

ADDENDUM TO A CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT

The City of Sacramento, California, a municipal corporation, does hereby prepare, make declare, and publish the Addendum to a certified Final Environmental Impact Report (EIR) for the following described project:

Sacramento Entertainment and Sports Center & Related Development Project (P13-065); Marshall Hotel Cornice (PB14-059)

The City of Sacramento, Community Development Department, has reviewed the proposed project and on the basis of the whole record before it, has determined that there is no substantial evidence that the project, as identified in the attached addendum, would have a significant effect on the environment beyond that which was evaluated in the EIR prepared for the original project. A subsequent EIR is not required pursuant to Public Resources Code section 21166.

This Addendum to a certified EIR has been prepared pursuant to sections 15162-15164 of the CEQA Guidelines and the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

A copy of this document and all supportive documentation may be reviewed or obtained at the City of Sacramento, Community Development Department, Planning Division, 300 Richards Boulevard, Sacramento, California 95811.

Environmental Services Manager,
City of Sacramento, California,
a municipal corporation

Date:

12/4/2014

By:



Tom Buford, Senior Planner

**Sacramento Entertainment and Sports Center & Related Development Project
(P13-065); Marshall Hotel Cornice (PB14-059)**

Addendum to Environmental Impact Report (SCH No. 2013042031)

File Number/Project Name: Sacramento Entertainment and Sports Center & Related Development Project (P13-065); Marshall Hotel Cornice (PB14-059)

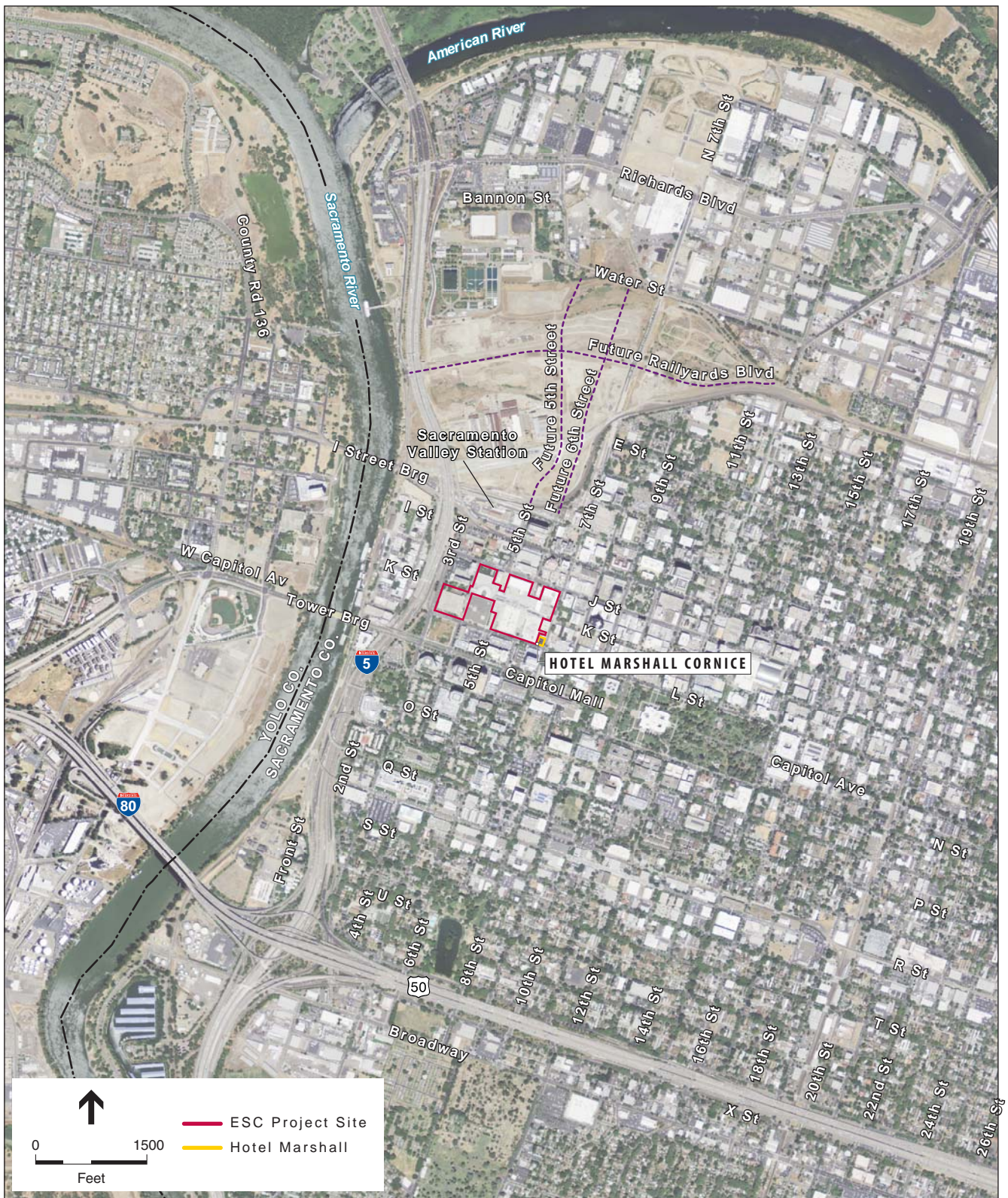
Project Location: The Entertainment and Sports Center (ESC) Downtown project site is located within the City of Sacramento, Sacramento County, generally bounded by 3rd Street to the west and 7th Street to the east. J and L Streets are the north and south boundaries of the Downtown project site, respectively (see Figure 1). The Marshall Hotel, the affected property, is located at the northwest corner of 7th and L Streets (see Figure 2).

Existing Plan Designations and Zoning: The ESC project site is designated Central Business District (CBD) and zoned as ESC SPD (Entertainment and Sports Center Special Planning District Zone). The adjacent Marshall Hotel property is designated CBD and is zoned CBD SPD (Central Business District Special Planning District).

Project Background: The ESC Project (P13-065) was approved by the City Council on May 20, 2014. The project site consists of the former Downtown Plaza shopping center. The initial phase of development includes demolition of the 515 L Street building, the 560 J Street building, the former Macy's Men's and Furniture Building on L Street, and subsequent construction of the Sacramento Entertainment and Sports Center and an integrated and adjacent practice facility. Later phases of development will involve demolition of additional structures on the project site, and construction of retail, hotel, office, and residential uses. Additional elements of the ESC Project involve the construction of digital billboards at six locations along freeways in the City of Sacramento, and the transfer of certain properties from the City to the project applicant.

The City prepared an environmental impact report (EIR) for the Sacramento Entertainment and Sports Center & Related Development Project. The EIR was certified by the City Council on May 20, 2014. On the same date, the City Council adopted findings of fact as required by the California Environmental Quality Act (CEQA), a statement of overriding considerations and a mitigation monitoring program (see Attachment A, Resolution No. 2014-0127). The City Council also approved project entitlements, financing agreements, and several other actions necessary for the implementation of the project.

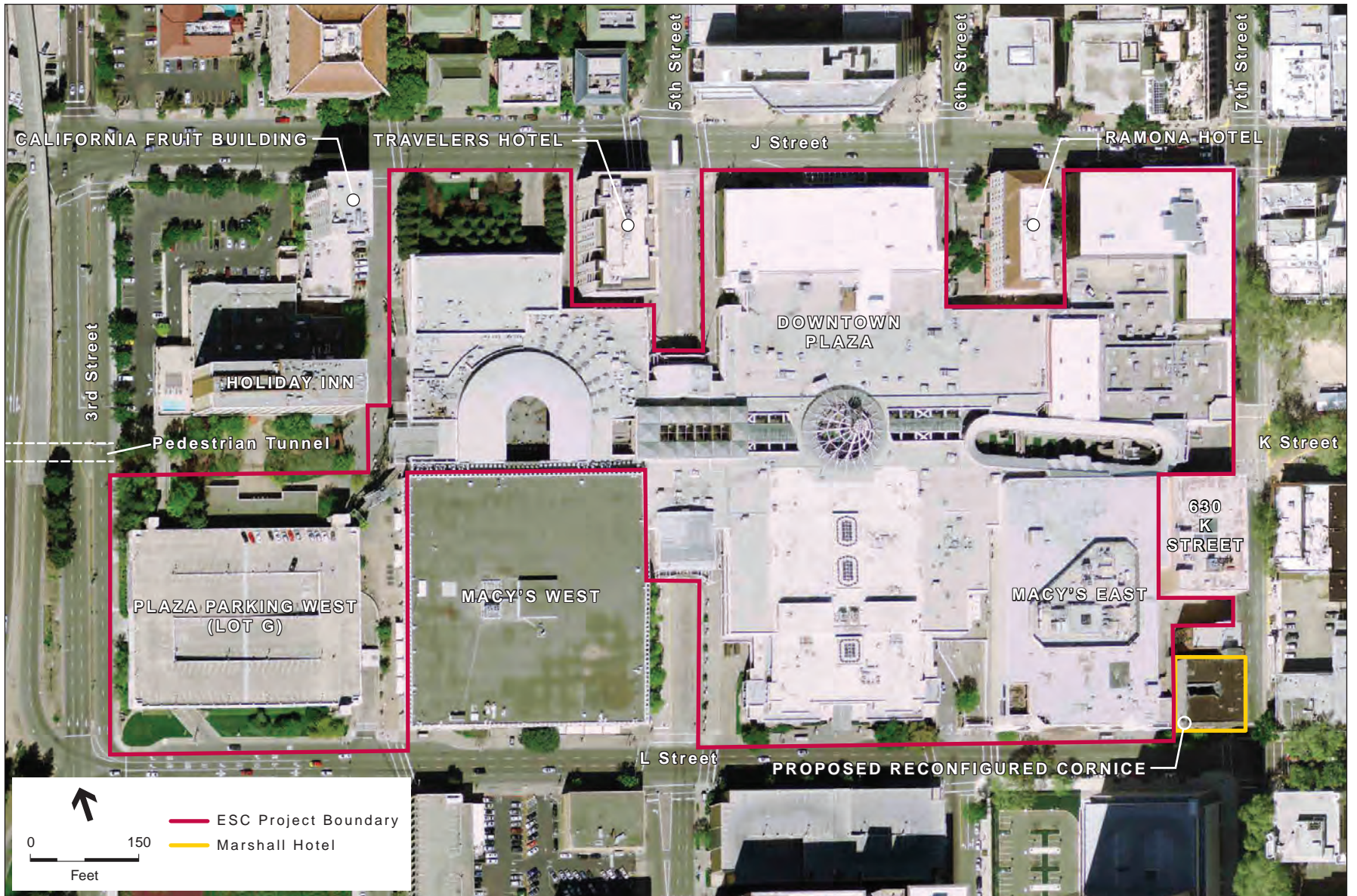
The Marshall Hotel, located adjacent to the approved ESC practice facility, is a registered local landmark structure. A portion of the cornice of the Marshall Hotel is located on the western side of the building and overhangs the ESC property (see



SOURCE: Microsoft 2012; ESA, 2013

Sacramento Entertainment and Sports Center & Related Development EIR Addendum . 130423

Figure 1
Project Vicinity



SOURCE: USGS, 2011; ESA, 2013

Sacramento Entertainment and Sports Center & Related Development EIR Addendum . 130423

Figure 2
Project Site

Figures 3, 4, and 5). Since project approval, the project applicant has determined that in order to accommodate the proposed design of the ESC practice facility, the portion of the cornice on the western wall of the adjacent Marshall Hotel must be reconfigured (see Figure 6).

An application for Preservation Review of the proposed change to the Marshall Hotel cornice has been submitted to the City. The requested project modifications have been assigned the project number PB14-059 and are being processed by the City's Community Development Department. The requested entitlements will be the subject of a hearing before the City's Preservation Director. Because the requested project changes require discretionary action by the City, the requested project changes are subject to evaluation under CEQA (Pub. Resources Code, §21166).

The environmental document prepared for the Sacramento Entertainment and Sports Center & Related Development Project, including the EIR as well as the City Council Resolutions certifying the EIR and adopting the required findings, can be reviewed at the offices of the Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento CA 95811 during public counter hours, or on the City's web site at <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>.

Project Description: In order to accommodate the Sacramento Entertainment and Sports Center (ESC), the applicant proposes to alter a portion of cornice on the western face of the Marshall Hotel that overhangs the ESC site (see Figure 2). The proposed action would involve the following steps:

1. Temporary removal of the cornice along the western face, and approximately 15 feet of the southern face (along L Street). Removal would occur prior to initiating vertical construction on the adjacent ESC practice facility structure (winter 2014/15);
2. Storage of the cornice materials in building basement in location that is secure and dry;
3. Following completion of the adjacent construction, reattachment and structural support of the cornice following completion of construction (winter 2016/17);
4. Removal of an approximate 3-ft x 2-ft notch from the northwestern corner of the cornice on the western face;
5. Harvest and reuse salvagable materials from removed notch, including fascia rosettes. Rosettes to replace missing materials from the southern (L Street) cornice face;
6. Reattachment of metal soffit previously removed from cornice and stored in building basement (see photos); and
7. Ensuring that all changes to the cornice are undertaken consistent with the Secretary of Interior Standards for Rehabilitation.



SOURCE: ESA, 2014

Sacramento Entertainment and Sports Center & Related Development EIR Addendum . 130423

Figure 3
Photograph of L Street Façade



SOURCE: ESA, 2014

Sacramento Entertainment and Sports Center & Related Development EIR Addendum . 130423

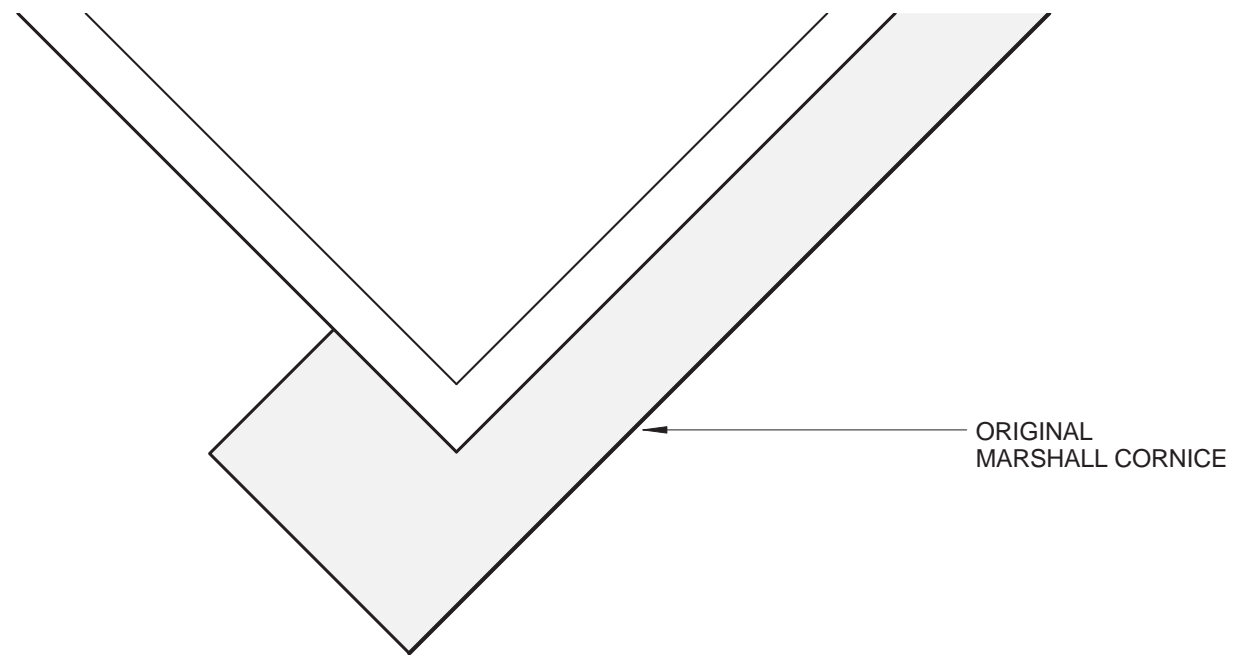
Figure 4
Photograph of Cornice



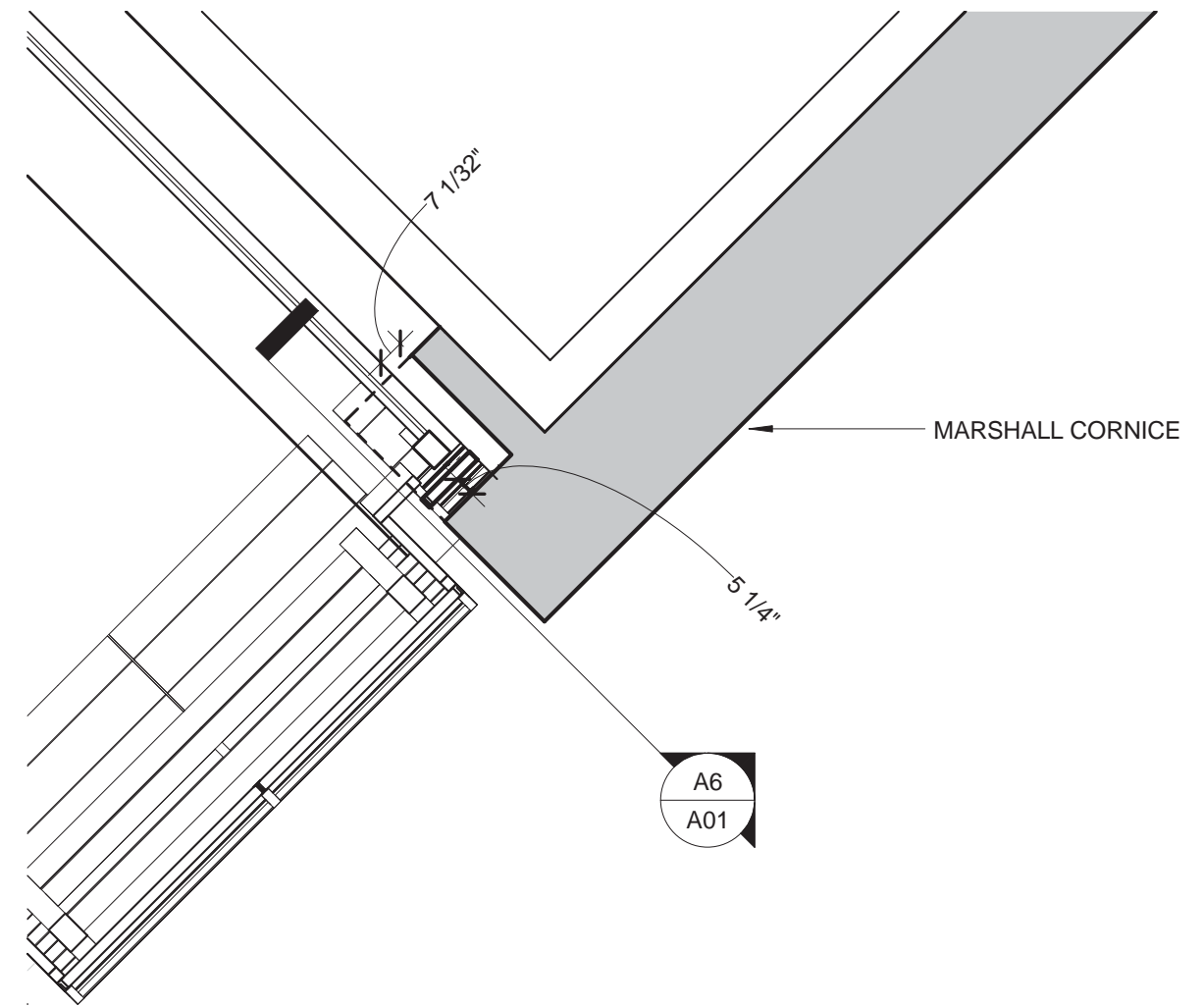
SOURCE: ESA, 2014

Sacramento Entertainment and Sports Center & Related Development EIR Addendum . 130423

Figure 5
Photograph of Cornice - Close Up



ORIGINAL CORNICE PLAN
1/4" = 1'-0"



PROPOSED CORNICE PLAN
1/4" = 1'-0"

The proposed project change would be initiated prior to vertical construction on the practice facility. The removed materials would be stored in a secure, dry location during the duration of construction. Following completion of the practice facility, the cornice would be reattached with a notch removed configured as noted on attached plans (see Figure 6). The notch would be the minimum size necessary to accommodate the practice facility structure and provide adequate space for seismic movement of the buildings. In addition to reattaching the cornice, which is anticipated in winter 2016/17 (within 60 days of final occupancy permit for the practice facility), additional building trim pieces and a metal soffit that were previously removed due to unsafe conditions will be reattached in a firm and structurally sound condition. All changes to the cornice, including reattachment of the altered cornice and metal soffit, would be undertaken consistent with the Secretary of Interior Standards for Rehabilitation (36 CFR Part 67).

Discussion

CEQA Guidelines section 15164 provides for the use of an addendum to document the basis of a lead agency's decision not to require a Subsequent or Supplemental EIR for a project that is already adequately covered in an existing certified EIR. Pursuant to CEQA Guidelines section 15164(a), an Addendum to an adopted environmental impact report is the proper document to be prepared if only minor technical changes or additions are required, and none of the conditions identified in CEQA Guidelines section 15162 are present. The following identifies the standards set forth in section 15162(a):

1. No substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes have occurred with respect to circumstances under which the project is undertaken that would require major revisions of the previous EIR due to the involvement of new significant environmental effect or a substantial increase in the severity of previously indemnified significant effects.
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more

significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or;

- d) Mitigation measures or alternatives which are considerable different from those analyzed in the previous would substantially reduce on or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As described below, none of these conditions would exist as a result of the proposed alteration of the Marshall Hotel cornice. The modified project would not cause new significant impacts not identified in the EIR or result in a substantial increase in the severity of previously identified significant impacts. No changes have occurred with respect to circumstances under which the original project was undertaken that would cause significant environmental impacts to which the modified project would result in a cumulatively considerable contribution. There is no new information that shows that the modified project would cause new significant environmental impacts that were not already analyzed in the EIR. Accordingly, the Community Development Department concludes that the analyses conducted and the conclusions reached in the EIR certified on May 20, 2014, remain valid, and that no supplemental environmental review is required for the proposed project modifications.

Analysis

The ESC EIR addressed the relevant environmental issues, including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Global Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation, and Utilities and Service Systems. The proposed reconfiguration of the Marshall Hotel cornice would not affect the size or intensity of the proposed ESC project. It would not affect the environmental effects disclosed in the EIR for any environmental resource issues other than Cultural Resources.

Cultural Resources

Background

Section 4.4 of the ESC EIR addressed potential effects on cultural resources. As presented in that section, a significant effect on cultural resources would occur if the project would cause a substantial adverse change in the significance of historical or archaeological resource as defined in State CEQA Guidelines section 15064.5. In the discussion of Impact 4.4-1, the ESC EIR noted, "Proposed construction activities could result in vibration levels that have the potential to damage fragile buildings and structures, including those identified as eligible for the California Register or locally-listed properties and therefore qualifying as historical resources."

The EIR identified two mitigation measures (Mitigation Measures 4.4-1(a) and 4.4-1(b) [which requires implementation of Mitigation Measure 4.8-3(a)]) to reduce potential impacts to a less-than-significant level by ensuring that damage to the Marshall Hotel from demolition at the ESC project site would be minimized, and any damage to the

Marshall Hotel that might occur would be identified and rectified promptly and in a manner that does not alter the historic character of the building. Mitigation Measure 4.8-3(a) addresses vibration related impacts to both historic and non-historic buildings, including the development of a Noise and Vibration Reduction Plan to identify construction techniques that avoid exceeding the vibration threshold for historic buildings. The plan will include pre-construction documentation, vibration monitoring during construction, and post-construction reporting and repair requirements. With implementation of these measures, the potential impact on the adjacent Marshall Hotel, and other nearby historic structures, were determined to be less than significant.

Evaluation

The proposed reconfiguration of the Marshall Hotel cornice was evaluated by Chris McMorris, Senior Architectural Historian with JRP Historical Consulting, LLC. According to the evaluation undertaken by JRP (see Attachment B), the proposed alteration will result in a direct effect to the hotel with partial removal of the character-defining cornice. This action will somewhat diminish the cornice's integrity of design and material, modestly decreasing the building's overall historic integrity. However, the partial removal will not cause a substantial adverse effect to the historical resource because of the efforts included in the proposed project change to reduce impacts to the Marshall Hotel's character-defining features by minimizing the size of the notch removed from the cornice and by harvesting and reattaching the fascia rosettes. The proposed project change will further enhance the historic nature of the Marshall Hotel building by reattaching the missing metal cornice soffit. The proposed repairs will adhere to The Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards), which will avoid any significant impact. Specifically, the project will follow the SOI Standards for Rehabilitation, which provides for some repair or alteration of a historic building as will be needed in order to provide for efficient contemporary use, but requires that these repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character.

