treatment plan.
- further coordination with consulting tribes as part of the Treatment Plan to occur regarding the plans, site preparation, and construction for the southern basin proposed adjacent to sensitive area.

The tribal cultural resources treatment plan shall be approved by the City prior to ground disturbing activities commencing in the project area.

Finding: Implementation of **Mitigation Measure 4.3-1(a)** would require cultural resources sensitivity training for all project personnel prior to construction, **Mitigation Measure 4.3-1(b)**, would require archaeological and Native American monitoring during ground-disturbing activities, and **Mitigation Measure 4.3-1(c)** and **Mitigation Measure 4.3-4**, would ensure that appropriate and legal

protocols would be followed in the event of an inadvertent discovery of cultural resources and preparation of a Tribal Cultural Resources Treatment Plan. Implementation of these mitigation measures would reduce the potential impact to inadvertently discovered archaeological resources to **less than significant.**

Impact 4.3-2: Construction of the proposed project could directly or indirectly destroy a unique paleontological resource.

Mitigation Measure: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.3-2: In the Event that Paleontological Resources Are Discovered During Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources.

If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities shall be redirected within 100 feet of the find until a qualified paleontologist can be contacted to evaluate the find and make recommendations. If found to be significant and proposed project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan shall be implemented. Adverse impacts to paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository.

Finding: Implementation of **Mitigation Measure 4.3-2** would ensure that paleontological resources, if inadvertently discovered would be identified before they have been damaged or destroyed, and then properly evaluated and treated. This would reduce the potential impact to inadvertently discovered paleontological resources to **less than significant.**

Impact 4.3-3: Construction of the proposed project could impact human remains.

Mitigation Measure: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.3-3: Implement Procedures in the Event of the Inadvertent Discovery of Human Remains.

If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the City shall meet the following performance standards prior to implementing or continuing actions such as construction, which may result in damage to or

destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).

If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.

If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.

Mitigation Measure 4.3-5

A portion of the project site shall be designated "Not A Part" (NAP) on all construction plans. No ground disturbance or excavation shall occur within the NAP. The boundary of the NAP shall be identified by a qualified archaeologist based on GIS coordinates for the likely location of sensitive tribal cultural resources based on site research, in consultation with consulting tribes, and confirmed as confidential information with the tribes, with notice to the applicant for installation of a construction fence boundary at the limit of the setback for the NAP, conducted and maintained at the applicant's expense. The applicant shall revise all project site plans for the project to identify a portion of the site as "Not A Part" (NAP) of the project. Archaeological and Native American tribal monitors, and City staff, shall have authority to enforce the restrictions on the NAP. The construction fence shall be removed prior to a Certificate of Occupancy. Permanent fencing, marking or signage of the NAP, and culturally appropriate and dignified management of the NAP area, to be determined through consultation with the consulting tribes as part of the Treatment Plan, at the applicant's expense.

Significance After Mitigation: Implementation of Mitigation Measure 4.3-5 would reduce the potential impacts to identified tribal cultural resources to less than significant.

Finding: Implementation of **Mitigation Measure 4.3-3** would ensure that if human remains are found, these would be identified before they have been damaged or destroyed, and then properly evaluated and treated according to the established procedures. This would reduce the potential impact to inadvertently discovered human remains to **less than significant**. **Implementation of Mitigation Measure 4.3-5 would reduce the potential impacts to identified tribal cultural resources to less than significant.**

Impact 4.3-4: Construction of development allowed under the proposed project could impact tribal cultural resources.

Mitigation Measures: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.3-1(a): Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Prior to Ground-Disturbing Activities.

The City shall require the applicant/contractor to provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. The City may invite a Native American representative from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

Mitigation Measure 4.3-1(b): Archaeological and Native American Monitoring and the Discovery of Cultural Materials and/or Human Remains.

Prior to authorization to proceed, the applicant shall retain a Secretary of the Interior-qualified archaeologist shall, with input from consulting tribes, to prepare a Cultural Resources Monitoring Plan. Monitoring shall be required during initial ground-disturbing activities and may be extended should the area be determined to require monitoring of deeper sediments, according to a schedule outlined in the Cultural Resources Monitoring Plan. The plan shall include (but not be limited to) the following components:

- Person(s) responsible for conducting monitoring activities, including an archaeological monitor and an appropriate number of a-Native American Tribal monitors (number and kind of appropriate monitors to be determined in consultation with consulting tribes);
- Person(s) responsible for overseeing and directing the monitors;
- Provision of a monitor trailer and, if requested by consulting tribes to treat and secure discoveries at the site, a secure area for preparation of materials for treatment (reburial or repatriation), at the applicant's expense;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, ~~patriation~~ appropriate documentation, repatriation);
- Methods to ensure security of cultural resources sites, including protective fencing, security, and protocol for notifying local authorities (i.e. Sheriff, Police) should site looting ~~and~~ or other resource damaging or illegal activities occur during construction.