While the proposed project would somewhat change the design of character-defining cornice feature at the building's southwest corner and remove some of its historic material, the following factors help avoid effects to the cornice such that the building will retain its historic character and the impact will be less than significant:

- the small scale of the alteration;
- efforts made to minimize the alteration; and
- inclusion of repairs and rehabilitation of the cornice, which was previously altered.

Based on a review of the SOI Standards, the JRP analysis notes that:

- The proposed project will not change the historic use of the building;

- The proposed project will retain and preserve the historic character of the property;
- There are no proposed changes that will create a false sense of historical development such as adding conjectural features or architectural elements from other buildings;
- There are no proposed alterations to any other features of the building that may have acquired historic significance in their own right;
- Distinctive features that characterize the property will be preserved;
- No chemical surface treatments are proposed;
- No significant archaeological resources are proposed to be affected;
- There are no new exterior alterations to the Marshall Hotel that will destroy historic materials or features of the building;
- The adjacent new construction of the ESC practice facility will be undertaken in such a manner that if removed in the future, the essential form and integrity of the Marshall Hotel and its environment would be unimpaired.

The cornice will be repaired with re-installation of removed portions. Repair of the metal cornice will be accomplished through patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. During removal of the notch portion of the cornice, the fascia rosettes will be salvaged and reused. Most of the sheet metal of this area of cornice was previously removed, at the City's direction, and stored in the basement of the building.

In order to comply with the SOI Standards for Rehabilitation, specifically standard six, additional steps would be necessary if the removed metal cornice components are not sufficiently intact, or if they are extensively deteriorated and cannot be safely returned to the building's cornice. If this occurs, replacement features would be fabricated to match the design of the cornice. With input from the City Preservation Director, fabrication of replacement features would be substantiated by documentary, physical, or pictorial evidence, most likely from surviving intact cornice elements that can be used as a model to reproduce the feature. Repairs may also include the limited replacement in kind with compatible substitute material, upon review of the City Preservation Director. While similar sheet metal would be preferable, other materials may be considered if sheet metal is not technically or economically feasible.

Compliance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation for this project also meets City of Sacramento Rehabilitation Standards. For additional guidance for repair and rehabilitation of the sheet metal cornice, the Project Proponent may reference the National Park Service's Preservation Tech Notes, Metal: Restoring Metal Roof Cornices.

The proposed alteration to the Marshall Hotel cornice would not cause a substantial adverse effect to the historical resource because of the efforts included in the project to avoid a greater impact to the Marshall Hotel's character-defining features and because of the proposed repairs to the altered portion of the cornice. The proposed repairs will adhere to The Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards), which will ensure that the project's impact is less than significant. The project's proposed changes will not alter the potential for indirect impacts identified for the EIR, nor produce additional indirect impacts.

Cumulative Impacts

The planned construction of the practice facility next to the west wall of the Marshall Hotel and the proposed alteration of the cornice would not have an adverse cumulative effect on the Marshall Hotel building as a historical resource. The ESC project would alter the Marshall Hotel's setting, but this would not diminish the building's ability to convey its significance because the element of the historical resource's integrity related to surroundings and adjacent structures was previously affected with the demolition of nearby buildings for redevelopment in the 1950s and 1960s, and construction of the Macy's Men's and Furniture Department building.

The proposed minor alteration to the cornice has the potential to cumulatively impact the property, which has been previously altered; however, the impact of the current alteration would be less than significant and not cause a cumulative impact because the proposed alteration to the cornice is minimal and the proposed project includes repairs to address pre-existing damage to the cornice that meet SOI Standards for Rehabilitation. Furthermore, there are no pending applications for actions that would further alter the Marshall Hotel, thus there are no known projects in foreseeable future to which the current project could be combined with to cause a cumulative impact.

A complete copy of the JRP *Technical Memorandum: Sacramento Entertainment and Sports Center (ESC) Project for the Hotel Marshall (Hotel Clayton) 1122, 1126, 1128 7th Street Sacramento, Sacramento County, California* is included as Attachment B to this Addendum.

Based on the above analysis, this Addendum to the previously certified Environmental Impact Report for the project has been prepared.

Attachments:

- A. City Council Resolution No. 2014-0127 with Mitigation Monitoring Program.
- B. JRP Historical Consulting, *Technical Memorandum: Sacramento Entertainment and Sports Center (ESC) Project for the Hotel Marshall (Hotel Clayton) 1122, 1126, 1128 7th Street Sacramento, Sacramento County, California, August 21, 2014.*
- C. Environmental Impact Report for the Sacramento Entertainment and Sports Center, May 20, 2014. [on file with the City of Sacramento, Community Development Department, and available at <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>]

Attachment A

Resolution No. 2014-0127

RESOLUTION NO. 2014-0127

Adopted by the Sacramento City Council

May 20, 2014

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT PROJECT (P13-065) (SCH No. 2013042031)

BACKGROUND

- A. On April 10, 2014, the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Sacramento Entertainment and Sports Center & Related Development.
- B. On May 20, 2014, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.010(2)(b) and received and considered evidence concerning the Sacramento Entertainment and Sports Center & Related Development.

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

- Section 1. The City Council finds that the Environmental Impact Report for the Sacramento Entertainment and Sports Center & Related Development project which consists of the Draft EIR, Final EIR (Response to Comments), and EIR Errata (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures. The City Council further finds that the EIR Errata does not include significant new information and recirculation is not required pursuant to CEQA Guidelines section 15088.5.
- Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

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

Table of Contents

- Exhibit A: CEQA Findings of Fact and Statement of Overriding Considerations for the Sacramento Entertainment and Sports Center & Related Development
- Exhibit B: Mitigation Monitoring Program for the Sacramento Entertainment and Sports Center & Related Development

Adopted by the City of Sacramento City Council on May 20, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Hansen, Pannell, Schenirer, Warren and Mayor Johnson

Noes: Members Fong and McCarty

Abstain: None

Absent: None

Attest:

Shirley A. Concolino

Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2014.05.28 11:33:16 -07'00'

Shirley Concolino, City Clerk

Exhibit A

CEQA Findings of Fact and Statement of Overriding Considerations for the Sacramento Entertainment and Sports Center & Related Development

Description of the Project

The Sacramento Entertainment and Sports Center (ESC) and Related Development project involves the development of the ESC and mixed-use development at the Downtown project site, and six offsite digital billboards at locations around the City. The Project includes the following key elements:

- Development of a 17,500-seat regional sports and entertainment center that would serve as the home of the NBA Sacramento Kings and as a venue for numerous sporting, musical, family, and civic events. The ESC would be approximately 697,000 square feet (sf) of space including the main performance and seating bowl, food service and retail space, and concourse areas. An integrated practice facility of approximately 82,000 sf would include practice courts and team facilities as well as administrative offices and a small amount of retail/restaurant space. The main ESC structure would be approximately 150-feet in height, with rounded corners and multi-faceted facades clad in panels that would be made of a variety of materials, including glass with tinting, metal and/or perforated metal, and precast concrete with stone aggregate. An approximately 50-foot high metal canopy may define the northern edge of an event plaza area around the ESC;
- Development of up to 1.5 million square feet of retail, restaurant, office, hotel, and residential space; and
- The reconstruction and/or reconfiguration of below- and above-grade off-street parking on the project site, with the result that the current on-site parking supply of 3,700 spaces would be reduced to no more than 3,418 spaces.

The Project would replace approximately 858,000 of office and retail space on the Downtown project site. In addition, the existing 17,317-seat, 480,000-square foot Sleep Train Arena and adjacent practice facility in Natomas would be closed pending future determinations and City action related to any potential re-use.

Senate Bill 743/Public Resources Code 21168.6.6

On September 27, 2013, Governor Brown signed Senate Bill 743 (SB 743), adding Section 21168.6.6 to the Public Resources Code. Section 21168.6.6 modifies certain CEQA procedures as they apply to qualifying projects.

In order to meet the definition of “Downtown arena” under section 21168.6.6, the ESC must receive Leadership in Energy and Environmental Design (LEED) Gold certification for new construction within one year of completion of the first NBA season. Strategies to qualify for LEED Gold certification are described in Chapter 2 (Project Description) of the Draft EIR. The “Downtown arena” also must take the following steps to minimize operational traffic congestion and reduce global climate change impacts:

1. Achieve and maintain carbon neutrality or better by reducing to at least zero the net emissions of greenhouse gases from private automobile trips (automobiles and light vehicles) to the Sacramento ESC as compared to the baseline, and as verified by the Sacramento Metropolitan Air Quality Management District (SMAQMD);
2. Achieve a per attendee reduction in greenhouse gas emissions from automobiles and light trucks compared to per attendee greenhouse gas emissions associated with the existing arena during the 2012-13 NBA season that will exceed the carbon reduction targets for 2020 and 2035 achieved in the Sacramento Area Council of Governments (SACOG) sustainable communities strategy; and
3. Achieve and maintain vehicle-miles-traveled per attendee for NBA events at the ESC that is no more than 85 percent of the baseline.

The relationship of the Sacramento ESC to steps 1 and 2 is discussed in the Draft EIR in Chapter 4.5, Global Climate Change, and step 3 is discussed in Section 4.10, Transportation and Circulation. Further discussion is provided in the Final EIR in response to comments. The City Council has placed the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown ESC site and in the neighboring communities of the downtown ESC. Mitigation measures have been considered and implemented, to the extent feasible and necessary, to achieve the standards set forth in Public Resources Code section 21168.6.6. As shown in the EIR and as the City Council finds below, the Sacramento ESC would perform better than each of these criteria and

qualifies as a “Downtown arena” under Public Resources Code section 21168.6.6.

Findings Required Under CEQA

1. Procedural Findings

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

The EIR for the Sacramento Entertainment and Sports Center & Related Development (SCH # 2013042031) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* (“CEQA”), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from April 12, 2013 through May 13, 2013.

b. A scoping meeting to solicit input on the scope and contents of the Draft EIR was held on April 24, 2013.

c. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on December 16, 2013 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 through January 31, 2014.

d. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research (OPR). The official OPR public comment period began on December 16, 2013 and ended on January 29, 2014. The City accepted and considered comments submitted after the official comment period.

e. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on December 16, 2013. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Community Development Department, 300 Richards

Boulevard, Third Floor, Sacramento, California 95811. The comments of such groups, organizations, and individuals were sought through January 31, 2014.

f. A public notice was placed in the Daily Recorder on December 16, 2013, 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 December 16, 2013.

h. A public workshop to inform the public of key analyses and conclusions of the Draft EIR was held on December 18, 2013.

i. A public hearing to take comments on the Draft EIR was held by the City Planning and Design Commission on January 23, 2014. A transcript of the hearing is included as an appendix to the Final EIR.

j. The City made documents available to the public in a readily accessible electronic format, including the Draft EIR, all documents submitted to or relied on in the preparation of the Draft EIR, comments and the Final EIR, as required by Public Resources Code section 21168.6.6. Documents were posted in a timely manner on the City's Community Development Department EIR web page at <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports.aspx>.

k. The City's written responses to the significant environmental points raised in comments on the Draft EIR and additional information added by the City were added to the Draft EIR to produce the Final EIR and EIR Errata.

l. In certifying the Final EIR with the EIR Errata, the City Council finds that the Final EIR with EIR Errata does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA because the Final EIR and EIR Errata contain no information revealing (1) any new significant environmental impact that would result from the Project (including the variants to the project proposed for adoption) or from a new or revised mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project but that was rejected by the Project Applicant, or (4) that the Draft EIR was so fundamentally

and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

m. The City Council has placed the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown arena site and in the neighboring communities of the Downtown arena. Mitigation measures have been considered and implemented, to the extent feasible and necessary, to achieve the standards set forth in Public Resources Code section 21168.6.6. The City Council finds, based on the analyses in the EIR and substantial evidence in light of the whole record, that the Sacramento ESC would perform better than each of the statutory criteria and qualifies as a “Downtown arena” under Public Resources Code section 21168.6.6.

2. Record of Proceedings

The contents of the record of proceedings shall be as set forth in subdivision (e) of Public Resources Code section 21167.6. In particular, 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 2030 General Plan adopted March 3, 2009, and all updates.
- c. The Master Environmental Impact Report for the City of Sacramento 2030 General Plan certified on March 3, 2009, and all updates.
- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2030 General Plan adopted March 3, 2009, and all updates.
- e. Planning and Development Code of the City of Sacramento, adopted on April 9, 2013, effective September 30, 2013.
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.
- g. Central City Community Plan.

- h. Sacramento City Code, Chapter 17.400 – Special Planning Districts Generally.
- i. Central City Urban Design Guidelines.
- j. The Mitigation Monitoring Program (MMP) for the Project.
- l. 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, subd. (a), (b).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 includes another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoiah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “economic, environmental, social, and technological factors’ ... ‘an agency may

conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground”].)

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, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

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

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

In cases in which a project’s significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the “benefits of the project outweigh the significant effects on the environment.” (Public Resources Code,

Section 21081, subd. (b); see also, CEQA Guidelines, Sections 15093, 15043, subd.(b).) In the Statement of Overriding Considerations found at the end of these findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

The City Council’s findings in support of its approval of the Project are set forth below for each of the significant environmental effects of and alternatives to the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines. These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the City Council as part of the Project. To avoid duplication and redundancy, and because the City Council agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference in these findings and relies upon them as substantial evidence supporting these findings.

In making these findings, the City Council has considered the opinions of staff and experts, other agencies and members of the public. The City Council finds that the determination of significance thresholds is a judgment decision within the discretion of the City Council; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the City Council is not bound by the significance determinations in the EIR (see Pub. Resources Code, § 21082.2(e)), the City Council finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and

these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the impacts of the Project and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the City Council adopts and incorporates all of the mitigation measures set forth in the Final EIR and the attached MMP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The City Council intends to adopt each of the mitigation measures proposed in the Final EIR to reduce or eliminate significant impacts resulting from the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR.

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 Project 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

4.1-4: The Proposed Project could contribute to cumulative impacts related to changes in the visual character of the project vicinity.

4.1-5: The Proposed Project, in conjunction with other cumulative development in the City, could create substantial new sources of light.

4.1-6: The Proposed Project, in conjunction with other cumulative development in the project vicinity, could create new sources of glare.

Air Quality

4.2-1: The Proposed Project could conflict with or obstruct implementation of an applicable air quality plan.

4.2-5: The Proposed Project would increase CO concentrations.

4.2-6: Implementation of the Proposed Project could create objectionable odors.

4.2-7: Implementation of the Proposed Project could result in short-term and long-term exposure to Toxic Air Contaminants (TACs).

4.2-11: The Proposed Project would contribute to cumulative increases in short- and long-term exposures to Toxic Air Contaminants.

Global Climate Change

4.5-1: Implementation of the Proposed Project could conflict with the City's Climate Action Plan.

Hazards and Hazardous Materials

4.6-2: Demolition of existing structures could expose people to asbestos-containing materials, lead-based paint and/or other hazardous materials.

4.6-5: The Proposed Project could increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous substances transported on adjacent roadways or rail lines near the site.

4.6-7: The Proposed Project could contribute to cumulative risk of exposure of people due to inadvertent or accidental releases of hazardous substances transported on local or regional roadways or rail lines.

Hydrology and Water Quality

4.7-1: The Proposed Project could degrade water quality.

4.7-3: The Proposed Project could substantially deplete groundwater supplies.

4.7-4: The Proposed Project could contribute to the cumulative degradation of water quality.

4.7-6: The Proposed Project could contribute to cumulative depletion of groundwater supplies.

Noise

4.8-5: The Proposed Project would expose adjacent residential and commercial buildings, and persons within, to significant vibration due to rail operations.

Public Services

4.9-1: The Proposed Project would increase demand for police protection services within the City of Sacramento.

4.9-2: The Proposed Project would contribute to cumulative increases in demand on police protection services in the City of Sacramento.

4.9-3: The Proposed Project would increase demand for fire protection services within the City of Sacramento.

4.9-4: The Proposed Project would contribute to cumulative increases in demand for fire protection services in the City of Sacramento.

4.9-5: The Proposed Project would increase enrollment at SCUSD schools.

4.9-6: The Proposed Project would contribute to cumulative increases in school enrollment in SCUSD schools.

4.9-7: The Proposed Project would increase the use of existing parks and recreational facilities within the City of Sacramento.

4.9-8: The Proposed Project would contribute to cumulative increases in demand on City parks and recreational facilities in the City of Sacramento.

Transportation

4.10-4: The Proposed Project would adversely affect the transit system's ability to accommodate the projected ridership demand.

4.10-5: The Proposed Project would cause inadequate access to bus transit.

4.10-7: The Proposed Project would adversely affect existing or planned bicycle facilities or fail to provide for access by bicycle.

4.10-9: The Proposed Project would result in inadequate emergency access.

4.10-15: The Proposed Project would adversely affect the transit system's ability to accommodate the projected ridership demand under cumulative conditions.

4.10-18: The Proposed Project would adversely affect existing or planned bicycle facilities or fail to provide for access by bicycle.

4.10-20: The Proposed Project would result in inadequate emergency access.

Utilities and Service Systems

4.11-1: The Proposed Project would increase demand for potable water.

4.11-2: The Proposed Project could require additional water conveyance and treatment.

4.11-4: The Proposed Project would contribute to cumulative increases in demand for water conveyance in the vicinity of the Downtown project site.

4.11-6: The Proposed Project would discharge additional wastewater to the SRWWTP.

4.11-8: The Proposed Project would contribute to cumulative increases in demand for wastewater treatment capacity at the SRWWTP.

4.11-9: The Proposed Project would generate additional solid waste.

4.11-10: The Proposed Project would contribute to cumulative increases in solid waste.

4.11-11: The Proposed Project would increase demand for energy, specifically electricity and natural gas.

4.11-13: The Proposed Project would contribute to cumulative increases in demand for energy.

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 City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

Aesthetics, Light and Glare

Impact 4.1-2: The Project could create substantial new sources of light. Without mitigation, this is a *potentially significant impact*.

The following mitigation measures have been adopted to address this impact:

4.1-2(a) (ESC/SPD)

The project applicant shall require construction contractors to ensure that all lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the Downtown project site boundaries that is improved with light-sensitive uses.

4.1-2(b) (ESC/SPD)

Exterior lighting included within the ESC or SPD area shall incorporate fixtures and light sources that focus light on-site to minimize spillover light.

4.1-2(c) (ESC/SPD)

The project applicant shall submit a conceptual signage and lighting design plan for the ESC to the Department of City Planning to establish lighting design standards and guidelines.

4.1-2(d) (ESC/SPD)

Prior to issuance of a building permit for the ESC signage displays, the project applicant shall retain a lighting design expert who shall develop plans and specifications for the proposed lighting displays, establish maximum luminance levels for the displays, and review and monitor the installation and testing of the displays, in order to insure compliance with all City lighting regulations and these mitigation measures.

4.1-2(e) (ESC/SPD)

Project lighting shall not cause more than two foot-candles of lighting intensity or direct glare from the light source at any residential property. This would preclude substantial spillover light from bright lighting sources.

4.1-2(f) (ESC/SPD)

The project applicant shall comply with City Code Section 8.072.010, which establishes regulations regarding the use of searchlights.

4.1-2(g) (ESC/SPD)

At the Downtown project site, all light emitting diodes used within the integral electronic display shall have a horizontal beam spread of maximum 165 degrees wide and 65 degrees vertically, and shall be oriented downwards to the plaza/street, rather than upwards.

4.1-2(h) (DB – I-5 at Water Tank and I-5 at San Juan Road)

The maximum ambient light output level for any digital billboard shall be two (2) foot- candles at the closest residential property line from the billboard.

Finding: Mitigation Measures 4.1-2(a) through 4.1-2(h) would ensure that new nighttime light from elements of the Project would be sufficiently reduced to avoid disturbance of sensitive receptors or activities in homes and yards of nearby residences.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Air Quality

Impact 4.2-2: Construction of the Project would result in short-term emissions of NOx. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact:

4.2-2(a) (ESC/SPD/DB)

City approval of any grading or improvement plans shall include the following SMAQMD Basic Construction Emission Control Practices, including:

- *All exposed surfaces shall be watered 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 trackout 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.*
- *All roadways, driveways, sidewalks, parking lots shall be paved as soon as possible. In addition, building pads shall be laid as soon as possible 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.*

4.2-2(b) (ESC/SPD/DB)

City approval of any grading or improvement plans shall include the following SMAQMD Enhanced Exhaust Control Practices, including:

- *Provide a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the Project to the City and the SMAQMD. The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. The construction contractor shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road 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.*
- *Provide a plan in conjunction with the equipment inventory, approved by the SMAQMD, demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.*
- *Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this measure shall supercede other SMAQMD or state rules or regulations.*
- *If at the time of granting of each building permit, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the SMAQMD prior to construction will be necessary to make this determination.*

4.2-2c (ESC/SPD/DB)

The project applicant shall coordinate with SMAQMD to determine and ensure payment of off-site mitigation fees to offset the significant NOx emissions associated with the Project.

Finding: With implementation of the above mitigation measures, fugitive dust would be controlled, exhaust emissions would be reduced on-site, and mitigation fees would be provided to SMAQMD for project NOx emissions that exceed the SMAQMD significance threshold. SMAQMD uses the fees to fund off-site projects and programs that would offset the project's NOx emissions.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.2-4: The Project would generate construction emissions of PM10. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.2-4 (ESC/SPD/DB)

Implement Mitigation Measure 4.2-2(a).

Finding: Implementation of the Basic Construction Emission Control Practices would ensure that the Project would not result in significant PM10 concentrations during construction.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.2-8: The Project would contribute to cumulative increases in short-term (construction) emissions. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.2-8 (ESC/SPD/DB)

Implement Mitigation Measures 4.2-2(a) through 4.2-2(c).

Finding: Implementation of the above mitigation measures would reduce on-site exhaust emissions and mitigation fees would be provided to SMAQMD for project NOx emissions that exceed the SMAQMD significance threshold. SMAQMD uses the fees to fund off-site projects that would offset the project's NOx emissions. Although cumulative NOx emissions in the SVAB would be significant due to existing violations in the region, with implementation of Mitigation Measures 4.2-2(a) through 4.2-2(c), the Project would result in a less than considerable contribution to the significant cumulative impact.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.2-10: The Project would contribute to cumulative increases in PM10 concentrations. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.2-10 (ESC/SPD/DB)

Implement Mitigation Measure 4.2-2(a).

Finding: Localized PM10 concentrations generated by the Project and cumulative development in the vicinity would not be cumulatively considerable or significant with implementation of the SMAQMD Basic Construction Emission Control Practices.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Biological Resources

Impact 4.3-1: Construction of the Project could disturb or harm listed wildlife species and/or destroy or degrade their habitat. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact:

4.3-1(a) (DB – Business 80 at Sutter's Landing Regional Park)

Prior to construction at the Business 80 at Sutter's Landing Regional Park digital billboard site, the site shall be surveyed for the presence of the valley elderberry longhorn beetle and its elderberry host plant by a qualified biologist in accordance with USFWS protocols. If elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level occur on or adjacent to the project site, or are otherwise located where they may be directly or indirectly affected by the Project, minimization and compensation measures, which include transplanting existing shrubs and planting replacement habitat (conservation plantings), are required (see below). Surveys are valid for a period of two years. Elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with all stems measuring 1.0 inch or less in diameter at ground level.

- (1) For shrubs with stems measuring 1.0 inch or greater, the City shall ensure that elderberry shrubs within 100 feet of proposed development be protected and/or compensated for in accordance with the "U.S. Fish and Wildlife Services' (USFWS) Conservation Guidelines for the Valley Elderberry Longhorn Beetle and the Programmatic Formal Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle Within the Jurisdiction of the Sacramento Field Office."*

4.3-1(b) (DB – I-5 at San Juan Road)

- (1) No more than 24-hours prior to the commencement of construction activities at the I- 5 at San Juan Road digital billboard site, a preconstruction survey shall be conducted to survey for giant garter snakes by a USFWS-approved biologist. The biologist shall provide the USFWS with a written report that adequately documents the monitoring efforts within 24-hours of commencement of construction activities. The project site shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred.*

- (2) Construction activity within giant garter snake habitat (e.g., riverine and fresh emergent wetland) shall be conducted between May 1 and September 30. This is the active period for the snake and direct mortality is lessened as snakes are expected to actively move and avoid danger. If it appears that construction activity may go beyond September 30, the City shall contact the USFWS as soon as possible, but not later than September 15 of the year in question, to determine*

if additional measures are necessary to minimize take. Construction activities within 200 feet from the banks of aquatic snake habitat will be avoided during the snake's inactive season. If this is not feasible, the City shall consult with USFWS to determine measures to avoid impacts to giant garter snake. If project activities are approved to continue into the inactive season, a USFWS-approved biologist shall inspect construction-related activities daily during this period for unauthorized take of federally listed species or destruction of their habitat. The biologist shall be available for monitoring throughout all phases of construction that may result in adverse effects to the giant garter snake.

(3) *Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat.*

(4) *A Worker Environmental Awareness Training Program for construction personnel shall be conducted by the USFWS-approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. The program shall provide workers with information on their responsibilities with regard to the snake, an overview of the life-history of this species, information on take prohibitions, protections afforded this animal under FESA, and an explanation of the relevant terms and conditions of project permits. Written documentation of the training shall be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.*

(5) *Prior to the commencement of construction activities, high visibility fencing shall be erected around the habitats of giant garter snake to identify and protect these designated areas from encroachment of personnel and equipment. These areas shall be avoided by all construction personnel. The fencing shall be inspected by the Contractor before the start of each work day and maintained by the Contractor until completion of the project. The fencing may be removed only when the construction of the project is completed. Fencing shall be established in upland habitat immediately adjacent to aquatic snake habitat and extending up to 200 feet from construction activities. Silt fencing, if properly installed and maintained, may serve as suitable snake exclusion fencing.*

(6) *Signs shall be posted by the Contractor every 50 feet along the edge of the GGS habitat, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended.*

Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and shall be maintained by the Contractor for the duration of construction.

(7) The Contractor shall minimize the potential for harm, harassment, and direct mortality of the snake resulting from project-related activities by implementation of the project. The Contractor shall ensure that the temporary loss of giant garter snake habitat is confined to the Project site.

(8) Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize habitat disturbance.

(9) Temporary impacts shall be restored to pre-project conditions. Areas subject to temporary impacts shall be limited to one season (the calendar year period between May 1 and October 1) and be restored within two seasons. Permanent impacts to giant garter snake habitat shall be replaced at a 3:1 ratio which must include both upland and aquatic habitat components. A portion of the mitigation for permanent loss of wetlands at a ratio no less than 1:1 may fulfill a portion of the 3:1 mitigation obligation for permanent impacts to giant garter snake habitat. This mitigation may be fulfilled through in-kind, onsite or off-site, out-of-kind mitigation as approved by the U.S. Fish and Wildlife Service and the Corps.

Finding: With the implementation of Mitigation Measures 4.3- 1(a) and 4.3-1(b), the Project would not cause a substantial reduction in local population size, reduce reproductive success, or create habitat fragmentation to federally or State listed species.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.3-2: Construction of the Project could disturb nesting raptors, migratory birds, and/or maternity roosts for special-status bat species. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact:

4.3-2(a) (ESC/SPD/DB – I-5 at Water Tank, Business 80 at Sutter’s Landing Regional Park, Business 80 at Del Paso Regional Park/Haggin Oaks, and Business 80 at Sutter’s Landing Regional Park/American River)

The project applicant shall conduct any tree removal activities required for project construction outside of the migratory bird and raptor breeding season (February 1 through August 31) where feasible. For any construction activities that will occur between February 1 and August 31, the applicant shall conduct preconstruction surveys in suitable nesting habitat within 500 feet of the construction area for nesting raptors and migratory birds. Surveys shall be conducted by a qualified biologist. In addition, all trees slated for removal during the nesting season shall be surveyed by a qualified biologist no more than 48-hours before removal to ensure that no nesting birds are occupying the tree. For Swainson's hawk nesting habitat, surveys shall be conducted in accordance with the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley).

If active nests are found during the survey, the applicant shall implement appropriate mitigation measures to ensure that the species will not be adversely affected, which will include establishing a no-work buffer zone as, approved by CDFW, around the active nest.

Measures may include, but would not be limited to:

(1) Maintaining a 500-foot buffer around each active raptor nest. No construction activities shall be permitted within this buffer. For migratory birds, a no-work buffer zone shall be established, approved by CDFW, around the active nest. The no-work buffer may vary depending on species and site specific conditions as approved by CDFW.

(2) Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on an individual basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall immediately inform the construction manager. The construction manager shall stop construction activities within the buffer until the nest is no longer active.

*4.3-2(b) (DB – Business 80 at Del Paso Regional Park/Haggin Oaks)
Pre-construction surveys for burrowing owls shall be conducted by a qualified biologist (as approved by CDFW) within 30-days prior to the start of work*

activities at the Business 80 at Del Paso Regional Park/Haggin Oaks billboard site where land construction is planned in known or suitable habitat. If construction activities are delayed for more than 30 days after the initial preconstruction surveys, then a new preconstruction survey shall be required. All surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation.

(1) If burrowing owls are discovered in the Project site vicinity during construction, the CDFW-approved project biologist shall be notified immediately. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFW verifies through non-invasive 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.

(2) Occupied burrows during the nesting season shall be avoided by establishment of a no-work buffer of 250-foot around the occupied/active burrow. Where maintenance of a 250-foot no-work buffer zone is not practical, the City shall consult with the CDFW to determine appropriate avoidance measures. Burrows occupied during the breeding season (February 1 to August 31) will be closely monitored by the biologist until the young fledge/leave the nest. The onsite biologist shall have the authority to stop work if it is determined that construction related activities are disturbing the owls.

(3) If approved by CDFW, the biologist may undertake passive relocation techniques by installing one-way doors in active and suitable burrows (that currently do not support eggs or juveniles). This would allow burrowing owls to escape but not re-enter. Owls should be excluded from the immediate impact zone and within a 160-foot buffer zone by having one-way doors placed over the entrance to prevent owls from inhabiting those burrows.

4.3-2(c) (DB – Business 80 at Del Paso Regional Park/Haggin Oaks and Business 80 at Sutter’s Landing Regional Park)

If tree removal activities commence on the project site during the breeding season of special-status bat species (April 1 to August 31), then a field survey shall be conducted by a qualified biologist to determine whether active roosts are

present on site or within 50 feet of the project boundaries. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). If no roosting bats are found, then no further mitigation is required.

If roosting bats are found, then disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season or a qualified bat biologist excludes the roosting bats in consultation with CDFW.

Finding: With the implementation of Mitigation Measures 4.3- 2(a), 4.3-2(b), and 4.3-2(c), the Project would not cause a substantial reduction in local population size or reduce reproductive success to raptors, migratory birds, and special-status bat species.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.3-3: The Project could remove, fill, interrupt or degrade protected wetlands. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.3-3 (DB – I-5 at San Juan Road and SR 99 at Calvine Road)

(a) The City shall require that the applicant(s) for the I-5 at San Juan Road and SR 99 at Calvine Road proposed billboard site (if the project encroaches into the detention basin) conduct a formal wetland delineation of wetlands and other waters of the U.S. within those project sites. The wetland delineation shall be submitted to the Corps for verification. If jurisdictional wetlands or other waters of the U.S. are not present, no further action is required.

(b) If jurisdictional wetlands or other waters of the U.S. are present, the applicant shall avoid them if feasible. The Project shall minimize disturbances and construction footprints near avoided wetlands and other waters of the U.S to the extent feasible.

(c) If avoidance is not feasible, then the applicant shall demonstrate that there is no net loss of wetlands through compensation. This measure may be satisfied by obtaining a Section 404 permit. To ensure that there is no net loss of wetland habitat and no significant impact to potential jurisdictional features, the project

shall compensate for impacted wetlands at a ratio no less than 1:1. Compensation shall take the form of wetland preservation, enhancement or creation in accordance with Corps and CDFW mitigation requirements, as required under project permits. Preservation and creation may occur on-site (through a conservation agreement) or off-site (through purchasing credits at a Corps approved mitigation bank).

(d) At the I-5 at San Juan Road proposed billboard site, the project applicant shall compensate for loss of habitat in the Natomas Basin at a 0.5-to-1.0 ratio, per the requirements of the NBHCP.

Finding: State and federal regulations require that the project applicant avoid or minimize impacts on wetlands and waters and develop appropriate protection for wetlands. Wetlands that cannot be avoided must be compensated to result in “no net loss” of wetlands to ensure that the project would maintain the current functions and values of onsite wetland habitats. If it is determined that the project will impact waters of the U.S., the project would obtain all required permit approvals from the Corps, RWQCB, CDFW and any other agencies with permitting responsibilities for construction activities within jurisdictional features. With the implementation of Mitigation Measure 4.3-3, there would be a no net loss of wetlands and potential indirect impacts to wetlands would be avoided or mitigated to the extent feasible.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.3-4: The Project could require removal of street trees and/or heritage trees. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.3-4 (ESC/SPD)

The applicant for any project within the Downtown project site that would remove street and/or heritage trees shall submit a tree removal permit application for the removal of protected trees, as defined by City Codes 12.56 and 12.64. The application shall include proposed mitigation measures to protect retained trees and proposed replacement measures to mitigate for the loss of tree resources (replacement measures may be determined in consultation with the City's Director of the Department of Public Works). Several standard tree protection measures for retained trees are listed below; these measures may be revised in

consultation with the City's Director of the Department of Transportation as appropriate.

- *A Tree Protection Zone (TPZ) shall be established around any tree or group of trees to be retained. The formula typically used is defined as 1.5 times the radius of the dripline or 5 feet from the edge of any grading, whichever is greater. The TPZ may be adjusted on a case-by-case basis after consultation with a certified arborist.*
- *The TPZ of any protected trees shall be marked with permanent fencing (e.g., post and wire or equivalent), which shall remain in place for the duration of construction activities in the area. Post "keep out" signs on all sides of fencing.*
- *Construction-related activities, including grading, trenching, construction, demolition, or other work shall be prohibited within the TPZ. No heavy equipment or machinery shall be operated within the TPZ. No construction materials, equipment, machinery, or other supplies shall be stored within a TPZ. No wires or signs shall be attached to any tree. Any modifications must be approved and monitored by a certified arborist.*
- *Prune selected trees to provide necessary clearance during construction and to remove any defective limbs or other parts that may pose a failure risk. All pruning shall be completed by a certified arborist or tree worker and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture.*
- *The TPZs of protected trees shall be monitored on a weekly basis.*
- *A certified arborist shall monitor the health and condition of the protected trees and, if necessary, recommend additional mitigations and appropriate actions. This shall include the monitoring of trees adjacent to project facilities in order to determine if construction activities (including the removal of nearby trees) would affect protected trees in the future.*

Finding:

With the implementation of Mitigation Measure 4.3-4, the project would not conflict with local policies or ordinances that protect locally significant biological resources, including heritage and street trees. The loss of heritage and street

trees would be replaced at a ratio determined in consultation with the City's Director of the Department of Transportation and construction-related impacts to retained trees would be reduced or mitigated to the extent feasible.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.3-5: The Project could install a digital billboard within a habitat mitigation area, resulting in a net loss in restorable area. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.3-5 (DB – Business 80 at Sutter's Landing Regional Park/American River)
To mitigate for potential temporary and permanent impacts to Sutter's Landing Regional Park's "Triangle" mitigation area, the applicant shall restore all temporary project- related impacts immediately following the completion of installation of the digital billboard. The applicant shall implement additional site restoration and enhancement within the "Triangle" mitigation area to ensure no net loss of habitat values. Restoration and enhancement activities may include the planting of additional oak trees and other vegetation (native shrubs, vines, forbs, and/or grasses) consistent with the 28th Street Landfill Tree Removal Mitigation Committee Report.

Finding:

With the implementation of Mitigation Measure 4.3-5, the project would not conflict with the mitigation goals of the 28th Street Landfill Tree Removal Mitigation Committee or Resolution No. 2011-609, adopted by the Sacramento City Council on November 8, 2011. Additionally, implementation of Mitigation Measure 4.3-5 would ensure that the project would not result in the loss of habitat values at the "Triangle" mitigation area.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.3-6: The Project would contribute to the cumulative harm to special-status species or species of concern and/or degradation and of their habitat. Without mitigation, this is a *significant cumulative impact*.

The following mitigation measure has been adopted to address this impact:

4.3-6 (ESC/SPD/DB)

Implement Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c), and 4.3-5.

Finding: With the implementation of Mitigation Measures 4.3- 1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c) and 4.3-5 and compliance with applicable federal, State, and local policies and regulations, the Project's contribution to the regional cumulative impact on special-status species and their habitats would not be cumulatively considerable.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.3-7: The Project would contribute to the cumulative loss and degradation of wetlands. Without mitigation, this is a *potentially significant cumulative impact*.

The following mitigation measure has been adopted to address this impact:

4.3-7 (DB – I-5 at San Juan Road and SR 99 at Calvine Road)

Implement Mitigation Measure 4.3-3.

Finding: With the implementation of Mitigation Measure 4.3-3 and compliance with applicable federal, State, and local policies and regulations, the Project's contribution to the regional cumulative impact on wetland habitat would be less than significant. The loss of this habitat would be fully mitigated in accordance with federal policies and regulations (through the CWA Section 404 permit process), in addition to applicable State and local water quality regulations. Loss of wetlands would be mitigated at a minimum of 1:1 replacement ratio to ensure no net loss of wetland habitat and the project- related impact on wetlands would not contribute considerably to the cumulative loss.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.3-8: The Project would contribute to the cumulative loss of street trees and heritage trees. Without mitigation, this is a *potentially significant cumulative impact*.

The following mitigation measure has been adopted to address this impact:

4.3-8 (ESC/SPD)

Implement Mitigation Measure 4.3-4.

Finding: With the implementation of Mitigation Measure 4.3-4, the Project's contribution to cumulative impact on tree resources within the City would be less than significant. The loss of protected trees would be fully mitigated in accordance with local ordinances; removed trees would be replaced at a ratio determined in consultation with the City's Director of the Department of Transportation to ensure no net loss of the ecological, physical, and other benefits provided by the existing trees. Additionally, retained trees would be protected by standard tree protection measures. Project impacts thus would not contribute considerable to the cumulative loss of trees within the City of Sacramento.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Cultural Resources

Impact 4.4-1: The Project could damage, degrade and/or destroy historic resources. Without mitigation, this is a *potentially significant impact*.

The following mitigation measures have been adopted to address this impact:

Mitigation Measure 4.4-1(a) (ESC/SPD)

The Project applicant shall protect the Hotel Marshall from physical damage during demolition to ensure that the building's historic integrity of material is not significantly diminished and the Project Proponents will be responsible for repairs to the Hotel Marshall for damage caused by the demolition of the loading dock. If necessary, repairs shall be conducted in compliance with the "Treatment of Preservation" under the Secretary of Interior's Standards for the Treatment of

Historic Properties (SOI Standards).³² The Project Proponents shall provide the City Preservation Director for review and approval of work plans for documenting the pre-construction condition of the Marshall Hotel, for protocols as to determining damage from demolition work, for the means and methods of protecting the Marshall Hotel during demolition, and for the means and methods of the demolition work itself alongside the Marshall Hotel, for the means and methods for making any of the repairs to be undertaken as a result of construction damage, and a completion report to ensure compliance with the SOI Standards. The Project Proponents shall be responsible for repairs related to project impacts and not for general rehabilitation or restoration activities on the Hotel Marshall.

4.4-1(b) (ESC/SPD)

Implement Mitigation Measure 4.8-3(a).

Finding: Mitigation Measures 4.4-1(a) and 4.4-1(b) would ensure that damage to the Hotel Marshall from demolition is minimized, and that any damage that does occur is identified and rectified promptly and in a manner that does not alter the historic character of the building. Mitigation Measure 4.8-3(a) addresses vibration related impacts to both historic and non-historic buildings, including the development of a Noise and Vibration Reduction Plan to identify construction techniques that avoid exceeding the vibration threshold for historic buildings. The plan will include pre-construction documentation, vibration monitoring during construction, and post- construction reporting and repair requirements.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.4-3: Construction of the Project could damage and/or destroy paleontological resources. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact:

4.4-3(a) (ESC/SPD/DB)

The project applicant shall retain a qualified paleontologist to carry out all actions related to paleontological resources. Prior to the start of any ground disturbing activities, the qualified paleontologist shall conduct a Paleontological Resources

Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources.

4.4-3(b) (ESC/SPD/DB)

If discovery is made of items of paleontological interest, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City. Any inadvertent discovery of paleontological resources during construction shall be evaluated by a qualified paleontologist. If it is determined that the project could damage a unique paleontological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City.

Finding: Mitigation Measures 4.4-3(a) and (b) would ensure that paleontological resources would be identified before being damaged or destroyed, and then properly evaluated and treated.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.4-4: The Project would contribute to cumulative losses of historical resources. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.4-4 (ESC/SPD/DB)

Implement Mitigation Measure 4.4-1.

Finding: Mitigation Measure 4.4-1(a) and (b) would ensure that the Hotel Marshall and other historic properties adjacent to the Downtown project site are protected from damage during project construction.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.4-6: The Project would contribute to cumulative losses of paleontological resources. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.4-6 (ESC/SPD/DB)

Implement Mitigation Measure 4.4-3.

Finding: Mitigation Measure 4.4-3 would lessen the project contribution toward the loss of paleontological resources by requiring that work stop if such resources are discovered until the resource can be evaluated and properly treated. The project's contribution to cumulative losses therefore would not be cumulatively considerable.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Hazards and Hazardous Materials

Impact 4.6-1: The Project could expose people to previously unidentified contaminated soil during construction activities. Without mitigation, this is a *potentially significant impact*.

The following mitigation measures have been adopted to address this impact:

4.6-1(a) (ESC/SPD/DB)

If unidentified or suspected contaminated soil or groundwater evidenced by stained soil, noxious odors, or other factors, is encountered during site preparation or construction activities at the Downtown project site and/or digital billboard site, work shall stop in the area of potential contamination, and the type and extent of contamination shall be identified by a Registered Environmental Assessor (REA) or qualified professional. The REA or qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant

concentrations, and recommendations for appropriate handling and disposal. Site preparation or construction activities shall not recommence within the contaminated areas until remediation is complete and a “no further action” letter is obtained from the appropriate regulatory agency.

4.6-1(b) (DB – US 50 at Pioneer Reservoir, I-80 at Roseville Road, and I-5 at Sacramento Railyards)

Prior to final project design and any earth disturbing activities at the US 50 at Pioneer Reservoir, I-80 at Roseville Road, and I-5 at Sacramento Railyards billboard sites, the City shall require that the applicant conduct a Phase I Environmental Site Assessment. The Phase I Site Assessment shall be prepared by a REA or other qualified professional to assess the potential for contaminated soil or groundwater conditions at the project site. The Phase I Site Assessment shall include a review of appropriate federal and State hazardous materials databases, as well as relevant local hazardous material site databases for hazardous waste on-site and off-site locations within a one-quarter mile radius of the subject project site. The Phase I Site Assessment shall also include a review of existing or past land uses and aerial photographs, summary of results of reconnaissance site visit(s), and review of other relevant existing information that could identify the potential existence of contaminated soil or groundwater. If no contaminated soil or groundwater is identified or the Phase I ESA does not recommend any further investigation than no further action is required.

The Phase 1 ESA for the Sacramento Railyards shall include contacting DTSC to obtain information to identify any remediation infrastructure within the vicinity of the proposed billboard site. No remediation system, monitoring well network, extraction wells, associated conveyance piping or treatment systems shall be altered, disturbed or destroyed without prior approval by DTSC. No excavation and/or removal of soil at the Sacramento Railyards billboard site, except as allowed pursuant to section 3.01.C of the 1994 covenant, shall occur without prior written approval of DTSC. Excavated soil must be tested for those compounds noted in the preamble of the 1994 covenant and properly used, treated and/or disposed of as required by law and DTSC.

4.6-1(c) (DB -- US 50 at Pioneer Reservoir, I-80 at Roseville Road, and I-5 at Sacramento Railyards)

If existing soil or groundwater contamination is identified and the Phase I ESA recommends further review, the applicant shall retain a REA to conduct follow-up sampling to characterize the contamination and to identify any required

remediation that shall be conducted consistent with applicable regulations prior to any earth-disturbing activities. The environmental professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations at the proposed construction site, and recommendations for appropriate handling of any contaminated materials during construction. These recommendations shall be implemented and the site shall be deemed remediated by the appropriate agency (e.g., DTSC, Sacramento County EMD) prior to earth disturbance continuing in the vicinity of the contamination.

Finding: Mitigation Measure 4.6-1(a) would minimize risk of exposure to previously unidentified soil contamination by requiring that work stop and the appropriate analysis occur to identify the type and extent of the contamination. Depending on the results, appropriate remediation would be completed prior to resuming construction activities in the affected area. The handling, storage, transportation and disposal of any contaminated soil would be accomplished with applicable federal, state and local laws.

Mitigation Measures 4.6-1 (b) and (c) would further reduce the risk at the US 50 at Pioneer Reservoir, I-80 at Roseville Road, and I-5 at Sacramento Railyards billboard sites by requiring additional review of those sites, which are in the vicinity of known contamination, prior to construction activities commencing. If contaminated soils are found, they would be identified, characterized and remediated, as appropriate, limiting potential exposure of construction workers to associated health risks. The handling, storage, transportation and disposal of any contaminated soil would be accomplished with applicable federal, state and local laws.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.6-3: The Project could expose people to existing contaminated groundwater during dewatering activities. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.6-3 (DB – US 50 at Pioneer Reservoir and I-80 at Roseville Road)

Implement Mitigation Measure 4.6-1(a) through (c).

Finding: Mitigation Measures 4.6-1 (a) through (c) would ensure that contaminated groundwater that could be encountered during installation of a digital billboard at these locations is identified, characterized and remediated, as appropriate thus limiting potential exposure of construction workers to associated health risks. The handling, storage, transportation and disposal of any contaminated groundwater would be accomplished in compliance with applicable federal, state and local laws.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Impact 4.6-4: Dewatering activities associated with the Project could interfere with remediation of the Railyards South Plume. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.6-4 (ESC/SPD)

Prior to initiating dewatering activities for the ESC and/or SPD development, the project applicant shall demonstrate that dewatering activities would adequately protect construction workers and minimize interference with remediation activities subject to approval from DTSC. If, during project dewatering, monitoring data indicate that the remediation of the groundwater plume is being adversely affected, dewatering activities shall cease until measures are developed and implemented subject to DTSC approval. Measures might include: (1) limiting the duration of pumping during periods of high groundwater flow; (2) relocating dewatering wells; or (3) equally effective measures to be developed in consultation with DTSC which eliminate demonstrated adverse effects to on-going remediation.

Finding: Mitigation Measure 4.6-4 would ensure that approval from DTSC would be obtained prior to dewatering activities and that the appropriate steps would be taken to limit adverse effects of dewatering activities on the existing South Plume.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Impact 4.6-6: The Project would contribute to cumulative dewatering activities that could interfere with remediation of the existing South Plume. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.6-6 (ESC/SPD)

Implement Mitigation Measure 4.6-4.

Finding: Mitigation Measure 4.6-4 would ensure that approval from DTSC would be obtained prior to dewatering activities and that the appropriate steps were taken to limit adverse effects of dewatering activities on the existing South Plume.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Hydrology and Water Quality

Impact 4.7-2: Implementation of the Project could increase the risk of flooding on- or off-site. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.7-2 (ESC/SPD)

Implement Mitigation Measure 4.11-5.

Finding: With implementation of Mitigation Measure 4.11-5, the onsite drainage system would be designed so that during storm events, impacts to the CSS and Storm Drainage Basin 52 would be avoided.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Impact 4.7-5: The Project could contribute to cumulative increases in the risk of flooding. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.7-5 (ESC/SPD)

Implement Mitigation Measure 4.7-2.

Finding: Implementation of Mitigation Measure 4.7-2 would ensure that the onsite drainage system could accommodate project flows so that they would not be considerable.

With implementation of the mitigation measure, this impact is reduced to a less than significant level.

Noise

Impact 4.8-2: The Project could result in residential interior noise levels of 45 dBA Ldn or greater caused by noise level increases due to project operation. Without mitigation, this is a *potentially significant impact*.