During the course of the monitoring, the archaeologist and Native American Tribal monitor may adjust the frequency—from continuous to intermittent—based on the conditions and professional judgment regarding the potential to impact cultural and tribal cultural resources.

Mitigation Measure 4.3-1(c): In the Event that Cultural Resources or Tribal Cultural Resources Are Discovered During Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources.

If cultural resources or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be

temporarily suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to cultural resources and tribal cultural resources. This will be accomplished, if feasible, by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.
- Recommendations for avoidance of cultural resources and tribal cultural resources will be reviewed by the City representative, interested consulting tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives.
- Consulting tribes will be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with ~~interested~~ culturally affiliated Native American consulting tribes and a designated Native American Tribal representative(s) will be invited to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with ~~a Native American Tribal representative~~ consulting tribes.
- The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area."

If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources:

- Each resource will be evaluated for California Register of Historical Resources- (California Register) eligibility through application of established eligibility criteria, in consultation with consulting ~~Native American Tribes~~ tribes, as applicable.

If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the California Register, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) approved by the City and with ~~interested culturally affiliated Native American~~ consulting tribes that respond to the City's invitation within two weeks of receiving the invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested ~~culturally affiliated Native American~~ consulting tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by consulting tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

Consulting tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.

If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the

resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:

- Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protect the cultural character and integrity of the resource.
 - Protect the traditional use of the resource.
 - Protect the confidentiality of the resource.
 - Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.
 - Protect the resource.

Mitigation Measure 4.3-4 Prepare and implement a Confidential Tribal Cultural Resources Treatment Plan.

The City, the applicant, and a Secretary of the Interior-qualified archaeologist retained by the applicant, will prepare and implement, in consultation with culturally-affiliated tribes, a confidential tribal cultural resources treatment plan for the project site. This treatment plan may be either incorporated into the monitoring plan required by Mitigation Measure 4.3-1(b) or prepared as a stand-alone document. The plan shall include (but not be limited to) the following components:

- *delineation of the horizontal and vertical extent of discoveries outside the NAP using appropriate techniques which may include, but not be limited to: ground penetrating radar, geoarchaeological trenching, and additional studies coordinated with consulting tribes, conducted at the applicant's expense;*
- *if determined to be necessary, the methods of contractor excavation (such as slower controlled grading) or any required equipment to minimize inadvertent damage to any subsurface resources;*

- the amount of tribal monitoring, if different than what is required by the project monitoring plan;
- procedures for the discovery of human remains, as required by Mitigation Measure 4.3-3;
- protocol for recovery of materials, including tribal consultation and the preparation of materials for reburial at a culturally-appropriate and dignified location not subject to future disturbance to be identified in the treatment plan, conducted at the applicant's expense;
- framework for further consultation and additional treatment, proportional to the impacts encountered, which could include financial donation(s) to tribal cultural activities, land trusts or banking, or other organizations, as agreed upon by the applicant, tribes, and City; and
- the scope and timing of documentation of the methods and results of the implementation of the treatment plan.
- further coordination with consulting tribes as part of the Treatment Plan to occur regarding the plans, site preparation, and construction for the southern basin proposed adjacent to sensitive area.

The tribal cultural resources treatment plan shall be approved by the City prior to ground disturbing activities commencing in the project area.

Mitigation Measure 4.3-3: Implement Procedures in the Event of the Inadvertent Discovery of Human Remains.

If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the City shall meet the following performance standards prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).

If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.

If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.

Finding: Implementation of **Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-1(c), and 4.3-4** and **Mitigation Measures 4.3-3 as applicable** would reduce the potential impacts to inadvertently discovered tribal cultural resources to **less than significant**.

Impact 4.3-5: Construction of the proposed project, in combination with other development, could contribute to the cumulative loss or alteration of historic-era and indigenous archaeological resources, and human remains in archaeological contexts.

Mitigation Measure ~~4.3-5~~ 4.3-6: Implement Mitigation Measures 4.3-1(a), 4.3-1(b), and 4.3-1(c) and/or Mitigation Measure 4.3-3, 4.3-4, and 4.3-5 as applicable.