The following mitigation measures have been adopted to address this impact:

4.8-2(a) (SPD)

Prior to the issuance of building permits, the City shall require project applicants for residential development to submit a detailed noise study, prepared by a qualified acoustical consultant, to identify design measures necessary to achieve the City interior standard of 45 Ldn in the proposed new residences. The study shall be submitted to the City for review and approval. Design measures such as the following could be required, depending on the specific findings of the noise study: double-paned glass windows facing noise sources; solid-core doors; increased sound insulation of exterior walls (such as through staggered- or double-studs, multiple layers of gypsum board, and incorporation of resilient channels); weather-tight seals for doors and windows; or sealed windows with an air conditioning system installed for ventilation. This study can be a separate report, or included as part of the Noise and Vibration Reduction Plan for the SPD. The building plans submitted for building permit approval shall be accompanied by certification of a licensed engineer that the plans include the identified noise-attenuating design measures and satisfy the requirements of this mitigation measure.

4.8-2(b) (ESC)

Implement Mitigation Measure 4.8-1(b) to minimize noise from outdoor amplified sound systems.

Finding: Implementation of the Mitigation Measure 4.8-2 (a) and (b) would ensure that future SPD residences are designed such that interior noise levels would not exceed the City standard of 45 Ldn.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

Impact 4.8-7: Implementation of the Project would contribute to cumulative increases in residential interior noise levels of 45 dBA Ldn or greater. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.8-7 (ESC/SPD)

Implement Mitigation Measures 4.8-2(a) and 4.8-2(b).

Finding: Implementation of Mitigation Measure 4.8-7 would ensure that future SPD residences are designed such that interior noise levels would not exceed the City standard of 45 Ldn.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Transportation

Impact 4.10-1: The Project would worsen conditions at intersections in the City of Sacramento. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-1 (ESC)

The applicant shall be required to prepare and implement an Event Transportation Management Plan (TMP) that would provide a range of transportation management strategies designed to address the travel associated with various events at the ESC, and to improve operations in downtown before, during, and after ESC events. The TMP will be subject to review and approval of

City of Sacramento Traffic Engineer, in consultation with affected agencies such as Caltrans and Regional Transit.

Finding: Because the TMP would improve and/or manage other parts of the transportation system within the project vicinity, once approved by the City, the Project would meet the intent of Policy M 1.2.2(a) of the City's General Plan, which allows for LOS F during peak hours in the Core Area under certain conditions.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-5: The Project would cause inadequate access to bus transit. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-5 (ESC)

The project applicant, in coordination with the City of Sacramento, Regional Transit, and other transit providers within the project vicinity, shall identify new bus stop locations and cause replacement bus stop facilities to be constructed. Service providers should then collaborate/agree on which bus routes should use which relocated stops. The proposed bus stop location would be located on the north side of Capitol Mall between 8th Street and 7th Street.

The bus stop location on the north side of Capitol Mall, between 8th Street and 7th Street, would extend for approximately 210 feet measured from the limit line on the west side of 8th Street. A site visit, which included RT staff and a civil engineer, identified the need for various improvements to support a bus stop, including curb/gutter modifications, removal, regrading, and replacement of the existing Capitol Mall sidewalk within the limits of the bus stop, paving of portions of the planted grass landscape strip between the sidewalk and the curb, addition of two bus shelters, reconstruction and strengthening of portions of the pavement immediately adjacent to the bus stop. The resulting bus stop could simultaneously load three (3) buses and provide queuing for one to two buses.

Finding: This mitigation measure would be required as part of the ESC construction and/or operation.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-8: The Project would adversely affect existing or planned pedestrian facilities or fail to provide for access for pedestrians. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-8 (ESC)

The project applicant, in coordination with the City and subject to the City's Traffic Engineer approval, shall implement pedestrian system enhancements consistent with the Project's TMP to accommodate pedestrian access before and after special events at the ESC. Potential improvements may include, but are not limited to, the following:

a) *Upgrade traffic signals (if necessary) at the following locations to include pedestrian countdown heads (i.e., displays number of seconds remaining in "flashing don't walk" phase) and other required enhancements (e.g., special signage or signal control equipment for temporary closures) subject to the review and approval by the City Traffic Engineer:*

- *L Street/4th Street J Street/5th Street*
- *L Street/5th Street J Street/6th Street*
- *L Street/6th Street J Street/7th Street*
- *L Street/7th Street K Street/7th Street*
- *Capitol Mall/5th Street*

b) *Increase the width of the following crosswalks from 10 to 15 feet:*

- *L Street/4th Street – crossing of L Street on the east side*
- *J Street/5th Street Intersection - crossing of J Street on the east side*
- *L Street/5th Street Intersection - crossing of L Street on the east side*
- *J Street/6th Street Intersection - crossing of J Street on the west side*
- *L Street/6th Street Intersection – crossing of L Street on the west side*
- *L Street/7th Street Intersection – crossing of L Street on the west side*
- *J Street/7th Street Intersection – all crossings of both J Street and 7th Street*

- *Capitol Mall/5th Street Intersection - crossing of Capitol Mall on the east side*

c) Position traffic control personnel, as determined in the TMP, at intersections on L Street, 7th Street, and J Street to monitor/assist with pedestrian travel during events that generate large pedestrian volumes (i.e. NBA games, concerts, major community events).

d) Modify traffic signal timings for the pre-event and post-event peak hours at each of the intersections listed in part a) above to provide longer WALK intervals for north-south travel, while maintaining signal coordination along each corridor.

Finding: The effect of wider crosswalks and more favorable signal timings for pedestrians during the pre-event and post-event peak hours would be improved pedestrian LOS at these crosswalks. The crosswalk widening would provide an approximate 33 percent reduction in the pedestrian flow rate, which would improve the LOS. Due to the uncertainty of the exact types of signal timing changes, detailed analysis of such changes is not provided here. However, the combined effects of mitigations a) through d) would be improved pedestrian access. This mitigation measure is required as part of the ESC construction and/or operation.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-10: The Project would cause construction-related traffic impacts. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-10 (ESC/SPD)

The applicant shall be required to implement the following mitigation measures.

a) Before issuance of demolition permits for the project site, the project applicant shall prepare a detailed Construction Traffic Management Plan that will be subject to review and approval by the City Department of Public Works, in consultation with Caltrans, affected transit providers, and local emergency service providers including the City of Sacramento Fire and Police

departments. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures
 - Time of day of arrival and departure of trucks
 - Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting
 - Provision of a truck circulation pattern
 - Identification of detour routes and signing plan for street closures
 - Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas)
 - Maintain safe and efficient access routes for emergency vehicles
 - Manual traffic control when necessary
 - Proper advance warning and posted signage concerning street closures
 - Provisions for pedestrian and bicycle safety A copy of the construction traffic management plan shall be submitted to local emergency response agencies and transit providers, and these agencies shall be notified at least 30 days before the commencement of construction that would partially or fully obstruct roadways.
- b) The project applicant, in coordination with the City of Sacramento, Regional Transit, and other transit providers within the project vicinity and subject to their approval, shall identify temporary bus stop locations and cause ADA-compliant replacement bus stop facilities to be constructed. Potential bus stop locations include (but are not limited to): J Street to the west of 4th Street, J Street to the west of 5th Street, and J Street to the east of 6th Street. The relocation of bus stops may have a secondary impact related to the loss/relocation of a small number of on- street parking spaces and/or loading zones. This secondary impact would not be significant.
- c) The project applicant shall implement the planned conversion of 3rd Street, from Capitol Mall to L Street, from its current one-way (southbound-only) configuration to a two-way configuration prior to the closure of 5th Street. This project will provide an alternative travel route during the 5th Street closure. This shall include the installation of lane/intersection restriping, signing, and traffic signal modifications. It may include the elimination of on-street parking on the east side of 3rd Street. The improvements shall include the provision for eastbound buses on Capitol Mall to turn left on 3rd Street and travel along 3rd Street to J Street.

Finding: This mitigation measure would be required as part of the ESC construction and/or operation. Parts of it may also be required for phased development of a non-ESC land use, at the discretion of the City of Sacramento.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-11: The Project would contribute to cumulatively unacceptable intersection operations in the City of Sacramento. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-11 (ESC/SPD)

Implement Mitigation Measure 4.10-1.

Finding: Because the TMP would improve and/or manage other parts of the transportation system within the project vicinity, once approved by the City, the Project would meet the intent of Policy M 1.2.2(a) of the City's General Plan, which allows for LOS F during peak hours in the Core Area under certain conditions. Because the TMP would be implemented during operation of the project, it would effectively mitigate impacts under cumulative conditions.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-16: The Project would cause inadequate access to bus transit under cumulative conditions. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-16 (ESC)

Implement Mitigation Measure 4.10-5.

Finding: Because replacement bus stops will be provided prior to the elimination of existing bus stops, and will be in place during cumulative conditions, this impact would be avoided.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-19: The Project would adversely affect existing or planned pedestrian facilities or fail to provide for access for pedestrians under cumulative conditions. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-19 (ESC)

Implement Mitigation Measure 4.10-8.

Finding: This mitigation measure would be required as part of the ESC construction and/or operation. Parts of it may also be required for phased development of a non-ESC land use, at the discretion of the City of Sacramento. Because these measures would be in place during cumulative conditions, the impact would be mitigated.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 4.10-21: The Project would cause construction-related traffic impacts under cumulative conditions. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.10-21 (ESC/SPD)

Implement Mitigation Measure 4.10-10.

Finding: This mitigation measure would be required as part of the ESC construction and/or operation. Parts of it may also be required for phased development of a non-ESC land use, at the discretion of the City of Sacramento, and, thus, would effectively mitigate impacts under cumulative conditions.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Utilities and Service Systems

Impact 4.11-5: The Project would discharge additional flows to the City's sewer and drainage systems, which could exceed existing infrastructure capacity. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.11-5 (ESC/SPD)

The project applicant shall manage wastewater, drainage and dewatered groundwater from the Project such that they shall not exceed existing CSS and Basin 52 system capacity by implementing one or more of the following or equally effective methods to be designed according to City standards and approved by the City Department of Utilities:

- a. Install one or more tanks to hold wastewater, stormwater and/or construction period groundwater dewatering flows for a period of time and incrementally release flows at a rate that would not exceed existing capacity;*
- b. Suspend construction period dewatering activities during storm events; and/or*
- c. Design and implement off site improvements to increase capacity to accommodate project flows.*

Finding: Mitigation Measure 4.11-5 would require the implementation of measures to manage wastewater, drainage and dewatered groundwater flows in a manner that would not exceed existing capacity of the CSS and Basin 52 systems.

Implementation of Mitigation Measure 4.11-5 could result in additional environmental effects, particularly if offsite improvements are constructed to upgrade the existing CSS or Basin 52 system. Because they would occur during construction, these impacts would be of short duration, and would be similar to the construction impacts identified in the Draft EIR, such as closure of traffic lanes, generation of air emissions and construction noise. Impacts resulting from installation of holding tanks within the Downtown project site are addressed throughout the Draft EIR. Suspension of groundwater pumping would not have adverse environmental effects.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Impact 4.11-7: The Project would contribute to cumulative increases in demand for wastewater and stormwater facilities. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact:

4.11-7 (ESC/SPD)

Implement Mitigation Measure 4.11-5.

Finding: Mitigation Measure 4.11-5 would fully offset the project contribution to the sewer and wastewater systems by requiring that the applicant construct appropriate facilities to delay discharge of wastewater, groundwater and/or stormwater.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

Impact 4.11-12: Project construction could interfere with buried, existing 115-kV power line. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact:

4.11-12 (ESC/SPD)

Prior to the initiation of construction, the project applicant shall work with SMUD to identify the location of the 115-kV, and shall implement measures to avoid the use of heavy machinery or the placement of heavy objects on or in the immediate vicinity (i.e., within 10 feet on either side of the line) of the line during construction. The applicant shall work with SMUD to identify maximum weight limits within the 10-foot buffer area prior to the initiation of construction activities on site.

Finding: Mitigation Measure 4.11-12 would protect the 115-kV from damage.

With implementation of the mitigation measure, this impact is reduced to a *less than significant level*.

C. Significant and Unavoidable Impacts.

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

Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section F, the Statement of Overriding Considerations.

Aesthetics, Light and Glare

Impact 4.1-1: The Project could substantially degrade the existing visual character or quality of the site and its surroundings. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact to the extent feasible:

4.1-1(a) (DB – I-5 at Water Tank; I-5 at San Juan Road)

At the I-5 at Water Tank and I-5 at San Juan Road sites, the digital billboard shall be oriented and designed, including the addition of screening and shielding features, to minimize the visibility of the lighted northern billboard face to homes on El Morro Court and El Rito Way and to minimize the visibility of the lighted southern billboard face to homes on San Juan Road, Almoneti Avenue, and Tice Creek Way. Once the precise location and design of the digital billboard at this location has been proposed, the visibility of the LED face from windows and backyards of nearby homes shall be assessed and screening of the billboard face from view at nearby homes and yards shall be confirmed through a visibility study prepared by the applicant to the satisfaction of the Planning Director.

4.1-1(b) (DB – Business 80 at Sutter's Landing Regional Park/American River)
At the Business 80 at Sutter's Landing Regional Park/American River site, the digital billboard pole shall be located to eliminate the visibility of the billboard from the Jedediah Smith Memorial Trail and from the level of the river. Once the precise location and design of the digital billboard at this location has been proposed, the visibility of the billboard shall be assessed and compliance with the requirements of Policy 7.24 of the American River Parkway Plan shall be confirmed through a visibility study prepared by the applicant to the satisfaction of the Planning Director.

Finding: By locating and designing the digital billboards at the I-5 at Water Tank and I-5 at San Juan Road sites as directed in Mitigation Measure 4.1-1(a), the visibility of the billboard face from nearby homes and yards would be eliminated.

However, it is currently not possible to determine with certainty that this measure could fully screen the illuminated billboard face at these sites. Thus, the impacts at these sites may remain significant. At the Business 80 at Sutter's Landing Regional Park/American River site the implementation of Mitigation Measure 4.1-1(b) may not be able to eliminate the visibility of the billboard from the Jedediah Smith Memorial Trail and from the river level. Further, the billboard would remain visible from Sutter's Landing Regional Park, from the American River Parkway, and could be visually inconsistent with the planned natural area designated in the Sutter Landing Park Master Plan. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Air Quality

Impact 4.2-3: The Project would result in long-term (operational) emissions of NOx or ROG. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.2-3 (ESC/SPD)

The Project shall join and maintain membership in the Sacramento Transportation Management Association (TMA).

Finding: The trip and daily VMT reduction beneficial variables that are built into the design and location of the Project would result in substantial emission reductions that would meet the requirements of an AQMP. Implementation of Mitigation Measure 4.2-3 would further reduce air emissions by providing support to the Sacramento TMA programs that enhance non-single occupant vehicle use in downtown Sacramento. Nevertheless, on non-event days, if fully developed, the Project mixed use development would result in significant ozone precursor emissions, even with implementation of TMA membership mitigation. The City Council finds that there are no additional feasible mitigation measures or

alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains significant and unavoidable.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.2-9: The Project would contribute to cumulative increases in long-term (operational) emissions of NOx or ROG. Without mitigation, this is a significant impact.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.2-10 (ESC/SPD/DB)

Implement Mitigation Measure 4.2-3.

Finding: Implementation of the above mitigation measure would result in additional traffic trip and associated ozone precursor reductions, but the Project would continue to exceed the SMAQMD thresholds on non-event days. Cumulative ozone emissions in the SVAB would be significant and the Project would result in a considerable contribution to the significant cumulative impact. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains significant and unavoidable.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Cultural Resources

Impact 4.4-2: Construction of the Project could damage or destroy archaeological resources. Without mitigation, this is a significant impact.

The following mitigation measures have been adopted to address this impact to the extent feasible:

4.4-2(a) (ESC/SPD/DB)

The project applicant shall retain a qualified archaeologist (i.e., defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) to carry out all actions related to archaeological and historical resources. Prior to the start of any ground disturbing activities, the qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The project applicant shall inform the City Preservation Director prior to ground disturbing activities. During ground disturbing activities, archaeological monitoring shall be undertaken by the qualified archaeologist and Native American monitor as approved by the City Preservation Director.

4.4-2(b) (ESC/SPD/DB)

If items of historic or archaeological interest are discovered, the construction contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, baked clay fragments, or faunal food remains (bone and shell); stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and/or battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include the remains of stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City.

Any inadvertent discovery of cultural resources during construction shall be evaluated by a qualified archaeologist. If deemed appropriate by the qualified archaeologist, an Archaeological Testing and Recovery Plan shall be prepared and implemented for the area subject to excavation. The qualified archaeologist

shall determine whether monitoring is appropriate when construction activities resume.

If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the State CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with State CEQA Guidelines section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist shall develop a treatment plan in consultation with the City and appropriate Native American representatives (if the find is of Native American origin).

4.4-2(c) (ESC/SPD/DB)

If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

4.4-2(d) (DB-I-5 at Bayou Road)

Prior to project construction at the I-5 at Bayou Road digital billboard site, on-site construction personnel shall attend a mandatory pre-project training led by a Secretary of the Interior-qualified archaeologist. The training will outline the general archaeological sensitivity of the area (without providing site specifics) and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered.

Prior to installation of the billboard, a Secretary of the Interior-qualified archaeologist shall establish an Archaeologically Sensitive Area (ASA) that shall remain in place during construction activities within and adjacent to the ASA. The ASA will include the electrical box and a 15-foot radius around the electrical box,

as well as a 10-foot buffer around that radius. No personnel associated with project activities would be allowed access within the ASA without an archaeologist present. The archaeologist shall also monitor any activities within the ASA to ensure that ground disturbing activities do not adversely affect the known archaeologically-sensitive resources within the ASA.

Monitoring shall be required during all earthmoving activities associated with the installation of the billboard including, but not limited to site preparation, excavation of the footing for the billboard, and utility trenching.

If archaeological materials are encountered during billboard construction, all soil disturbing activities within 25 feet in all directions of the find shall cease until the resource is evaluated. The monitor shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the State CEQA Guidelines section 15064.5), mitigation shall be implemented in accordance with PRC Section 21083.2 and section 15126.4 of the State CEQA Guidelines, with a preference for preservation in place. Consistent with State CEQA Guidelines section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist shall develop a treatment plan in consultation with the City. At the conclusion of construction activities, the archaeological monitor shall submit a memorandum to the City describing what, if any, archaeological resources were encountered during construction activities.

Finding: Mitigation Measures 4.4-2(a) through 4.4-2(d) would avoid and/or lessen the above impact by ensuring that any existing archaeological resources are appropriately identified, documented, evaluated, and treated promptly, so they are not inadvertently damaged or destroyed. However, if a substantial archaeological resource is discovered, evaluation and recovery may not fully offset its removal from the project site. Additionally, while these mitigation measures would address impacts resulting from ground disturbance and construction relating to utility construction, the City cannot compel other services providers (such as SMUD or PG&E) to implement such measures. It is not known at this time what, if any, archaeological resources are present. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a

less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.4-5: The Project would contribute to cumulative losses of archaeological resources. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.4-5 (ESC/SPD/DB)

Implement Mitigation Measure 4.4-2.

Finding: Mitigation Measure 4.4-2 would ensure that existing archaeological resources are identified, evaluated and treated promptly before they can be damaged or destroyed during construction. However, as noted above, archaeological resources are finite. As such, the loss of this material record cannot be completely mitigated. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Noise

Impact 4.8-1: The Project could result in a substantial permanent increase in ambient exterior noise levels in the project vicinity. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact to the extent feasible:

4.8-1(a) (ESC/SPD)

On-site mechanical equipment (e.g., HVAC units, compressors, generators) and area-source operations (e.g., loading docks) shall be located as far as possible and/or shielded from nearby noise sensitive land uses to meet City noise standards.

4.8-1(b) (ESC)

The project applicant shall retain a qualified acoustical consultant to verify that the architectural and outdoor amplified sound system designs incorporate all acoustical features in order to comply with the City of Sacramento Noise Ordinance.

Finding: No feasible mitigation strategies have been identified to reduce the on-road transportation noise impacts to less than significant. Alternative modes of transportation (i.e., walking, biking, and transit) are already accounted for in the above traffic noise estimates. The reduction in vehicular use needed to mitigate these roadway noise impacts is not feasible for the Project. In addition, typical measures to reduce roadway noise impacts, such as noise walls, setbacks, and rubberized asphalt, are not considered feasible mitigation for development in the urban core of the City. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.8-3: Construction of the Project could result in noise levels that temporarily exceed the City standards. Without mitigation, this is a *significant impact*.

The following mitigation measures have been adopted to address this impact to the extent feasible:

4.8-3 (ESC/SPD)

Prior to the issuance of any building permit for each phase of project development, the project applicant shall develop a Noise and Vibration Reduction Plan in coordination with an acoustical consultant, geotechnical engineer, and construction contractor, and submit the Plan to the City Chief Building Official for approval. The Plan shall include the following elements:

- *To mitigate noise, the Plan shall include measures such that off-road equipment will not exceed interior noise of 45 dBA Leq (between 10 p.m. and 7 a.m.) and 75 dBA Leq (between 7 a.m. and 10 p.m.) at nearby receptors.*
- *To mitigate vibration, the Plan shall include measures such that surrounding buildings will be exposed to less than 80 VdB and 83 VdB where people sleep and work, respectively, and less than 0.2 PPV for historic buildings and 0.5 PPV for non-historic buildings to prevent building damage. Measures and controls shall be identified based on project-specific final design plans, and may include, but are not limited to, some or all of the following:*
 - *Buffer distances and types of equipment selected to minimize noise and vibration impacts during demolition/construction at nearby receptors in order to meet the specified standards.*
 - *Haul routes that affect the fewest number of people shall be selected and subject to preapproval by the City.*
 - *Construction contractors shall utilize equipment and trucks equipped with the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.*
 - *Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used to lower noise levels from the exhaust by up to about 10 dBA. External jackets shall be used on impact tools, where feasible, in order to achieve a further reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.*
 - *Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.*

- *Erection of a six-foot or greater solid plywood construction/noise barrier, where feasible, around the outside perimeter of the project site where the demolition or construction activity area faces occupied uses (i.e., excluding parking garages). The barrier shall not contain any significant gaps at its base or face, except for site access and surveying openings.*
- *Use of “quiet” pile driving technology (such as auger displacement installation), where feasible in consideration of geotechnical and structural requirements and conditions.*
- *Erection of a scaffold with reinforced noise blankets to completely block the line of sight of the Jade Apartments and accessible faces of the Hotel Marshall prior to commencement of demolition, and shall extend the scaffold to screen the Hotel Marshall incrementally as access is provided by demolition of the adjacent Macy’s building. Alternatively, residents of these two buildings could be temporarily relocated during demolition, excavation, and construction activities that could result in noise and vibration levels that exceed the above listed thresholds.*
- *Implement a vibration, crack, and line and grade monitoring program at existing historic and non-historic buildings located within 20 feet and 10 feet of demolition/construction activities, respectively. The following elements shall be included in this program:*
 - *Pre-Demolition and Construction:*
 - *To assist with measures regarding impacts to historical resources, the project applicant and construction contractor shall solicit input and review of plan components from a person(s) who meets the SOI Professional Qualification Standards for Architectural History, and, as appropriate, an architect that meets the SOI Professional Qualification Standard for Historic Architect. These qualification standards are defined in Title 36 Code of Federal Regulations Part 61.*
 - *Photos of current conditions shall be included as part of the crack survey that the construction contractor will undertake. This includes photos of existing cracks and other material conditions present on or at the surveyed buildings. Images of interior conditions shall be included if possible. Photos in the report shall be labeled in detail and dated.*
 - *The construction contractors shall install crack gauges on cracks in the walls of the historical and non-historical buildings to measure changes in existing cracks during project activities. Crack gauges shall be installed on multiple representative cracks, particularly on sides of the building facing the project.*

- *The construction contractor shall determine the number and placement of vibration receptors at the affected historic and non-historic buildings in consultation with the consulting architectural historian and/or architect. The number of units and their locations shall take into account proposed demolition and construction activities so that adequate measurements can be taken illustrating vibration levels during the course of the project, and if/when levels exceed the established threshold.*
- *A line and grade pre-construction survey at the affected historic and non-historic buildings shall be conducted.*
- *During Demolition and Construction:*
 - *The construction contractor shall regularly inspect and photograph crack gauges, maintaining records of these inspections to be included in post-construction reporting. Gauges shall be inspected every two weeks, or more frequently during periods of active project actions in close proximity to crack monitors, such as during demolition of the Macy's Men's and Furniture Department Building near the Hotel Marshall.*
 - *The construction contractor shall collect vibration data from receptors and report vibration levels to the City Chief Building Official on a monthly basis. The reports shall include annotations regarding project activities as necessary to explain changes in vibration levels, along with proposed corrective actions to avoid vibration levels approaching or exceeding the established threshold.*
 - *With regards to historic structures, if vibration levels exceed the threshold and monitoring or inspection indicates that the project is damaging the building, the historic building shall be provided additional protection or stabilization. If necessary and with approval by the City Chief Building Official, the construction contractor shall install temporary shoring or stabilization to help avoid permanent impacts. Stabilization may involve structural reinforcement or corrections for deterioration that would minimize or avoid potential structural failures or avoid accelerating damage to the historic structure. Stabilization shall be conducted following the Secretary of Interior Standards Treatment of Preservation. This treatment shall ensure retention of the historical resource's character-defining features. Stabilization may temporarily impair the historic integrity of the building's design, material, or setting, and as such, the stabilization must be conducted in a manner that will not*

permanently impair a building's ability to convey its significance. Measures to shore or stabilize the building shall be installed in a manner that when they are removed, the historic integrity of the building remains, including integrity of material.

- *Post-Construction*
 - *The applicant (and its construction contractor) shall provide a report to the City Chief Building Official regarding crack and vibration monitoring conducted during demolition and construction. In addition to a narrative summary of the monitoring activities and their findings, this report shall include photographs illustrating the post-construction state of cracks and material conditions that were presented in the pre-construction assessment report, along with images of other relevant conditions showing the impact, or lack of impact, of project activities. The photographs shall sufficiently illustrate damage, if any, caused by the project and/or show how the project did not cause physical damage to the historic and non-historic buildings. The report shall include annotated analysis of vibration data related to project activities, as well as summarize efforts undertaken to avoid vibration impacts. Finally, a post-construction line and grade survey shall also be included in this report.*
 - *The project applicant (and its construction contractor) shall be responsible for repairs from damage to historic and non-historic buildings if damage is caused by vibration or movement during the demolition and/or construction activities. Repairs may be necessary to address, for example, cracks that expanded as a result of the project, physical damage visible in post-construction assessment, or holes or connection points that were needed for shoring or stabilization. Repairs shall be directly related to project impacts and will not apply to general rehabilitation or restoration activities of the buildings. If necessary for historic structures, repairs shall be conducted in compliance with the Secretary of Interior Standards Treatment of Preservation. The project applicant shall provide the City Chief Building Official and City Preservation Officer for review and comment both a work plan for the repairs and a completion report to ensure compliance with the SOI Standards.*
 - *Designate a disturbance coordinator and conspicuously post this person's number around the project site, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any local complaints about*

construction activities. This disturbance coordinator shall receive all public complaints about construction noise disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem. The disturbance coordinator shall have the authority to halt noise- or vibration-generating activity if necessary to protect public health and safety.

- *Adjacent noise-sensitive residents and commercial uses (i.e., educational, religious, transient lodging) within 200 feet of demolition and pile driving activity shall be notified of the construction schedule, as well as the name and contact information of the project disturbance coordinator.*

Finding: Implementation of these mitigation measures would reduce construction noise at the Downtown project site to the extent feasible. Restricting heavy-duty equipment operations in close proximity to buildings would substantially reduce exterior and interior noise at adjacent buildings. Auger displacement pile installation could reduce associated noise by 17 dBA (compared to impact pile driving) and intervening noise barriers (i.e., fences or noise blankets) could reduce noise exposure at the nearest receptors by 10 to 15 dBA. These measures would minimize interior noise and associated sleep disturbance and any potential hearing loss effects at nearby receptors during demolition, excavation, and construction. However, even with implementation of these mitigation measures, it is likely that construction activities would result in increased levels of annoyance, interruption of conversation, and potential sleep disturbance at surrounding receptors during the day and occasionally at night. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains significant and unavoidable.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.8-4: Construction of the Project would expose existing and/or planned buildings, and persons within, to significant vibration that could

disturb people and damage buildings. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.8-4 (ESC/SPD)

Implement Mitigation Measure 4.8-3.

Finding: These measures would ensure that demolition/construction activities at the Downtown project site would not result in building damage at the nearest historic and non-historic building structures, and would reduce human disturbance to the extent feasible. However, the Project would still result in infrequent but substantial vibration during demolition and construction that would likely result in disturbance impacts at the nearest receptors that operate during the daytime hours (such as the 630 K Street building, and nearby commercial and office uses) and at residential receptors if demolition/construction activities were to occur within 50 feet of receptors at night. While implementation of the mitigation measures described above would avoid vibration-caused building damage and would reduce vibration impacts to surrounding receptors, it is likely that construction activities would still adversely affect surrounding receptors at times during construction on the Downtown project site. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.8-6: The Project would contribute to cumulative increases in ambient exterior noise levels in the project vicinity. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.8-6 (ESC/SPD)

Implement Mitigation Measures 4.8-1(a) and 4.8-1(b).

Finding: Mitigation Measure 4.8-6 would reduce noise from stationary sources and exterior amplified sound systems associated with the Project to the extent feasible. In regards to cumulative traffic, no feasible mitigation strategies have been identified to reduce the on-road transportation noise impact to less than significant. Alternative modes of transportation (i.e., walking, biking, and transit) are already accounted for in the above traffic noise estimates. In addition, typical measures to reduce roadway noise impacts, such as noise walls, setbacks, and rubberized asphalt, are not considered feasible mitigation for development in the urban core of the City. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.8-8: The Project would result in exposure of people to cumulative increases in construction noise levels. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.8-8 (ESC/SPD)

Implement Mitigation Measure 4.8-3.

Finding: Implementation of Mitigation Measure 4.8-8 would reduce construction noise to the extent feasible. However, even with implementation of these mitigation measures, it is likely that construction activities would still result in impacts at surrounding receptors during the day and occasionally at night. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this

impact to a less-than-significant level. **For these reasons, the impact remains significant and unavoidable.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Transportation

Impact 4.10-2: The Project would worsen conditions on freeway facilities maintained by Caltrans. Without mitigation, this is a significant impact.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-2 (ESC/SPD)

Prior to the issuance of each building permit for the project, the project applicant shall pay its fair-share contribution to fund planned transportation improvements which are included in the SACOG Metropolitan Transportation Plan (MTP) and are located within the I-5 freeway corridor in proximity to the project. The payment shall cover the fair-share portion allocable to the portion of the project subject to the building permit. This mitigation measure is required with each phase of development, regardless of whether it is the ESC or a non-ESC land use.

Finding: Although payment of the fair share contribution would assist in mitigating the Project's mainline freeway impacts, the impacts may not be fully mitigated with the planned transportation improvements and the timing and funding for the improvements are uncertain. Payment of the fee does not ensure that the Project's impacts on the I-5 freeway would be fully mitigated. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains significant and unavoidable.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the

Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-3: The Project would worsen queuing on the J Street freeway off- ramps from I-5. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-3 (ESC/SPD)

The City shall coordinate with Caltrans, as necessary, to implement the following measures to benefit operations at the J Street/3rd Street/I-5 off-ramps intersection:

a) AM Peak Hour: Street/3 Street/I-5 off-ramps Intersection – Revise the traffic signal green splits for the 3rd Street north-south, southbound off-ramp, and northbound off- ramp phases. The applicant shall be required to pay a fair share contribution to the City Traffic Operation Center (TOC) to revise the signal timing at this intersection.

b) Pre-Event Peak Hour (for large events): Implement Mitigation Measure 4.10-1 (Prepare/Implement TMP which includes potential traffic management strategies at the J Street/3rd Street/I-5 off-ramps intersection for pre-event conditions).

c) Pre-Event Peak Hour (for large events): The City shall coordinate with Caltrans to use existing changeable message signs (CMS) located on southbound I-5 (south of West El Camino Ave.), northbound I-5 (at Sutterville Road), and westbound Capital City Freeway (at 9th Street) to broadcast real-time information to travelers regarding preferred travel routes to access the ESC. These broadcasts would operate in conjunction with City, State, and ESC Traffic Management Centers.

Finding: The identified improvements would reduce vehicular queues on the I-5 off-ramps, but not to acceptable or “no project” levels. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific

economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-6: Access to light rail transit would be inadequate. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-6 (ESC)

The project applicant, the City of Sacramento, and Regional Transit shall identify and implement feasible operational strategies to improve access to light rail transit before and after events at the ESC. These strategies, which shall be documented in the TMP, may include, but are not limited to, the following:

a) 7th Street Closure (City/Applicant responsibility): Close 7th Street between J Street and L Street to vehicular traffic (buses and LRT trains would be permitted on 7th Street) prior to the completion of an evening event and extending for a certain period after the event ends (events warranting closure and duration of closures to be identified in the TMP).

b) Train Boarding/Queuing at 7th/K Station (City/RT responsibility): During post-event conditions, permit pedestrians to board trains at the 7th/K (St. Rose of Lima Park) stop from both the left and right sides of the train. This measure would increase pedestrian staging space, and provide improved access to trains. Also implement strategies (wayfinding, barriers, personnel) that would enable transit riders to “queue” (stand in line) while waiting for post-game trains.

c) Alternative Station Loading Strategies (City/RT/Applicant responsibility): To better distribute passenger loadings, consider loading the Gold line and Blue line (to Meadowview) from different stations (i.e., one would load only at 7th/K and the other would load only at 7th/Capitol). Also consider a mid-block loading location for the Gold line on the closed portion of 7th Street from J to K Streets.

d) Enhanced LRT Service (City/RT/Applicant responsibility): As warranted, operate the first post-event trains (i.e., after the game ends) in each direction with four cars (versus current two-car capacity) to provide a spike in transit system capacity in response to demand.

e) *Enhanced LRT Ticket Purchasing (City/RT/Applicant responsibility): Consider approaches such as selling LRT passes inside the ESC, special passes (valid for use on trains until midnight) sold at the box office, smartphone applications, and/or special transit ticket provisions.*

Finding: While some of these strategies and programs in Mitigation Measure 4.10-6 are within the City and applicant's control, others require approval by and implementation from Regional Transit. The City cannot guarantee that all needed improvements would be implemented in a reasonable period of time. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-12: The Project would contribute to cumulatively unacceptable intersection operations in the City of West Sacramento. Without mitigation, this is a *significant impact*.

No mitigation is available to avoid or lessen this impact.

Finding: No feasible mitigation is available to avoid or lessen this impact, because both affected intersections are currently constructed to provide as much capacity as is physically possible. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-13: The Project would contribute to cumulatively unacceptable operations on freeway facilities maintained by Caltrans. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-13 (ESC/SPD) *Implement Mitigation Measure 4.10-2.*

Finding: Although payment of the fair share contribution would assist in mitigating the Project's mainline freeway impacts, the impacts may not be fully mitigated with the planned transportation improvements and the timing and funding for the improvements are uncertain. Payment of the fee does not ensure that the Project's impacts on the I-5 freeway would be fully mitigated. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-14: The Project would worsen cumulatively unacceptable queuing on the J Street freeway off-ramps from I-5. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-14 (ESC/SPD)

Implement Mitigation Measure 4.10-3.

Finding: The identified improvements would reduce vehicular queues on the I-5 off-ramps, but not to acceptable or "no project" levels. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-

significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact 4.10-17: Access to light rail transit would be inadequate under cumulative conditions. Without mitigation, this is a *significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.10-17 (ESC)

Implement Mitigation Measure 4.10-6.

Finding: While some of these strategies and programs in Mitigation Measure 4.10-6 are within the City and applicant's control, others require approval by and implementation from Regional Transit. The City cannot guarantee that all needed improvements would be implemented in a reasonable period of time. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Utilities and Service Systems

Impact 4.11-3: The Project would contribute to cumulative increases in demand for water supply. Without mitigation, this is a *potentially significant impact*.

The following mitigation measure has been adopted to address this impact to the extent feasible:

4.11-3 (ESC/SPD)

To ensure that sufficient capacity would be available to meet cumulative demands, the City shall implement, to the extent needed in order to secure sufficient supply, one or a combination of the following:

(a) Maximize Water Conservation

Chapter 6 of the 2010 UWMP outlines an array of Demand Mitigation Measures (DMMs). In order to further reduce water demands, the City could require the Project to implement additional DMMs, which would support water conservation on site, and a partial offset of anticipated water demand for the Project. DMMs discussed in the 2010 UWMP include the following:

- Water Survey Programs for Single Family and Multiple Family Residential Customers
- Residential Plumbing Retrofit
- System Water Audits, Leak Detection, and Repair
- Metering with Commodity Rates for all New Connections and Retrofit of Existing Connections
- Large Landscape Conservation Programs and Incentives
- High Efficiency Washing Machine Rebate Program
- Public Information Programs
- School Education Programs
- Conservation Programs for Commercial, Industrial, and Institutional Accounts
- Wholesale Agency Programs
- Conservation Pricing
- Water Conservation Coordinator
- Water Waste Prohibition
- Residential Ultra-Low Flush Toilet Replacement Program

(b) Implement New Water Diversion and/or Treatment Infrastructure

The 2010 UWMP proposes implementation of three potential additional projects that would support additional surface water diversion and/or treatment capacity within the City. Potential projects include:

1. Installation of a new WTP – Install a new WTP along the Sacramento or American River to support additional diversion and treatment;
2. Expansion of the SRWTP – Use existing water entitlements and expand design and treatment capacity of the SRWTP; and
3. Construction of a raw water line to the FWTP in order to take advantage of available and existing treatment capacity at the FWTP.

Consistent with these approaches, the City is currently exploring an additional potential surface water intake along the Lower American River, downstream of the FWTP. Water would be piped to the FWTP for treatment prior to distribution. Under another alternative, raw water would be piped from the existing Sacramento River intake to the FWTP for treatment. These projects would be initiated by or before 2023, and would be completed by or before 2028. These projects would supplement the City's supply during Hodge Flow conditions, because the proposed facilities would not be restricted by Hodge Flow limitations as is the City's current diversion infrastructure.

Each of these projects, if implemented, would require its own environmental review, as well as compliance with all applicable regulatory requirements and restrictions. Construction and operation of these facilities could result in the following categories of potentially significant impacts:

- Exposure of soils to erosion and loss of topsoil during construction;
- Surface water quality degradation;
- Changes to natural drainage courses and hydrology;
- Construction-related air emissions;
- Construction and operations-related noise impacts;
- Visual and/or light and glare impacts;
- Loss of protected species and degradation or loss of their habitats;
- Conversion of existing agricultural lands or resources;
- Degradation of fisheries habitat; and
- Exposure to pre-existing listed and unknown hazardous materials contamination.

Any such project would be subject to CEQA review. The CEQA document would identify mitigation measures to reduce any potentially significant impacts to the extent feasible. Due to the timing uncertainties associated with the long-term water supply infrastructure necessary to overcome the cumulative maximum day demands deficit in 2030, project-specific mitigation measures would need to be tailored to the selected project. The following are

illustrative of the types of mitigation measures that could be implemented to avoid or reduce those impacts listed above:

- Reduction in operational and construction air emissions as required by SMAQMD;
- Avoidance of surface water pollution through control of on-site stormwater flows, protection of top soils or stock piles from wind and water erosion, and implementation of related BMPs;
- Minimization of operational and construction noise through the use of noise attenuation measures;
- Avoidance and/or implementation of appropriate measures to restore, create, preserve or otherwise compensate for effects to biological resources;
- Avoidance of effects to buried cultural resources through investigation and pre-testing, and/or on-site archaeological monitoring and implementation of appropriate steps if cultural resources are discovered during earth moving activities;
- Avoidance of hazardous materials effects through appropriate investigation and remediation of any on-site hazards; and
- Avoidance, preservation or other appropriate compensation for loss of or adverse effects to important farmlands.

The City, as a lead or responsible agency, would be required to implement environmental review and mitigation measures identified for each individual project. The City would not be responsible for the actions taken by other local jurisdictions or agencies.

(c) Implement Additional Groundwater Pumping

As discussed in the 2010 UWMP, in order to meet demands under Hodge Flow restrictions, the City could also construct new groundwater production capacity and employ a conjunctive use program in order to meet future demands. The implementation of this mitigation measure would require environmental analysis to assess if the construction or operation of new wells would have any adverse environmental consequences; its implementation would require environmental evaluation. Any new wells, appurtenances and/or infrastructure could result in the following potentially significant environmental impacts:

- Exposure of soils to erosion and loss of topsoil during construction;
- Construction-related air emissions;

- Destruction of buried archeological or paleontological resources;
- Changes in natural drainage courses and hydrology;
- Construction and operations-related noise impacts;
- Visual and/or light and glare impacts;
- Conversion of existing agricultural lands or resources;
- Drawdown of groundwater in the North American Subbasin; and
- Exposure to pre-existing listed and unknown hazardous materials contamination.

Finding: Mitigation Measure 4.11-3 would result in implementation of action for increasing diversion and treatment capacity. The timing and location of any such improvements are unknown. Nor can the effectiveness of the mitigation be known with certainty. The City Council finds that there are no additional feasible mitigation measures or alternatives that the City Council could adopt at this time which would reduce this impact to a less-than-significant level. **For these reasons, the impact remains *significant and unavoidable*.**

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

D. Mitigation Measures and Project Modifications Proposed by Commenters

Several commenters on the EIR suggested additional mitigation measures and/or modifications to the project. In considering specific recommendations from commenters, the City has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The City is also cognizant, however, that the mitigation measures recommended in the EIR reflect the professional judgment and experience of the City's expert staff and environmental consultants as well as extensive consultation with the expert staff and consultants of responsible and trustee agencies. In considering commenters' suggested changes or additions to the mitigation measures as set forth in the EIR, the City, in determining whether to

accept such suggestions, either in whole or in part, considered the following factors, among others:

- (i) Whether the suggestion relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that would already be mitigated to less than significant levels by proposed mitigation measures in the EIR;
- (ii) Whether the proposed mitigation represents a clear improvement, from an environmental standpoint, over the proposed mitigation measures in the EIR;
- (iii) Whether the proposal may have significant environmental effects, other than the impact the proposal is designed to address, such that the proposal is environmentally undesirable as a whole;
- (iv) Whether the suggestion is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted;
- (v) Whether the suggestion might be too inflexible to allow for pragmatic implementation;
- (vi) Whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and
- (vii) Whether the proposal is consistent with the Project objectives.

Where feasible, the mitigation measures were revised or clarified in response to comments. Staff also initiated changes to the text of the Draft EIR, including mitigation measures. In some cases, suggested measures are not feasible and/or lack the requisite nexus and rough proportionality to the anticipated significant adverse impacts of the Project on the physical environment. With respect to the suggestions by commenters that were not added to the Final EIR, the City hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting those suggestions.

E. Project Alternatives.

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Based on the impacts identified in the Final EIR and other reasons summarized below, and as supported by substantial evidence in the record, the City Council finds that approval and implementation of the Project as proposed is the most desirable, feasible, and appropriate action and hereby rejects the other alternatives and other combinations and/or variations of alternatives as infeasible based on consideration of the relevant factors set forth in CEQA Guidelines section 15126.6, subdivision (f). (See also CEQA Guidelines, § 15091, subd. (a)(3).)

Alternatives Considered and Dismissed from Further Consideration

In identifying alternatives to the Project, primary consideration was given to alternatives that could reduce significant unavoidable impacts resulting from the Project. Certain impacts that are identified as being significant and unavoidable under the Project (e.g., increase in air pollutants from project construction and operation) are due primarily to intensifying development activity in an area that is currently underutilized. These impacts would not be possible to eliminate, but could be reduced by limiting the size of the project. Alternatives that reduce the intensity of development on the project site or change the location of the project are addressed later in this chapter.

The following alternatives were considered but dismissed from further analysis because they would not fulfill most of the project objectives, would not eliminate or substantially lessen environmental effects, and/or would otherwise be infeasible:

- **No Entertainment and Sports Center:** The primary objectives of the Project are to construct an entertainment and sports center in downtown Sacramento to serve as a long-term home to the NBA Sacramento Kings and provide a community-wide resource that could serve as a venue for an array of entertainment and sporting events. As is described below, for nearly 15 years there has been increasing awareness and discussion that the existing Sleep Train Arena is inadequate to meet the long-term needs of the Kings and is increasingly limited in its ability to attract premier sports and entertainment events. Thus, the City eliminated from further consideration any alternative

that did not involve the construction and operation of a new entertainment and sports center.

- **Substantially Smaller Facility:** At the time of its opening in 1988, Sleep Train Arena was the smallest arena in the NBA in square feet and the second smallest in terms of seating capacity. By virtue of its small size and the current conditions of the facility, Sleep Train Arena lacks many of the features needed to successfully support an NBA basketball team and attract front-line sporting and entertainment events. In order to avoid or materially reduce the environmental effects of the Project that are affected by the size of the proposed ESC (such as construction air pollutant emissions), an alternative would need to include a substantially smaller entertainment and sports center, either in terms of seating capacity or in terms of patron and user amenities, or both. Such a facility would fail to achieve the basic objectives of the project in that it would fail to be a state-of-the-art ESC with 17,500 seats that could serve as the long-term home of the Kings, meet the applicant's commitments to the City and the NBA, or be able to accommodate major entertainment and sporting events. Therefore, a facility smaller than Sleep Train Arena would not be able to accommodate demand for seats as well as other amenities. Finally, reducing the square footage of the facility would not in and of itself substantially reduce project impacts or reduce them to insignificance.
- **Alternative ESC Sites:** A number of sites for a new entertainment and sports center have been considered over the years. Those that the City has determined to be infeasible for financial, political, environmental, or practicability reasons (e.g., Cal Expo, the Docks, Lot G) were not considered further in the EIR.
- **SPD-Only Alternative:** An alternative to certain components of the project would be to construct the SPD portion only, which includes residential, hotel, retail and office uses. The ESC would not be constructed under this alternative. While this alternative would avoid all of the impacts specific to the ESC, it would not meet most of the objectives of the Project, which involve construction of a new state-of-the-art entertainment and sports facility. For the reasons described above, any alternative that did not include the construction and operation of a new entertainment and sports center was dismissed from further analysis.
- **Alternative Digital Billboard Sites:** The offsite digital billboard locations included in the Project were selected because they would potentially meet

Caltrans standards and would be visible from major freeways making them potentially economically viable and feasible under the City's Sign Ordinance (see Chapter 15.148.800). A total of ten sites were evaluated, although no more than six (6) sites would ultimately be selected under the terms of the Preliminary Nonbinding Term Sheet approved by the City Council in March 2013. It is currently unclear that there are other City-owned properties that would potentially meet Caltrans standards and would provide the visibility from major freeways to be economically feasible. Because the number of sites evaluated was greater than the actual number of billboards and represent a variety of locations throughout the Sacramento community, the ten identified sites represent a range of reasonable alternatives for the offsite digital billboards and no additional billboard locations were considered.

- **Smaller Billboards:** The impacts of the digital billboards are due primarily to their visibility and advertising surface, which is largely affected by height and orientation. Signs with a smaller area but still large enough to be easily seen would not substantially reduce significant impacts relating to, for example, light and glare. In addition, advertising on digital billboards is most often contracted on a regional and national basis. The companies that purchase advertising space on digital billboards design their advertisements to fit a standard sized digital billboard face and would be unlikely to go to the cost of designing advertisements for a uniquely sized billboard face, thus altering the size of the billboard face as part of an effort to reduce the size or visibility of a digital billboard is not considered feasible.

Lastly, the height of a digital billboard is largely dictated by the physical characteristics of the light emitting diodes (LEDs) that comprise the billboard face. The LEDs are designed to be seen from straight on, and the visibility rapidly diminishes as the view angle to the LED becomes more oblique. If the face is too high or too low, the visibility would be materially reduced. In addition, since the billboards are designed and placed to be seen by approaching motorists, the billboard face must be of sufficient height to be above an automobile dashboard and below the typical tinted upper edge of a windshield (typically the upper 1-3 inches).

For the reasons described above, an alternative that would materially alter the size, height, or orientation of a digital billboard would not be considered feasible.

- **Static Billboards:** In some cases, the digital billboards were found to have significant visual impacts due largely to the fact that they are brightly lit and have continually changing electronic messages. Traditional static billboards

would not have the same visual character, but are often lit with spotlights that could have greater luminosity and spillover effects.

One of the objectives of the Project is to provide for signage that supports and enhances the success of the ESC. The proposed offsite digital billboards would meet this objective by (1) providing a platform for advertising ESC events, and (2) generating revenue. In light of the multitude of events that would take place at the ESC, digital billboards would be much better able to advertise multiple events than a static billboard. Further, revenue generation is materially higher for digital billboards than static billboards. Because static billboards would fail to be consistent with the terms of the Preliminary Nonbinding Term Sheet, and would fail to meet a basic objective related to signage, an alternative involving static billboards was not considered further in the EIR.