Finding: Implementation of Mitigation Measure ~~4.3-5~~ 4.3-6 would effectively avoid damage to or loss of cultural and tribal cultural resources, and little to no residual impact would remain after mitigation. With the implementation of Mitigation Measure ~~4.3-5~~ 4.3-6, the projects' contribution toward the cumulative loss or alteration of historic-era and indigenous archaeological resources would be reduced to a **less-than-significant level**.

Impact 4.3-6: Construction of the proposed project, in combination with other development, could contribute to the cumulative loss of paleontological resources.

Mitigation Measures ~~4.3-6~~ 4.3-7: Implement Mitigation Measure 4.3-2, as applicable.

Finding: Implementation of Mitigation Measure ~~4.3-6~~ 4.3-7 would effectively avoid damage to or loss of paleontological resources, and little to no residual impact would remain after mitigation. With implementation of this mitigation measure, the contribution of the proposed project to this cumulative impact would be less than considerable, and this impact would be reduced to a **less-than-significant level**.

Transportation

Impact 4.6-4: Implementation of the proposed project could cause inconveniences to motorists due to prolonged road closures and could result in increased frequency of potential conflicts between vehicles, pedestrians, and bicyclists due to construction-related traffic impacts.

Mitigation Measure: The following mitigation measure(s) has been adopted to address this impact:

Mitigation Measure 4.6-4:

The City Code (City Code 12.20.030) requires that a construction traffic control plan is prepared and approved prior to the beginning of project construction, to the satisfaction of the City Traffic Engineer and subject to review by all affected agencies. All work performed during construction must conform to the conditions and requirements of the approved plan. The plan shall ensure that safe and efficient movement of traffic through the construction work zone(s) is maintained. At a minimum, the plan shall include the following:

- Time and day of street closures;
- Proper advance warning and posted signage regarding street closures;
- Provision of driveway access plan to ensure safe vehicular, pedestrian, and bicycle movements;
- Safe and efficient access routes for emergency vehicles;
- Provisions for pedestrian safety;
- Use of manual traffic control when necessary;
- Number of anticipated truck trips, and time of day of arrival and departure of trucks; and
- Provision of a truck circulation pattern and staging area with a limitation on the number of trucks that can be waiting and any limitations on the size and type of trucks appropriate for the surrounding transportation network.

The traffic control plan must be available at the site for inspection by the City representative during all work.

Finding: With the implementation Mitigation Measure 4.6-4, development of a traffic control plan, the local roadways and freeway facilities will continue to operate acceptably and there will not be increased frequency of potential multimodal conflicts. Thus, the impact of the project would be **less than significant**.

Impact 4.6-8: Implementation of the proposed project, in combination with other development, could cause inconveniences to motorists due to prolonged road closures and could result in increased frequency of potential conflicts between vehicles, pedestrians, and bicyclists due to construction-related traffic impacts.

Mitigation Measure 4.6-8: Implement Mitigation Measure 4.6-4.

Findings: With the implementation of the traffic control plan for the proposed project, the local roadways and freeway facilities would continue to operate acceptably and there would not be increased frequency of potential multimodal conflicts. Thus, the proposed project's contribution to the cumulative impact would be **less than significant**.

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

There are no mitigation measures to mitigate, avoid, or substantially lessen any potentially significant environmental impacts of the Project that are within the responsibility and jurisdiction of another public agency and not the City. The Planning and Design Commission elects to approve the Project as set forth in Exhibit A.

C. Significant or Potentially Significant Impacts for which Mitigation Measures Found To Be Infeasible.

There are no impacts and related mitigation measures that are found to be the infeasible. The Planning and Design Commission elects to approve the Project as set forth in this Exhibit A.

D. Significant and Unavoidable Impacts.

There are no significant, or potentially significant and unavoidable impacts of the Project, including cumulative impacts, that are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact.

The Planning and Design Commission elects to approve the Project set forth in this Exhibit A.

E. Project Alternatives.

The Planning and Design Commission has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts. However, there are no significant, or potentially significant and

unavoidable impacts of the Project, including cumulative impacts, that are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact.

Accordingly, these findings need not consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 400-403.)

G. Statement of Overriding Considerations:

Pursuant to Guidelines section 15092, the Planning and Design Commission finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 4.0 through 4.6. There are no significant or potentially significant effects of the Project that require a statement of overriding considerations.

The Planning and Design Commission does not need to make a statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

Statement of Overriding Considerations:

None required.