Alternatives Proposed by Commenters

In several comments on the EIR, various alternatives to the proposed Project were suggested. The City evaluated those alternatives in response to comments to the extent appropriate, and declines to provide further analysis as unnecessary based on the entirety of the record and as explained in responses to comments in the Final EIR. Specifically, with respect to the project alternatives suggested by commenters that were not added to the Final EIR and were not selected instead of the proposed Project, the City hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting those alternatives.

Summary of Alternatives Considered

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project. The alternatives to the ESC and SPD components of the Project analyzed in the EIR are the (1) No Project Alternative; (2) ESC at Railyards Alternative; (3) ESC in Natomas Alternative; and (4) Reduced Mixed Use Development Alternative.

The City Council rejects the Alternatives set forth in the Final EIR and summarized below because the City Council finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section in addition to those described in Section F below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives. In making these determinations, the City Council is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The Council is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project. and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Alternative 1: No Project Alternative

Description

Under CEQA, the No Project Alternative must consider the effects of forgoing the project. The No Project/No Development Alternative describes the environmental conditions that exist at the time that the environmental analysis commences (CEQA Guidelines, section 15126.6 (e)(2)). In the case of the Project, the Downtown project site is already in a developed state, so continuation of existing conditions would involve continued operation of Sleep Train Arena and ongoing economic and related activity at the Downtown Plaza. Existing conditions are described in the Environmental Settings of each section within Chapter 4 of the EIR. The alternatives analysis must also describe conditions that could reasonably be expected to occur if the project is not approved. In this case, it is reasonable to assume that, if the Project is not approved, improvements in the overall economy would increase retail activity in downtown Sacramento and that the owners of Downtown Plaza would be successful in obtaining new tenants.

Under the No Project alternative, the City Council would not approve any project, and none of the adopted mitigation measures would be implemented. No demolition would occur under Alternative 1, because the existing Sleep Train Arena and Downtown Plaza buildings would be retained.

Under the No Project Alternative, Alternative 1, it is assumed that the Kings would remain playing at Sleep Train Arena. In light of the stated commitment of

the current Kings ownership to have the team remain in Sacramento, it is reasonable to assume that Kings ownership and the City would seek an alternate location for the development of a new ESC in Sacramento.

Relationship to Project Objectives

None of the Project Objectives would be achieved under the No Project Alternative.

Finding: While the No Project Alternative would avoid impacts associated with the Project, this alternative would not further any of the Project objectives or provide any of the benefits contemplated by the Project, and is therefore rejected. The City Council rejects the No Project Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

Alternative 2: ESC at Railyards

Description

Alternative 2 assumes that a new entertainment and sports center would be built at the Railyards in a location previously considered by the City in 2011-2012. No major changes would be made to the Downtown Plaza, but it is assumed that occupancy rates would increase to approximately 2004 levels due to improvements in the overall economy and re-tenanting efforts.

The ESC at the Railyards would be located on a 13-acre site located adjacent to and immediately west of the Sacramento Valley Station, bordered by the elevated structure of Interstate 5 to the west, the Amtrak passenger tunnel to the east, the Depot and associated parking lots to the south, and the recently-realigned Union Pacific Railroad (UPRR) tracks to the north.

Similar to the Project, under Alternative 2 the Railyards ESC would be an approximately 779,000 square foot facility providing a venue for sports and entertainment events. The Sacramento Kings offices and practice facilities would be constructed on the site. The Railyards ESC would have the same number of seats—17,500—as the Project, and it is assumed that event attendance levels would be essentially the same, an estimated 1.5 million attendees per year.

Relationship to Project Objectives

Alternative 2 would meet most of the project objectives to some degree, but not to the same extent as the Project. Alternative 2 would result in a state-of-the-art entertainment and sports center to serve as the long-term home of the NBA Sacramento Kings, and develop up to 1.5 million square feet of mixed use development (office, hotel, retail, and residential) within the property formerly known as Downtown Plaza. The ESC would be a technologically advanced, sustainable building that could be used for major entertainment and civic events, and the ESC and SPD would be located in an area where it would be maximize density and meet smart growth principles, be compatible with and enhance the surrounding area, and could catalyze redevelopment of previously blighted areas. The ESC would serve as a destination catalyst for development in the downtown. The Railyards ESC would be served by public transportation, including rail, light rail and buses, bike and pedestrian facilities, and existing streets, highways and parking facilities that have adequate capacity to accommodate ESC traffic. The design would be the same as the Project, so it would meet the design and layout objectives.

The Railyards ESC may not meet the project objective relating to locating the ESC on a site that can be readily assembled and that enables the development of the facility within budget and on schedule to meet the applicant's commitments to the NBA and the City of Sacramento. The Railyards ESC is under one ownership (the City), but is not controlled by the applicant. In addition, the site is constrained by its size and the proximity of the SITF. An August 2012 Briefing Report identified the following difficulties with locating an arena at the Railyards site:

Compromised Program Functions. Existing site features—the small size of the site, constrained access, site grading, constructed tunnels, utility lines, and other physical constraints on the site—limit potential development solutions such as the ability to lower the ESC facility below grade. To enable the successful function of both the ESC and SITF on the project site, the optimal performance of each facility may be compromised or cause inconveniences which will need to be recognized and deemed acceptable by site users and stakeholders and/or functions accommodated elsewhere such as those described below.

- Spaces needed for loading areas of the ESC site are minimal
- Pedestrian plaza spaces are tight for the ESC event functions and need to be designed to allow pedestrian activities to safely overflow onto public right-of-ways and in the adjacent areas of the Downtown

- VIP and patron parking for the ESC will need to be provided off-site though possible parking opportunities are nearby and within a walkable distance of the site
 - The number of bus berths would be limited by the size of the facility that can be fitted on the site; thus, potentially requiring exploration of other sites
 - Transit patrons would mix with ESC patrons in the plaza areas that accommodate their shared circulation and service needs, especially during events at the ESC which may be a frustration for transit users
- In addition, despite the proximity to the SITF, Alternative 2 would not be as accessible to public transportation as the Project. As documented above, the Alternative 2 site would be accessible to one RT LRT line compared to the three lines that are immediately adjacent to the Project site. Further, the Project site is proximate to bus stops used by numerous RT and regional transit bus service providers, and is better served than the Alternative 2 site.

Under Alternative 2, the ESC site is more constrained in terms of accessibility of the local street and highway system than the Project. Situated between J and L Streets, the Project site is readily served by the CBD's grid street system, and is readily accessible from I-5 at I, J, L, and P/Q Streets. Conversely, the Railyards ESC site is highly constrained with vehicular accessibility limited to access from H, I, and 5th Streets.

Compared to the Project, Alternative 2 would fail to enhance connections through the downtown area. Since it would be relatively isolated on the Railyards site, Alternative 2 would not provide the connectivity of the Project between Old Sacramento and the K Street corridor.

Finding: Alternative 2 (ESC at the Railyards) would avoid or lessen some impacts associated with the Project; however, this alternative would not further some of the key Project objectives related to timing and budget, among others, and involves a site that is physically constrained as well as being outside the applicant's ownership and control. Alternative 2 (ESC at the Railyards) therefore is rejected. The City Council rejects Alternative 2 (ESC at the Railyards) on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

Alternative 3: ESC in Natomas

Description

Under this alternative, a new ESC would be constructed on property owned by the project applicant and/or the City of Sacramento near the existing Sleep Train Arena. The Natomas ESC would be similar in size, function and character as the Project. Downtown Plaza is assumed to have improved operations, with the same occupancy levels as Alternative 1.

For purposes of analysis, it is assumed that the Natomas ESC would likely be constructed on the existing parking lot to the southeast of the existing Sleep Train Arena. Access would be the same as the current access for Sleep Train Arena, with entrances connecting to East Commerce Way and Truxel Road. The Alternative 3 ESC footprint would occupy approximately six acres. The building would be approximately 700,000 square feet and would have a maximum occupancy of 17,500 seats. As with the Project, the new ESC would include expanded amenities including food service, locker rooms, and other facilities.

Under this alternative, the existing Sleep Train Arena would be demolished after opening of the new ESC.

Relationship to Project Objectives

Alternative 3 would achieve few of the project objectives, and fail entirely to achieve those related to location. Under Alternative 3, a state-of-the-art entertainment and sports center (ESC) with approximately 17,500 seats that could serve as the long-term home of the NBA Sacramento Kings. The ESC would be located on a site that could be readily assembled, and that should not have extensive budget issues. However, due to the status of the floodplain building regulations, the ESC may not be able to be feasibly built in Natomas by the deadline set by the NBA.

Because the ESC would have similar capacity to the existing Sleep Train arena, the existing streets would be able to accommodate automobile traffic associated with the Natomas ESC Alternative. There is more than enough parking for the ESC at the Alternative 3 site. The Alternative 3 ESC could be designed to be technologically innovative capable of accommodating the Kings and a broad array of other events. The Natomas ESC could be constructed to LEED Silver standards, so that it would be sustainable, but less so than the Downtown ESC, which would be built to LEED Gold standards. Local and regional artists could be

tapped to enhance the project. Because the existing Sleep Train arena would be demolished, it would not be reused.

Many of the project objectives are aimed at creating an active, multi-faceted community attraction that enlivens the surrounding area that embodies smart growth principles. The Natomas ESC site is not conducive to these objectives because it is located in a suburban setting, surrounded by a large parking lot, low-density office buildings and two- to three-story multifamily homes. Nor would it be conducive to creating a central, energized district with regular events, activities, or year-round programming that would augment events and games at the ESC. Locating the ESC in Natomas would not catalyze redevelopment of previously blighted areas, because it would essentially replace an existing facility. It is unlikely that an ESC in Natomas would become a world-class destination given the lack of supporting amenities (e.g., lodging, restaurants, other urban attractions such as museums) in the vicinity of the site.

The Natomas site is not well served by public transportation, with only limited bus service and no light rail or train service in the immediate vicinity. The site is not likely to become a multimodal place, because the distance to homes, restaurants and other employment centers is too far to be conducive to walking, biking and/or taking transit to events at the ESC. Attendees at the current Sleep Train arena rely overwhelmingly on automobiles to travel to events and this would be likely to continue given the transportation infrastructure.

A number of objectives are tied directly to locating the ESC in the downtown area, including development of 1.5 million square feet of mixed-use space at the Downtown Plaza, establishing a framework for successful development of the Downtown Plaza, connecting with and enhancing downtown from the waterfront to the convention center, and sparking redevelopment of underutilized properties in the Central Business District. These objectives would not be met by Alternative 3 due to its location.

Finding: Alternative 3 (ESC in Natomas) would avoid or lessen some impacts associated with the Project; however, this alternative would not further most of the key Project objectives or achieve many of the benefits contemplated by the Project, and is therefore rejected. The City Council rejects Alternative 3 (ESC in Natomas) on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

Alternative 4: Reduced Mixed Use Development

Description

Under this alternative, the ESC would be constructed as described in Chapter 2, Project Description. The SPD area would also be developed, but at a lower intensity and a different mix of uses than under the Project.

ESC

Under Alternative 4, the ESC would be identical to the facility described for the Project, except that the practice facility would be relocated. The ESC would be 697,000 square feet and provide 17,500 seats, along with a practice facility and related space of approximately 82,000 square feet. Annual attendance would be approximately 1.5 million as described for the Project. The 82,000 square foot practice facility would be incorporated into the SPD area, rather than being located adjacent to the eastern side of the ESC.

Downtown Plaza

Under this alternative, the amount of retail/restaurant and office space would be reduced, as shown in Table 6-4. The most substantive differences between Alternative 4 and the Project would be a 79% reduction in office and a 44% reduction in retail/commercial uses. Residential and hotel uses would be identical to the Project.

This development would occur within the same area as the SPD under the Project. However, the size of buildings would be reduced. As a result, buildings might have smaller footprints with more public space and/or towers might be more slender and/or shorter than under the Project.

Relationship to Project Objectives

Alternative 4 could meet objectives related directly to construction of a new entertainment and sports facility in downtown Sacramento. This alternative also could meet objectives related to smart growth, mixed-use development, and revitalizing and energizing the Downtown Plaza area and downtown from the river to the Capitol. These objectives would not be as fully realized under Alternative 4, because the amount of commercial and retail development would be substantially reduced.

Finding: Although the Reduced Mixed Use Development Alternative would avoid or lessen some impacts associated with the Project and would generally meet most Project objectives, the City Council rejects this alternative as infeasible within the meaning of CEQA for the following reasons:

Employment Opportunities. This alternative would provide fewer employment opportunities both during construction and in new commercial space, and significantly reduce numbers of construction and permanent jobs.

Inconsistency with City Policy. This alternative would be inconsistent with several City policies that encourage the City's highest intensity development to be located in the Central Business District, including Chapter 17.216.800 of the City Code, which defines the purpose of the C-3 zone (also known and referred to as the central business district (CBD)), "to provide for the most intense residential, retail, commercial, and office developments in the city." In addition, this alternative would be inconsistent with 2030 General Plan policy LU 2.4.5 (which reflects the City's vision of a prominent "central core with the City's tallest buildings", and Central City Community Plan policies CC.LU 1.5 (which emphasizes office development in the Central Business District) and CC.LU 1.6 (which encourages office development in the Central Business District).

The City Council rejects the Reduced Development Alternative on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this Alternative.

Summary of Discussion Regarding Alternatives

For all of the foregoing reasons, and each of them, the City has determined to approve the proposed Project rather than an alternative to the proposed Project.

Offsite Digital Billboards

The digital billboard sites analyzed in the EIR are:

I-5 at Water Tank: This site is located adjacent to the City water tank near Freeport Boulevard. There is a residential neighborhood located to the northwest and west of this digital billboard site. Depending on its orientation, a digital billboard at this location might be visible from the yards and perhaps even interiors of homes located on El Morro Court and/or El Rico Way, the streets closest to the billboard site. If visible, the digital billboard could degrade the visual environment of these homes (Impact 4.1-1). Mitigation Measure 4.1-1a would

reduce the magnitude of this impact by ensuring that a digital billboard is oriented, designed and screened to minimize visibility from nearby homes. However, it is currently not possible to determine with certainty that this measure could fully screen the illuminated billboard face at these sites. Thus, the impact at this site may remain significant. Depending on the angle of the sign, light from the billboard could be visible from and/or spillover onto nearby residential parcels (Impact 4.1-2). This impact would be less than significant with implementation of Mitigation Measure 4.1-2, which would restrict the light output from the digital billboard, thereby preventing spillover.

Ornamental trees located adjacent to this site could provide suitable nesting habitat for raptors and other migratory bird species. In addition, cliff swallow nests have been observed on the bottom of the adjacent water tank. Although a billboard at this location would not require removal of trees and/or the nests on the water tank, construction activities could disrupt nesting birds (Impacts 4.3-2 and 4.3-6). Mitigation Measure 4.3-2 would ensure that nesting birds were protected by requiring preconstruction surveys and buffers around active nests.

US 50 at Pioneer Reservoir: This site is located within the boundary of the Pioneer Reservoir, immediately north of the Pioneer Bridge, where US 50 crosses the Sacramento River. This site is located in proximity to several sites identified on hazardous materials lists. Therefore, it is possible that the site contains contaminated soils that could be disturbed during construction (Impact 4.6-1). Mitigation Measures 4.6-1b and 4.6-1c require that a Phase 1 Environmental Site Assessment (ESA) be prepared for this site prior to final project design. Any recommendations in the ESA must be implemented, including follow up sampling to characterize the contamination and remediation as needed. This measure would ensure that construction workers are protected from contaminated soils if present, and reduce the impact to a less-than-significant level.

Business 80 at Sutter's Landing Regional Park: This site is located within the former City landfill adjacent to Business 80.

There are two elderberry shrubs within this billboard site, one of which contained exit holes. Therefore, Valley elderberry longhorn beetle (VELB), a federally-listed species, could be present. Construction activities and associated removal of vegetation, ground disturbance and run-off from construction sites could result in loss of the VELB habitat and possibly mortality for VELB (if present) (Impacts 4.3-1 and 4.3-6). Mitigation Measure 4.3-1a would require a survey for VELB and

compensatory mitigation for any Valley elderberry shrubs that are affected by construction of a digital billboard at this location. With mitigation, this impact would be less than significant.

This site contains eucalyptus trees that could provide suitable nesting habitat for raptors and roosting sites for special-status bat species that could be disturbed by construction activities (4.3- 2). This impact would be reduced to a less-than-significant level through implementation of Mitigation Measure 4.3-2a, which would protect nesting birds by requiring preconstruction surveys and establishing buffers around any nests that are present.

Business 80 at Del Paso Regional Park/Haggin Oaks: This site is located along the Haggin Oaks Trail adjacent to the Alister MacKenzie Golf Course.

This site contains mature ornamental trees, which could provide suitable habitat for raptors and other migratory birds and roosting sites for special-status bat species (Impacts 4.3-2 and 4.3-6). In addition, the site contains habitat that could support burrowing owls. Mitigation Measures 4.3- 2a, 4.3-2b, and 4.3-2c would ensure these wildlife species are protected from harm by requiring preconstruction surveys, avoiding construction during the nesting season, and that appropriate buffers would be used to protect nesting birds or roosting bats if they are present.

Business 80 at Sutter's Landing Regional Park/American River: This site is located north of Interstate 80 and west of the American River. The freeway and adjacent soundwall separate the billboard site from the River Park residential neighborhood to the south. The site is adjacent to the American River Parkway. Depending on where the billboard was situated on the site, the billboard structure would be visible from the Parkway, which could degrade the visual quality of this area (Impact 4.1-1). Mitigation Measure 4.1-1b would reduce the magnitude of this impact by ensuring that a digital billboard is located at a sufficient distance from the Parkway that would minimize its visibility from the Jedediah Smith Memorial Trail and the river, however the impact would remain significant after mitigation. The Business 80 freeway would provide enough separation that light from the billboard would not spillover onto residential parcels to the south, so the lighting impact would be less than significant at this location (Impact 4.1-2).

Trees located within 500 feet of the project site could provide suitable nesting habitat for raptors and migratory bird species that could be disturbed by construction activities (4.3-2 and 4.3-6). This impact would be reduced to a less-

than-significant level through implementation of Mitigation Measure 4.3-2a would protect nesting birds by requiring preconstruction surveys and establishing buffers around nests.

This site is located within this “Triangle” mitigation area. A digital billboard at this site may conflict with the compensatory mitigation goals identified by Resolution No. 2011-609, because a portion of the “Triangle” mitigation area would be occupied by the proposed digital billboard footprint and not available for restoration (Impact 4.3-5). Additionally, installation of a digital billboard in this location may result in temporary construction-related impacts to the restoration area. Mitigation Measure 4.3-5 would reduce the impact to a less-than-significant level by requiring the applicant to restore all temporary project-related impacts immediately following the completion of installation of the digital billboard, and to implement additional site restoration and enhancement within the “Triangle” mitigation area to ensure no net loss of habitat values.

Interstate 80 at Roseville Road: This site is located at the intersection of I-80 westbound and Roseville Road.

One site on a contaminated site list, the North Highlands Air National Guard, is located within 1/4 mile of the Roseville Road billboard site. Therefore, the project site could contain contaminated soils and/or groundwater (Impacts 4.6-1 and 4.6-3). Mitigation Measures 4.6-1b and 4.6-1c require that a Phase 1 Environmental Site Assessment be prepared for this site prior to final project design. Any recommendations in the ESA must be implemented, including follow up sampling to characterize the contamination and remediation as needed. This measure would ensure that construction workers are protected from contaminated soils and groundwater if present, and reduce the impact to a less-than-significant level.

SR 99 at Calvine Road: This site is located on a parcel adjacent to the SR 99 southbound onramp from eastbound Calvine Road.

This site contains a portion of a detention basin and associated upland annual grasslands. Wetland features appear to be present within the detention basin. If the billboard were located within the detention basin, it might encroach on wetlands. Even if the billboard would not encroach into the detention basin, construction activities could indirectly affect the wetlands through ground disturbance and subsequent erosion and water quality degradation (Impacts 4.3-3 and 4.3-7). This impact would be less than significant with implementation of

Mitigation Measure 4.3-3, which would require preparation of a wetland delineation, avoidance of wetlands if feasible, and implementation of mitigation measures, if necessary, to achieve no net loss of wetlands.

I-5 Bayou Road: This site is located in North Natomas, within the landscaped shoulder on the north side of Bayou Road near Interstate 5. No significant impacts would occur for this site other than those described in the EIR as being common to all digital billboard sites.

I-5 at San Juan Road: This site is located immediately west of Interstate 5 and north of San Juan Road. The site is bordered by the interstate and road and undeveloped land. A residential neighborhood is located to the south, across San Juan Road. Due to the potential visibility of the billboard face from front yards and through windows to indoor areas, it is possible that nighttime operation of a billboard in this location could result in a substantial degradation of the visual environment for sensitive receptors at the I-5 at San Juan Road site (Impact 4.1-1). Mitigation Measure 4.1-1a would reduce the magnitude of this impact by ensuring that a digital billboard is oriented, designed and screened to minimize visibility from nearby homes. However, it is currently not possible to determine with certainty that this measure could fully screen the illuminated billboard face at these sites. Thus, the impact at this site may remain significant. In addition, light from the sign could spillover into front- and backyards and interiors of homes south of San Juan Road (Impact 4.1-2). Mitigation Measure 4.1-2(h) would restrict the light output from the digital billboard, reducing this impact to a less-than-significant level.

This digital billboard site contains a fresh emergent wetland that is hydrologically connected to drainage channels that could provide habitat for the giant garter snake, a federally-listed species (Impacts 4.3-1 and 4.3-6). Mitigation Measure 4.3-1b would reduce impacts on giant garter snake by requiring surveys for the snake, and implementation of construction protocols that would ensure that the snake would be protected from harm.

This site is located adjacent to the City's existing water drainage system and supports approximately 0.06 acres of freshwater emergent wetland. The exact location of the billboard is not known, but it could encroach into this wetland, resulting in the loss of the wetland (Impacts 4.3-3 and 4.3-7). This impact would be less than significant with implementation of Mitigation Measure 4.3-3, which requires preparation of a wetland delineation, avoidance of wetlands if feasible,

and implementation of mitigation measures, if necessary, to achieve no net loss of wetlands.

I-5 at Sacramento Railyards: This site is located in the Sacramento Railyards near the I Street onramp to northbound Interstate 5.

The Sacramento Railyards property is subject to ongoing remediation for soil and groundwater contamination. The digital billboard at this location would be constructed with a spread footing foundation so that only 5 feet of excavation would be needed. Contaminated soils and groundwater are unlikely to be encountered at such a shallow depth. Nonetheless, depending on the ultimate location of the billboard, it could disturb contaminated soils (Impact 4.6-1). Mitigation Measures 4.6-1b and 4.6-1c requires that a Phase 1 Environmental Site Assessment be prepared for this site prior to final project design. Any recommendations in the ESA must be implemented, including follow up sampling to characterize the contamination and remediation as needed. This measure would ensure that construction workers are protected from contaminated soils if present, and reduce the impact to a less-than-significant level.

F. Statement of Overriding Considerations:

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

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Public Resources Code section 21167.6, subdivision (e).

Statement of Overriding Considerations:

The City Council has considered the information contained in and related to the Final EIR (the Draft EIR, Comments and Responses to those documents, text changes and other revisions to the EIR, and all other public comments, responses to comments, accompanying technical memoranda and staff reports, and findings included in the public record for the Project). Pursuant to CEQA Guidelines section 15092, the City Council finds that in approving the Sacramento Entertainment and Sports Center & Related Development project (Project) it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible as shown in the findings. The City Council further finds that it has balanced the economic, social, technological and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with CEQA Guidelines section 15093 in support of approval of the Project. Specifically, in the City Council's judgment, the benefits of the Project as proposed outweigh the unmitigated adverse impacts and the proposed Project should be approved.

The overall goal of the Project is to construct and operate the proposed Sacramento Entertainment and Sports Center (ESC), approximately 1.5 million square feet of surrounding mixed-use development, and up to six (6) offsite digital billboards on City of Sacramento-owned property, and to transfer ownership of certain City-owned properties to the Project applicant. Based on the objectives identified in the Final EIR and administrative record, and through extensive public participation, the City Council has determined that the proposed Project should be approved, and any remaining significant environmental impacts attributable to the proposed Project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations. Each benefit set forth below is supported by substantial evidence in the record and constitutes an overriding consideration warranting approval of the proposed Project, independent of the other benefits, despite each and every unavoidable impact.

The considerations that have been taken into account by the City Council in making this decision are identified below.

Land Use. The Project will replace the antiquated and suburban Sleep Train Arena and the underperforming Downtown Plaza shopping center, and will create a new state-of-the-art entertainment and sports center surrounded by up to 1.5 million square feet of mixed-use development. Redevelopment of these facilities will incorporate many of the best principles of smart growth and quality urban design and will advance the City's land use goals and policies. Key land use-related benefits include the following:

- Redevelopment of the underperforming and substantially vacant Downtown Plaza shopping center consistent with 2030 General Plan policies LU 1.1.15, LU 2.6.2, LU 5.4.2; Central City Community Plan policy CC LU 1.3; and City of Sacramento Economic Development Strategy, 2013 Economic Development Strategic Goals #1 - Invest in Building Sacramento: Facilitate and Promote Projects and Program Initiatives that Support Economic Growth, Quality of Life and Job Creation in Key Areas of the City, Action Item 1.1;
- Creation of a mixed-use, transit-oriented development, including residential, retail, restaurant, hotel, office and other related uses in close proximity to a wide array of modes of transportation consistent with 2030 General Plan goal LU 4.4, policy LU 2.6.1, LU 5.1.1, LU 5.1.2, LU 5.1.4, and LU 5.1.5, and Central City Community Plan policies CC LU 1.3 and CC H 1.1;
- Continuation of the redevelopment of K Street consistent with City of Sacramento Economic Development Strategy, 2013 Economic Development Strategic Goal #1 – Action Item 1.2; and
- Setting the stage for planning for future reuse of the current Sleep Train Arena and long-time vacant adjacent parcel in North Natomas, consistent with City of Sacramento Economic Development Strategy, 2013 Economic Development Strategic Goal #1 – Action Item 1.29.

Housing. The Project will add up to 550 housing units to the City's housing stock. Key housing-related benefits include the following:

- Addition of market-rate, high-rise housing in the heart of the Central Business District, where little market rate housing currently exists, consistent with policies H 1.3.4, H1.3.5, H 2.2.1, and H 6.4 of the 2013-2021 Housing Element of the City's 2030 General Plan and the Central City Community Plan policy CC H 1.1;
- Construction of housing as part of mixed-use development projects, consistent with 2013-2021 Housing Element Policy H1.2.4. A high-rise

housing product is desired but currently unavailable in the Sacramento region;

- Payment of school, park, and open space fees notwithstanding the fact that this housing type generally does not create a substantial burden on these resources;
- Addition of up to 550 units to the City's housing inventory, advancing the City's ability to achieve its Regional Housing Needs Allocation established by SACOG and reflected in the 2013-2021 Housing Element, which requires 24,101 new units, including 3,200 above moderate income, multi-family units (see 2013-2021 Housing Element, Table H 9-1). The proposed 550 units would represent 17.2% of the RHNA-required above moderate income, multi-family units; and
- Addition of up to 550 units in an area of the City unconstrained by flood risk, advancing the City's achievement of 2013-2021 Housing Element Policy H 2.3.4 and Implementation Program 29.

Sustainable Development. The Project would implement a comprehensive sustainability strategy, including LEED Gold certification of the Entertainment and Sports Center facility, that includes principles, goals, targets and strategies for key elements including site design and land use, transportation, energy, water and wastewater, materials, solid waste, health, safety and security, community and society and economic development. Key benefits of the Project's sustainable development plan include the following:

- A 19-22% reduction in per-attendee vehicle miles travelled by passenger vehicles and light duty trucks to NBA events compared to conditions at the existing Sleep Train Arena (see discussion on Draft EIR pages 4.10-69 and 4.10-70, Table 4.10-20; and 4.10-82 and 4.10-83, Table 4.10-30);
- Achievement of carbon neutrality for use of private automobiles and light duty trucks compared to the average levels at Sleep Train Arena between 2002 and 2013 (see Draft EIR page 4.5-12 and Table 4.5-1);
- Reductions in per-attendee greenhouse gas emissions from travel to and from events at the ESC compared to travel to and from Sleep Train Arena, which would exceed the goals established by SACOG in the 2013 Metropolitan Transportation Plan/Sustainable Communities Strategy. The MTP/SCS goals are 9% for 2020 and 16% for 2035; the ESC would result in reductions of 36% in 2020 and 45% in 2035 (see Draft EIR page 4.5-13 and Table 4.5-2);
- Increased energy efficiency that includes 15% more efficient than 2013 Title 24/CalGreen requirements, and potential inclusion of up to 1% on-

site renewable energy generation and/or design of the ESC facility to allow for on-site renewable energy generation to be added in the future;

- Decreased water demand;
- Incremental elimination of current operational dewatering discharges (up to 15.1 million gallons per month) to the City's Combined Sewer System (CSS) as documented on page 4.11-31 and 4.11-32 of the Draft EIR; and
- Certification of the ESC as LEED Gold, consistent with 2030 General Plan policy 8.1.5.

Economic Development. The Project will provide opportunities to generate thousands of new annual construction jobs, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy. Key benefits of the Project's economic development plan include the following:

- Provision of approximately 1,355 construction jobs over the 2.5 year period of demolition and construction (see Draft EIR page 2-62 to 2-65);
- Creation of 2,100 new permanent jobs at the Project site, and approximately 1,700 additional jobs elsewhere in the region, for a total of about 3,800 new permanent jobs (see Draft EIR pages 2-42 and 2-43, and Table 2-8 for jobs at the project site, and page 5-8, Table 5-1, for indirect and induced jobs in the region);
- Retention of 265 permanent jobs and up to 1,200 event-related temporary jobs that currently exist at Sleep Train Arena that would be relocated to the ESC site. Without implementation of this Project, the potential exists that the Sacramento Kings would be relocated to another city, which would result in the loss of these jobs in the Sacramento community;
- Implementation of a Priority Apprenticeship Program that will create apprenticeship job opportunities for low-income and disadvantaged individuals in the construction of the ESC, consistent with Sacramento 2013 Economic Development Strategy, Action Items 5.4 and 5.5. Through the program, the Project applicant will partner with the Sacramento-Sierra Building and Construction Trades Council, SETA, the Urban League of Greater Sacramento, Sacramento Area Congregations Together, the Center for Employment Training, La Familia, the Asian Resource Center, and Northern California Construction Training, to recruit, train and deploy at least 70 "Priority Apprentices" to help build the ESC. Qualifying individuals must live in Sacramento, and must have at least two of the following characteristics: low income, receive cash/public assistance,

receive food stamps, former foster youth, homeless, ex-offender, or veteran¹;

- Partnership with local chambers of commerce to implement a Local Business and Small Business Utilization Program that will set specific performance targets for biddable work related to ESC design, construction and professional services, consistent with Sacramento 2013 Economic Development Strategy, Action Items 2.3, 2.6, and 5.2,. The program will ensure that 60% of biddable work will be awarded to local businesses, and 20% of work will be awarded to small businesses, of which 75% must be local small businesses.² This program is consistent with goals for the ESC project adopted by the City Council on October 29, 2013, including a goal which focuses on leveraging economic development opportunities resulting from the Project. In addition, the plan is consistent with the City's recently adopted Economic Development Strategy which has five strategic goals including Invest in Building Sacramento and Invest in Local Business³;
- Delivery of an iconic structure that will house the NBA Sacramento Kings and will increase the visibility of Sacramento as a tourist destination, consistent with 2030 General Plan policy ED 1.1.1, and Sacramento 2013 Economic Development Strategy, Action Item 3.8; and
- Implementation of a substantial public-private partnership to implement City goals for revitalization and redevelopment, as encouraged by 2030 General Plan policies LU 8.1.11 and ED 4.1.3.

Downtown Revitalization. The City's General Plan and implementing plans for the City's core identify the Downtown project site and surrounding area as a high priority for revitalization where the City will focus reinvestment and redevelopment efforts. Implementation of the Project would promote development consistent with the City's vision for the Downtown area. Key benefits related to downtown revitalization include the following:

- Creation of a mixed-use development, including residential, retail, restaurant, office, hotel, and entertainment uses, consistent with 2030 General Plan policies LU 5.6.1, 5.6.2, and 5.6.3; and
- Reinforcement of downtown Sacramento as the region's cultural center, consistent with 2030 General Plan policy LU 5.6.7.

¹ Sacramento Kings, Sacramento ESC Priority Apprenticeship Program Flyer, March 2014.

² Sacramento Kings, Sacramento ESC Local Business and Small Business Utilization Program Flyer, March 2014.

³ City of Sacramento, City Council Report #2013-00909, December 10, 2013.

Community Facilities. The Project will provide a comprehensive package of educational, social, cultural, environmental and public safety facilities and programs, including development of a major public plaza and support of public art. Key benefits of the Project would include the following:

- Creation of a major public plaza around the ESC comprised of approximately 1.8 acres out of 3.4 acres of open space included in the Project. The plaza would include a central bosque element, hydroponic gardens, sculptures, and other features to promote public interest and use;
- Implementation of a public art program, including a contribution equal to 2% of the physical construction costs, to install publicly accessible art that would make a significant artistic statement in conjunction with the ESC; and
- Donation of existing public art located in Downtown Plaza to the Sacramento Metropolitan Arts Commission, including select low-relief terra cotta panels that are currently adhered to existing Downtown Plaza buildings.

Having considered the benefits outlined above, the City Council finds that the benefits of approving the Project outweigh and override the unavoidable adverse environmental effects associated with the Project, and therefore, the Project's unavoidable adverse environmental effects are acceptable.

CHAPTER 4

Mitigation Monitoring Plan

4.1 Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan (MMP) for the Sacramento Entertainment and Sports Center & Related Development project. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft EIR for this project.

4.2 Mitigation Measures

The mitigation measures are taken from the Sacramento Entertainment and Sports Center & Related Development Draft EIR and are assigned the same number as in the Draft EIR. 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.

4.3 MMP Components

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

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

Mitigation Measure: All mitigation measures that were identified in the Sacramento Entertainment and Sports Center & Related Development Draft EIR are presented, as revised in the Final EIR, and numbered accordingly.

Action(s): For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation 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.

Component: This column identifies the relevant component of the Proposed Project to which the mitigation measure applies. The mitigation measure may apply to the ESC, the SPD area, or one or more of the digital billboard sites. More than one project component may be identified.

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

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Sacramento is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Other agencies, such as the Sacramento Metropolitan Air Quality Management District, may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.1 Aesthetics, Light, and Glare						
4.1-1: The Proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings.	4.1-1(a) <i>At the I-5 at Water Tank and I-5 at San Juan Road sites, the digital billboard shall be oriented and designed, including the addition of screening and shielding features, to minimize the visibility of the lighted northern billboard face to homes on El Morro Court and El Rito Way, and to minimize the visibility of the lighted southern billboard face to homes on San Juan Road, Almonetti Avenue, and Tice Creek Way. Once the precise location and design of the digital billboard at this location has been proposed, the visibility of the LED face from windows and backyards of nearby homes shall be assessed and screening of the billboard face from view at nearby homes and yards shall be confirmed through a visibility study prepared by the applicant to the satisfaction of the Planning Director.</i>	Prepare a visibility study that is to the satisfaction of the Planning Director demonstrating that the LED face is screened from view at nearby homes and yards on the streets identified in Mitigation Measure 4.1-1(a).	DB-1, DB-9	Project applicant	Prior to approval of design, review permit	City of Sacramento Community Development Department
	4.1-1(b) <i>At the Business 80 at Sutter's Landing Regional Park/American River site, the digital billboard pole shall be located to eliminate the visibility of the billboard from the Jedediah Smith Memorial Trail and from the level of the river. Once the precise location and design of the digital billboard at this location has been proposed, the visibility of the billboard shall be assessed and compliance with the requirements of Policy 7.24 of the American River Parkway Plan shall be confirmed through a visibility study prepared by the applicant to the satisfaction of the Planning Director.</i>	Prepare a visibility study that is to the satisfaction of the Planning Director demonstrating that the digital billboard at Business 80 at Sutter's Landing Regional Park/American Memorial Trail or the river, and that demonstrates compliance with Policy 7.24.	DB-5	Project applicant	Prior to approval of design, review permit	City of Sacramento Community Development Department
4.1-2: The Proposed Project could create substantial new sources of light.	4.1-2(a) <i>The project applicant shall require construction contractors to ensure that all lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the Downtown project site boundaries that is improved with light-sensitive uses.</i>	Include light screening requirements on Construction Plans.	ESC, SPD	Project applicant	During construction	City of Sacramento Community Development Department
	4.1-2(b) <i>Exterior lighting included within the ESC or SPD area shall incorporate fixtures and light sources that focus light on-site to minimize spillover light.</i>	Identify light fixtures to be used on Construction Plans and demonstrate that the fixtures minimize spill over.	ESC, SPD	Project applicant	Prior to approval of design, review permit	City of Sacramento Community Development Department
	4.1-2(c) <i>The project applicant shall submit a conceptual signage and lighting design plan for the ESC to the Department of City Planning to establish guidelines.</i>	Submit a conceptual signage and lighting design plan for the ESC to the Department of City Planning to establish lighting design standards and guidelines.	ESC, SPD	Project applicant	Prior to issuance of building permit for the ESC	City of Sacramento Community Development Department

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DB-1= I-5 at Water Tank; DB-2 = US 50 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Paso Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park/American River; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Bayou Road; DB-8 = I-5 at San Juan Road; DB-9 = I-5 at Bayou Road; DB-10 = I-5 at Sacramento Railyards

**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Actions(s)	Component	Implementing Party	Timing	Monitoring Party
4.1-2(d) <i>Prior to issuance of a building permit for the ESC signage displays, the project applicant shall retain a lighting design expert who shall develop plans and specifications for the proposed lighting displays, establish maximum luminance levels for the displays, and review and monitor the installation and testing of the displays, in order to insure compliance with all City lighting regulations and these mitigation measures.</i>	Retain a lighting design expert who shall develop plans and specifications for the proposed lighting displays, establish maximum luminance levels for the displays, and review and monitor the installation and testing of the displays, in order to insure compliance with all City lighting regulations and these mitigation measures.	ESC, SPD Project applicant	ESC, SPD	Project applicant	Prior to issuance of building permit for the ESC signage displays	City of Sacramento Community Development Department
4.1-2(e) <i>Project lighting shall not cause more than two foot-candles of lighting intensity or direct glare from the light source at any residential property. This would preclude substantial spillover light from bright lighting sources.</i>	Identify lighting fixtures to be used consistent of Mitigation Measure 4.1-2(e) Include light brightness specifications on Construction Plans.	ESC, SPD Project applicant	ESC, SPD	Project applicant	Prior to design review permit	City of Sacramento Community Development Department
4.1-2(f) <i>The project applicant shall comply with City Code Section 8.072.010, which establishes regulations regarding the use of searchlights.</i>	Demonstrate compliance with City Code Section 8.072.010, regarding the use of searchlights.	ESC, SPD Project applicant	ESC, SPD	Project applicant	Prior to approval of special use or event permit involving the use of searchlights	Sacramento Police Department
4.1-2(g) <i>At the Downtown project site, all light emitting diodes used within the integral electronic display shall have a horizontal beam spread of maximum 165 degrees wide and 65 degrees vertically, and shall be oriented downwards to the plaza/street, rather than upwards.</i>	Demonstrate that all light emitting diodes used at the Downtown project site have a horizontal beam spread of maximum 165 degrees wide and 65 degrees vertically, and are oriented downwards to the plaza/street, rather than upwards.	ESC, SPD Project applicant	ESC, SPD	Project applicant	Prior to design review permit	City of Sacramento Community Development Department
4.1-2(h) <i>The maximum ambient light output level for any digital billboard shall be two (2) foot-candles at the closest residential property line from the billboard.</i>	Include light brightness and orientation specifications on Construction Plans. Demonstrate that the maximum ambient light output level for any digital billboard at the San Juan Road location is no more than two (2) foot-candles at the closest residential property line from the billboard.	ESC, SPD Project applicant	ESC, SPD	Project applicant	Prior to design review permit	City of Sacramento Community Development Department
4.1-3 <i>In the SPD area, highly reflective mirrored glass walls shall not be used as a primary building material (no more than 35 percent) for building facades adjacent to J Street and 7th Street. Instead, low emission (Low-E) glass shall be used in order to reduce the reflective qualities of the buildings, while maintaining energy efficiency.</i>	Include light brightness specifications on appropriate Construction Plans. Demonstrate that low emission will be used on building facades adjacent to J Street and 7 th Street. Include low emission (Low-E) glass specifications on Construction Plans.	DB-9 Project applicant	DB-9	Project applicant	Prior to design review permit	City of Sacramento Community Development Department
4.1-3: The Proposed Project could create new sources of glare.	Include light brightness specifications on appropriate Construction Plans. Demonstrate that low emission will be used on building facades adjacent to J Street and 7 th Street. Include low emission (Low-E) glass specifications on Construction Plans.	SPD Project applicant	SPD	Project applicant	Prior to design review permit	City of Sacramento Community Development Department
		SPD Project applicant	SPD	Project applicant	Prior to construction	City of Sacramento Community Development Department

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.2 Air Quality						
4.2-2: Construction of the Proposed Project would result in short-term emissions of NOx.	<p>4.2-2(a)</p> <p>City approval of any grading or improvement plans shall include the following SMAQMD Basic Construction Emission Control Practices, including:</p> <ul style="list-style-type: none"> All exposed surfaces shall be watered 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 trackout 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. All roadways, driveways, sidewalks, parking lots shall be paved as soon as possible. In addition, building pads shall be laid as soon as possible 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. 	<p>Include construction site and equipment specifications identified in Mitigation Measure 4.2-2(a) on Grading and Construction Plans.</p>	ESC, SPD, DB-all	Project applicant	Prior to issuance of demolition or grading permit	City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)
	<p>4.2-2(b)</p> <p>City approval of any grading or improvement plans shall include the following SMAQMD Enhanced Exhaust Control Practices, including:</p> <ul style="list-style-type: none"> Provide a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the Proposed Project to the City and the SMAQMD. The inventory shall include the horsepower rating, engine model/year, and 	<p>Include construction equipment specifications listed in Mitigation Measure 4.2-2(b) on Grading and Construction Plans.</p>	ESC, SPD, DB-all	Project applicant	Prior to issuance of demolition permit or grading permit	City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DB-1= I-5 at Water Tank; DB-2 = US 50 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Paso Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park/American River; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Calvine Road; DB-8 = I-5 at San Juan Road; DB-9 = I-5 at Bayou Road; DB-10 = I-5 at Sacramento Railyards

TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>Projected hours of use for each piece of equipment. The construction contractor shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment. The inventory shall be updated and submitted monthly throughout the duration of the Proposed Project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.</p> <ul style="list-style-type: none"> Provide a plan in conjunction with the equipment inventory, approved by the SMAQMD, demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this measure shall supersede other SMAQMD or state rules or regulations. If at the time of granting of each building permit, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the SMAQMD prior to construction will be necessary to make this determination. 		ESC, SPD, DB-all	Project applicant, SMAQMD	Prior to issuance of demolition or grading permit	Sacramento Metropolitan Air Quality Management District (SMAQMD)
	<p>4.2-2(C) The project applicant shall coordinate with SMAQMD to determine and ensure payment of off-site mitigation fees to offset the significant NOx emissions associated with the Proposed Project.</p>	Provide proof of payment of SMAQMD fees to the City of Sacramento Community Development Department.				

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.2-3: The Proposed Project would result in long-term (operational) emissions of NOx or ROG.	4.2-3 <i>The Proposed Project shall join and maintain membership in the Sacramento Transportation Management Association (TMA).</i>	Provides proof of membership to the City of Sacramento Community Development Department.	ESC, SPD	Project applicant	Prior issuance of certificate of occupancy	City of Sacramento Community Development Department
4.2-4: The Proposed Project would generate construction emissions of PM10.	4.2-4 <i>Implement Mitigation Measure 4.2-2(e).</i>	See Mitigation Measure 4.2-2(a).	ESC, SPD, DB-all	See Mitigation Measure 4.2-2(a).	See Mitigation Measure 4.2-2(a).	See Mitigation Measure 4.2-2(e).
4.2-8: The Proposed Project would contribute to cumulative increases in short-term (construction) emissions.	4.2-8 <i>Implement Mitigation Measures 4.2-2(a) through 4.2-2(c).</i>	See Mitigation Measures 4.2-2(a) through 4.2-2(c).	ESC, SPD, DB-all	See Mitigation Measures 4.2-2(a) through 4.2-2(c).	See Mitigation Measures 4.2-2(a) through 4.2-2(c).	See Mitigation Measures 4.2-2(e) through 4.2-2(c).
4.2-9: The Proposed Project would contribute to cumulative increases in long-term (operational) emissions of NOx or ROG.	4.2-9 <i>Implement Mitigation Measure 4.2-3.</i>	See Mitigation Measure 4.2-3.	ESC, SPD	See Mitigation Measure 4.2-3.	See Mitigation Measure 4.2-3.	See Mitigation Measure 4.2-3.
4.2-10: The Proposed Project would contribute to cumulative increases in PM10 concentrations.	4.2-10 <i>Implement Mitigation Measure 4.2-2(e).</i>	See Mitigation Measure 4.2-2(a).	ESC, SPD, DB-all	See Mitigation Measure 4.2-2(a).	See Mitigation Measure 4.2-2(a).	See Mitigation Measure 4.2-2(e).
4.3 Biological Resources						
4.3-1: Construction of the Proposed Project could disturb or harm listed wildlife species and/or destroy or degrade their habitat.	4.3-1(a) (1) <i>Prior to construction at the Business 80 at Sutter's Landing Regional Park digital billboard site, the site shall be surveyed for the presence of the valley elderberry longhorn beetle and its elderberry host plant by a qualified biologist in accordance with USEFWS protocols. If elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level occur on or adjacent to the project site, or are otherwise located where they may be directly or indirectly affected by the Proposed Project, minimization and compensation measures, which include transplanting existing shrubs and planting replacement habitat (conservation plantings), are required (see below). Surveys are valid for a period of two years. Elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with all stems measuring 1.0 inch or less in diameter at ground level.</i>	Conduct survey for VELB and elderberry shrubs as specified. If no stems over 1.0 inch are found, no further action is required. If stems over 1.0 inch are found, include elderberry plant protection requirements on Grading Plans.	DB-3	Project applicant	Prior to issuance of grading permit	City of Sacramento Community Development Department and USFWS
	(2) <i>For shrubs with stems measuring 1.0 inch or greater, the City shall ensure that elderberry shrubs within 100 feet of proposed development be protected prior to construction for the duration of the project and for Wildlife Species (USFWS) Conservation Beetle Guidelines for the Valley Elderberry Longhorn Beetle and the es, for the Valley Elderberry Longhorn Beetle and the es, for the Valley Elderberry Longhorn Beetle Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle. Within the Jurisdiction of the Sacramento Field Office.*</i>					

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SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.3-1(b)			DB-9	Project applicant	During construction per time frames described in Mitigation Measure 4.3-1(b)	City of Sacramento Community Development Department and USFWS
(1)	No more than 24-hours prior to the commencement of construction activities at the I-5 at San Juan Road digital billboard site, a preconstruction survey shall be conducted to survey for giant garter snakes by a USFWS-approved biologist. The biologist shall provide the USFWS with a written report that adequately documents the monitoring efforts within 24-hours of commencement of construction activities. The project site shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred.	To minimize impacts to giant garter snakes, follow the protocol described in Mitigation Measure 4.3-1(b) at the I-5 at San Juan Road digital billboard site.				
(2)	Construction activity within giant garter snake habitat (e.g., riverine and fresh emergent wetland) shall be conducted between May 1 and September 30. This is the active period for the snake and direct mortality is lessened as snakes are expected to actively move and avoid danger. If it appears that construction activity may go beyond September 30, the City shall contact the USFWS as soon as possible, but not later than September 15 of the year in question, to determine if additional measures are necessary to minimize take. Construction activities within 200 feet from the banks of aquatic snake habitat will be avoided during the snake's inactive season. If this is not feasible, the City shall consult with USFWS to determine measures to avoid impacts to giant garter snake. If project activities are approved to continue into the inactive season, a USFWS-approved biologist shall inspect construction-related activities daily during this period for unauthorized take of federally listed species or destruction of their habitat. The biologist shall be available for monitoring throughout all phases of construction that may result in adverse effects to the giant garter snake.					
(3)	Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat.					
(4)	A Worker Environmental Awareness Training Program for construction personnel shall be conducted by the USFWS-approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. The program shall provide workers with information on their responsibilities with regard to the snake, an overview of the life-history of this species, information on take prohibitions, protections afforded this animal under FESA, and an explanation of the relevant terms and conditions of project permits. Written documentation of the training shall be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.					
(5)	Prior to the commencement of construction activities, high visibility fencing shall be erected around the habitats of giant garter snake to identify and protect					

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>these designated areas from encroachment of personnel and equipment. These areas shall be avoided by all construction personnel. The fencing shall be inspected by the Contractor before the start of each work day and maintained by the Contractor until completion of the project. The fencing may be removed only when the construction of the project is completed. Fencing shall be established in upland habitat immediately adjacent to aquatic snake habitat and extending up to 200 feet from construction activities. Silt fencing, if properly installed and maintained, may serve as suitable snake exclusion fencing.</p>					
	<p>(6) Signs shall be posted by the Contractor every 50 feet along the edge of the GCS habitat, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and shall be maintained by the Contractor for the duration of construction.</p>					
	<p>(7) The Contractor shall minimize the potential for harm, harassment, and direct mortality of the snake resulting from project-related activities by implementation of the project. The Contractor shall ensure that the temporary loss of giant garter snake habitat is confined to the Proposed Project site.</p>					
	<p>(8) Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize habitat disturbance.</p>					
	<p>(9) Temporary impacts shall be restored to pre-project conditions. Areas subject to temporary impacts shall be limited to one season (the calendar year period between May 1 and October 1) and be restored within two seasons. Permanent impacts to giant garter snake habitat shall be replaced at a 3:1 ratio which must include both upland and aquatic habitat components. A portion of the mitigation for permanent loss of wetlands at a ratio no less than 1:1 may fulfill a portion of the 3:1 mitigation obligation for permanent impacts to giant garter snake habitat. This mitigation may be fulfilled through in-kind, onsite or off-site, our-of-kind mitigation as approved by the U.S. Fish and Wildlife Service and the Corps.</p>					
<p>4.3-2: Construction of the Proposed Project could disturb nesting raptors, migratory birds, and/or maternity roosts for special-status bat species.</p>	<p>4.3-2(a) The project applicant shall conduct any tree removal activities required for project construction outside of the migratory bird and raptor breeding season (February 1 through August 31) where feasible. For any construction activities that will occur between February 1 and August 31,</p>	<p>Conduct any tree removal and construction activities according to the protocol described in Mitigation Measure 4.3-2(a).</p>	<p>ESC, SPD, DB-1, DB-3, DB-4, DB-5</p>	<p>Project applicant</p>	<p>During construction per the time frames described in Mitigation Measure 4.3-2(a) for tree removal and construction activities between February 1 and August 31.</p>	<p>City of Sacramento Community Development Department and CDFW</p>

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>the applicant shall conduct preconstruction surveys in suitable nesting habitat within 500 feet of the construction area for nesting raptors and migratory birds. Surveys shall be conducted by a qualified biologist. In addition, all trees slated for removal during the nesting season shall be surveyed by a qualified biologist no more than 48-hours before removal to ensure that no nesting birds are occupying the tree. For Swainson's hawk nesting habitat, surveys shall be conducted in accordance with the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.</p> <p>If active nests are found during the survey, the applicant shall implement appropriate mitigation measures to ensure that the species will not be adversely affected, which will include establishing a no-work buffer zone as approved by CDFW, around the active nest.</p> <p>Measures may include, but would not be limited to:</p> <p>(1) Maintaining a 500-foot buffer around each active raptor nest. No construction activities shall be permitted within this buffer. For migratory birds, a no-work buffer zone shall be established, approved by CDFW, around the active nest. The no-work buffer may vary depending on species and site specific conditions as approved by CDFW.</p> <p>(2) Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on an individual basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall immediately inform the construction manager. The construction manager shall stop construction activities within the buffer until the nest is no longer active.</p>	<p>Include tree removal timing and/or tree protection requirements on Grading and Construction Plans.</p>	<p>ESC, SPD, DB-1, DB-3, DB-4, DB-5</p>	<p>Project applicant</p>	<p>Prior to construction</p>	<p>City of Sacramento Community Development Department and CDFW</p>
	<p>4.3-2(b)</p> <p>Pre-construction surveys for burrowing owls shall be conducted by a qualified biologist (as approved by CDFW) within 30-days prior to the start of work activities at the Business 80 at Del Paso Regional Park/Haggin Oaks billboard site where land construction is planned in known or suitable habitat. If construction activities are delayed for more than 30 days after the initial preconstruction surveys, then a new preconstruction survey shall be required. All surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation.</p> <p>(1) If burrowing owls are discovered in the Proposed Project site vicinity during construction, the CDFW-approved project biologist shall be notified immediately. Occupied burrows shall not be disturbed during the nesting season (February 1 through August</p>	<p>Conduct pre-construction surveys for burrowing owls and construction activities according to the protocol described in Mitigation Measure 4.3-2(b).</p>	<p>DB-4</p>	<p>Project applicant</p>	<p>During construction per the time frames described in Mitigation Measure 4.3-2(b) (surveys within 30 days of site work)</p>	<p>City of Sacramento Community Development Department and CDFW</p>

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>31) unless a qualified biologist approved by the CDFW verifies through non-invasive 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.</p> <p>(2) Occupied burrows during the nesting season shall be avoided by establishment of a no-work buffer of 250-foot around the occupied burrow. Where maintenance of a 250-foot no-work buffer zone is not practical, the City shall consult with the CDFW to determine appropriate avoidance measures. Burrows occupied during the breeding season (February 1 to August 31) will be closely monitored by the biologist until the young fledge/leave the nest. The onsite biologist shall have the authority to stop work if it is determined that construction related activities are disturbing the owls.</p> <p>(3) If approved by CDFW, the biologist may undertake passive relocation techniques by installing one-way doors in active and suitable burrows (that currently do not support eggs or juveniles). This would allow burrowing owls to escape but not re-enter. Owls should be excluded from the immediate impact zone and within a 160-foot buffer zone by having one-way doors placed over the entrance to prevent owls from inhabiting those burrows.</p>					
	<p>4.3-2(C) If tree removal activities commence on the project site during the breeding season of special-status bat species (April 1 to August 31), then a field survey shall be conducted by a qualified biologist to determine whether active roosts are present on site or within 50 feet of the project boundaries. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). If no roosting bats are found, then no further mitigation is required.</p> <p>If roosting bats are found, then disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season or a qualified bat biologist excludes the roosting bats in consultation with CDFW.</p>	<p>Conduct tree removal activities according to the protocol described in Mitigation Measure 4.3-2(C).</p>	DB-3, DB-4	Project applicant	<p>During construction per the time frames described in Mitigation Measure 4.3-2(C) (for any tree removal between April 1 and August 31)</p>	<p>City of Sacramento Community Development Department and CDFW</p>
<p>4.3-3: The Proposed Project could remove, fill, interrupt or degrade protected wetlands.</p>	<p>4.3-3 (a) The City shall require that the applicant(s) for the I-5 at San Juan Road and SR 99 at Calvine Road proposed billboard site (if the project encroaches into the detention basin) conduct a formal wetland delineation of wetlands and other waters of the U.S. within those project sites. The wetland delineation shall be submitted to the Corps for verification. If jurisdictional wetlands or other waters of the U.S. are not present,</p>	<p>Follow the protocol described in Mitigation Measure 4.3-3 to minimize impacts to wetlands.</p>	DB-7, DB-9	Project applicant	<p>Prior to issuance of grading permit</p>	<p>City of Sacramento Community Development Department, USACE, and CDFW</p>

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	no further action is required.					
	(b) If jurisdictional wetlands or other waters of the U.S. are present, the applicant shall avoid them if feasible. The Proposed Project shall minimize disturbances and construction footprints near avoided wetlands and other waters of the U.S. to the extent feasible.					
	(c) If avoidance is not feasible, then the applicant shall demonstrate that there is no net loss of wetlands through compensation. This measure may be satisfied by obtaining a Section 404 permit. To ensure that there is no net loss of wetland habitat and no significant impact to potential jurisdictional features, the project shall compensate for impacted wetlands at a ratio no less than 1:1. Compensation shall take the form of wetland preservation, enhancement or creation in accordance with Corps and CDFW mitigation requirements, as required under project permits. Preservation and creation may occur on-site (through a conservation agreement) or off-site (through purchasing credits at a Corps approved mitigation bank).					
	(d) At the I-5 at San Juan Road proposed billboard site, the project applicant shall compensate for loss of habitat in the Natomas Basin at a 0.5-to-1.0 ratio, per the requirements of the NBHCP.					
4.3.4-The Proposed Project could require removal of Street Trees and/or Heritage Trees.	4.3.4 The applicant for any project within the Downtown project site that would remove street and/or heritage trees shall submit a tree removal permit application for the removal of protected trees, as defined by City Codes 12.56 and 12.64. The application shall include proposed mitigation measures to protect retained trees and proposed replacement measures to mitigate for the loss of tree resources with the City's Director of the Department of Public Works. Several standard tree protection measures for retained trees are listed below; these measures may be revised in consultation with the City's Director of the Department of Transportation as appropriate.	Include tree removal requirements and/or tree protection requirements on Grading and Construction Plans. Include tree replacement requirements on Grading and Construction Plans.	ESC, SPD	Project applicant	Prior to grading permit issuance.	City of Sacramento Community Development Department and Department of Public Works
	<ul style="list-style-type: none"> A Tree Protection Zone (TPZ) shall be established around any tree or group of trees to be retained. The formula typically used is defined as 1.5 times the radius of the dripline or 5 feet from the edge of any grading, whichever is greater. The TPZ may be adjusted on a case-by-case basis after consultation with a certified arborist. The TPZ of any protected trees shall be marked with permanent fencing (e.g. post and wire or equivalent), which shall remain in place for the duration of construction activities in the area. Post "keep out" signs on all sides of fencing. 	Remove street and/or heritage trees according to the protocol described in Mitigation Measure 4.3.4.	ESC, SPD	Project applicant	During construction	City of Sacramento Community Development Department and Department of Public Works

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> Construction-related activities, including grading, trenching, construction, demolition, or other work shall be prohibited within the TPZ. No heavy equipment or machinery shall be operated within the TPZ. No construction materials, equipment, machinery, or other supplies shall be stored within a TPZ. No wires or signs shall be attached to any tree. Any modifications must be approved and monitored by a certified arborist. Prune selected trees to provide necessary clearance during construction and to remove any defective limbs or other parts that may pose a failure risk. All pruning shall be completed by a certified arborist or tree worker and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture. The TPZs of protected trees shall be monitored on a weekly basis. A certified arborist shall monitor the health and condition of the protected trees and, if necessary, recommend additional mitigations and appropriate actions. This shall include the monitoring of trees adjacent to project facilities in order to determine if construction activities (including the removal or nearby trees) would affect protected trees in the future. 					
4.3-5: The Proposed Project would install a digital billboard within a habitat mitigation area, resulting in a net loss in restorable area.	<p>4.3-5</p> <p>To mitigate for potential temporary and permanent impacts to Sutter's Landing Regional Park's "Triangle" mitigation area, the applicant shall restore all temporary mitigation-related impacts immediately following the completion of installation of the digital billboard. The applicant shall implement additional site restoration and enhancement within the "Triangle" mitigation area to ensure no net loss of habitat values. Restoration and enhancement activities may include the planting of additional oak trees and other vegetation (native shrubs, vines, forbs, and/or grasses) consistent with the 28th Street Landfill Tree Removal Mitigation Committee Report.</p>	<p>Follow the protocol described in Mitigation Measure 4.3-5 to mitigate for temporary and permanent impacts to Sutter's Landing Regional Park's "Triangle" mitigation area.</p> <p>Include project-related site restoration requirements on Construction Plans.</p>	DB-5	Project applicant	Immediately following the completion of installation of the digital billboard	Sutter's Landing Regional Park and City of Sacramento Community Development Department
4.3-6: The Proposed Project would contribute to the cumulative harm to special-status species or species of special concern and/or loss of degradation of their habitat.	<p>4.3-6</p> <p>Implement Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c), and 4.3-5.</p>	<p>See Mitigation Measure 4.3-1(a), Mitigation Measure 4.3-1(b), Mitigation Measure 4.3-2(a), Mitigation Measure 4.3-2(b), Mitigation Measure 4.3-2(c), and Mitigation Measure 4.3-5.</p>	DB-3 DB-9 ESC, SPD, DB-1, DB-3, DB-4, DB-5 DB-4 DB-3, DB-4 DB-5	See Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c), and 4.3-5.	See Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c), and 4.3-5.	See Mitigation Measures 4.3-1(a), 4.3-1(b), 4.3-2(a), 4.3-2(b), 4.3-2(c), and 4.3-5.
4.3-7: The Proposed Project would contribute to the cumulative loss and degradation of wetlands.	<p>4.3-7</p> <p>Implement Mitigation Measure 4.3-3.</p>	<p>See Mitigation Measure 4.3-3.</p>	DB-7, DB-9	See Mitigation Measure 4.3-3.	See Mitigation Measure 4.3-3.	See Mitigation Measure 4.3-3.
4.3-8: The Proposed Project would contribute to the cumulative loss of street trees and heritage trees.	<p>4.3-8</p> <p>Implement Mitigation Measure 4.3-4.</p>	<p>See Mitigation Measure 4.3-4.</p>	ESC, SPD	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.4 Cultural Resources						
4.4-1: The Proposed Project could damage, degrade and/or destroy historic resources.	4.4-1(a) <i>The Project applicant shall protect the Hotel Marshall from physical damage during demolition to ensure that the building's historic integrity of material is not significantly diminished and the Project Proponents will be responsible for repairs to the Hotel Marshall for damage caused by the demolition of the loading dock. If necessary, repairs shall be conducted in compliance with the "Treatment of Preservation" under the Secretary of Interior's Standards for the Treatment of Historic Properties (SOI Standards). The Project Proponents shall provide the City Preservation Director for review and approval of work plans for documenting the pre-construction condition of the Marshall Hotel, for protocols as to determining damage from demolition work, for the means and methods of protecting the Marshall Hotel during demolition, and for the means and methods of the demolition work itself alongside the Marshall Hotel, for the means and methods for making any of the repairs to be undertaken as a result of construction damage, and a completion report to ensure compliance with the SOI Standards. The Project Proponents shall be responsible for repairs related to protect impacts and not for general rehabilitation or restoration activities on the Hotel Marshall.</i>	Protect the Hotel Marshall from physical damage during demolition by following the protocol described in Mitigation Measure 4.4-1(a). Include Hotel Marshall protection requirements on Demolition, Grading and Construction Plans.	ESC, SPD ESC, SPD	Project applicant Project applicant	During demolition Prior to construction	City of Sacramento Community Development Department City of Sacramento Community Development Department
4.4-2: Construction of the Proposed Project could damage or destroy archaeological resources.	4.4-1(b) <i>Implement Mitigation Measure 4.8-3.</i> 4.4-2(a) <i>The project applicant shall retain a qualified archaeologist (i.e., defined as an archaeologist meeting the Secretary of Interior's Standards for professional archaeology) to carry out all actions related to archaeological and historical resources. Prior to the start of any ground disturbing activities, the qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The project applicant shall inform the City Preservation Director prior to ground disturbing activities. Disturbance of any archaeological or historical resources shall be undertaken by the qualified archaeologist and Native American monitor as approved by the City Preservation Director.</i>	See Mitigation Measure 4.8-3. Retain a qualified archaeologist to carry out all actions related to archaeological and historical resources according to the protocol described in Mitigation Measure 4.4-2(a). Obtain City Preservation Director approval. Include construction worker training requirements on Grading and Construction Plans.	ESC, SPD ESC, SPD, DB-all ESC, SPD, DB-all	See Mitigation Measure 4.8-3. Project applicant, City Preservation Director Project applicant	See Mitigation Measure 4.8-3. During construction Prior to construction	See Mitigation Measure 4.8-3. City of Sacramento Community Development Department City of Sacramento Community Development Department

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.4-2(b)	<p>If items of historic or archaeological interest are discovered, the construction contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. Prehistoric archaeological materials might include obsidian and chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally derived soil ("middens") containing heat-affected rocks, baked clay fragments, or faunal food remains (bone and shell); stone milling equipment (e.g., mortars, pestles; handstones, or milling slabs); and/or battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include the remains of stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City.</p> <p>Any inadvertent discovery of cultural resources during construction shall be evaluated by a qualified archaeologist. If deemed appropriate by the qualified archaeologist, an Archaeological Testing and Recovery Plan shall be prepared and implemented for the area subject to excavation. The qualified archaeologist shall determine whether monitoring is appropriate when construction activities resume.</p> <p>If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the State CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with State CEQA Guidelines section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist shall develop a treatment plan in consultation with the City and appropriate Native American representatives (if the find is of Native American origin).</p>	<p>Immediately cease all work activities within approximately 100 feet of any discovered items of historic or archaeological interest, contact the City of Sacramento, and follow the protocol described in Mitigation Measure 4.4-2(b).</p> <p>Include historic and archaeological resources discovery, identification, and notification guidelines on Grading and Construction Plans.</p>	ESC, SPD, DB-all	Project applicant and City of Sacramento Community Development Department	During construction	City of Sacramento Community Development Department
4.4-2(c)	<p>If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>	<p>Immediately stop work in the vicinity of discovered human bone or bone of unknown origin, notify the County Coroner, and follow the protocol described in Mitigation Measure 4.4-2(c).</p> <p>Include bone discovery, identification, and notification guidelines on Grading and Construction Plans.</p>	ESC, SPD, DB-all	Project applicant	During construction	City of Sacramento Community Development Department
			ESC, SPD, DB-all	Project applicant	Prior to construction	City of Sacramento Community Development Department

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**TABLE 4-1
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Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.4-2(d)	<p>Prior to project construction at the I-5 at Bayou Road digital billboard site, on-site construction personnel shall attend a mandatory pre-project training led by a Secretary of the Interior-qualified archaeologist. The training will outline the general archaeological sensitivity of the area (without providing site specifics) and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered.</p> <p>Prior to installation of the billboard, a Secretary of the Interior-qualified archaeologist shall establish an Archaeologically Sensitive Area (ASA) that shall remain in place during construction activities within and adjacent to the ASA. The ASA will include the electrical box and a 15-foot radius around that radius. No personnel associated with project activities would be allowed access within the ASA without an archaeologist present. The archaeologist shall also monitor any activities within the ASA to ensure that known archaeologically-sensitive resources within the ASA.</p> <p>Monitoring shall be required during all earthmoving activities associated with the installation of the billboard including, but not limited to site preparation, excavation of the footing for the billboard, and utility trenching.</p> <p>If archaeological materials are encountered during billboard construction, all soil disturbing activities within 25 feet in all directions of the find shall cease until the resource is evaluated. The monitor shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the State CEQA Guidelines section 15064.5), mitigation shall be implemented in accordance with PRC Section 21083.2 and section 15126.4 of the State CEQA Guidelines, with a preference for preservation in place. Consistent with State CEQA Guidelines section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist shall develop a treatment plan in consultation with the City. At the conclusion of construction activities, the archaeological monitor shall submit a memorandum to the City describing what, if any, archaeological resources were encountered during construction activities.</p>	<p>Retain a qualified archaeological monitor to train construction personnel on the archaeological sensitivity of the area.</p> <p>Establish Archaeologically Sensitive Area (ASA) around area described. Monitor construction activities within and near the established ASA.</p>	DB-8	Project applicant	Prior to construction	City of Sacramento Community Development Department
			DB-8	Project applicant	During construction	City of Sacramento Community Development Department
		Monitor earthmoving activities to prevent damage to potential archaeological resources.	DB-8	Project applicant	During construction	City of Sacramento Community Development Department
		The archaeological monitor shall carry out all actions related to archaeological resources according to the protocol described in Mitigation Measure 4.4-3(e).	DB-8	Project applicant	During construction	City of Sacramento Community Development Department

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SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Actions(s)	Component	Implementing Party	Timing	Monitoring Party
4.4-3: Construction of the Proposed Project could damage and/or destroy paleontological resources.	4.4-3(a) <i>The project applicant shall retain a qualified paleontologist to carry out all actions related to paleontological resources according to the protocol described in Mitigation Measure 4.4-3(a).</i> <i>Prior to the start of any ground disturbing activities, the qualified paleontologist shall conduct a Paleontological Resources Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources.</i>	Retain a qualified paleontologist to carry out all actions related to paleontological resources according to the protocol described in Mitigation Measure 4.4-3(a). Include paleontological resources training, discovery, identification, avoidance and notification guidelines on Grading and Construction Plans.	ESC, SPD, DB-all	Project applicant	During construction	City of Sacramento Community Development Department
4.4-3(b)	<i>If discovery is made of items of paleontological interest, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City. Any inadvertent discovery of paleontological resources during construction shall be evaluated by a qualified paleontologist. If it is determined that the project could damage a unique paleontological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRG Section 2.1063.2 and Section 15126.4 of the CEQA Guidelines. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City.</i>	Immediately cease all work activities within approximately 100 feet of discovered items of paleontological interest, contact the City of Sacramento, and follow the protocol described in Mitigation Measure 4.4-3(b). Include paleontological resources discovery, identification, and notification guidelines on Grading and Construction Plans.	ESC, SPD, DB-all	Project applicant and City of Sacramento Community Development Department	During construction	City of Sacramento Community Development Department
4.4-4: The Proposed Project would contribute to cumulative losses of historical resources.	4.4-4 <i>Implement Mitigation Measure 4.4-1.</i>	See Mitigation Measure 4.4-1.	ESC, SPD, DB-all	See Mitigation Measure 4.4-1.	See Mitigation Measure 4.4-1.	See Mitigation Measure 4.4-1.
4.4-5: The Proposed Project would contribute to cumulative losses of archaeological resources.	4.4-5 <i>Implement Mitigation Measure 4.4-2.</i>	See Mitigation Measure 4.4-2.	ESC, SPD, DB-all	See Mitigation Measure 4.4-2.	See Mitigation Measure 4.4-2.	See Mitigation Measure 4.4-2.
4.4-6: The Proposed Project would contribute to cumulative losses of paleontological resources.	4.4-6 <i>Implement Mitigation Measure 4.4-3.</i>	See Mitigation Measure 4.4-3.	ESC, SPD, DB-all	See Mitigation Measure 4.4-3.	See Mitigation Measure 4.4-3.	See Mitigation Measure 4.4-3.
4.6 Hazards and Hazardous Materials						
4.6-1: The Proposed Project could expose people to previously unidentified contaminated soil during construction activities.	4.6-1(a) <i>If unidentified or suspected contaminated soil or groundwater encountered during site preparation or construction activities</i>	Stop work if unidentified or suspected contaminated soil or groundwater is encountered and follow the protocol described in Mitigation Measure 4.6-1(a).	ESC, SPD, DB-all	Project applicant, Sacramento County Environmental Management Department, and California Department of Toxic Substances Control	During construction	City of Sacramento Community Development Department

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Actions(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>at the Downtown project site and/or digital billboard site, work shall stop in the area of potential contamination, and the type and extent of contamination shall be identified by a Registered Environmental Assessor (REA) or qualified professional. The REA or qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations, and recommendations for appropriate handling and disposal. Site preparation or construction activities shall not commence within the contaminated areas until remediation is complete and a "no further action" letter is obtained from the appropriate regulatory agency.</p>	<p>Include listing of contaminated soil or groundwater indicators on Grading and Construction Plans. Include contaminated soil or groundwater discovery, identification, and notification guidelines on Grading and Construction Plans.</p>	<p>ESC, SPD, DB-all</p>	<p>Project applicant</p>	<p>Prior to construction</p>	<p>City of Sacramento Community Development Department</p>
	<p>4.6-1(b) Prior to final project design and any earth disturbing activities at the US 50 at Pioneer Reservoir, I-80 at Roseville Road, and I-5 at Sacramento Railyards billboard sites, the City shall require that the applicant conduct a Phase I Environmental Site Assessment. The Phase I Site Assessment shall be prepared by a REA or other qualified professional to assess the potential for contaminated soil or groundwater conditions at the project site. The Phase I Site Assessment shall include a review of appropriate federal and State hazardous materials databases, as well as relevant local hazardous material site databases for hazardous waste on-site and off-site locations within a one-quarter mile radius of the subject project site. The Phase I Site Assessment shall also include a review of existing or past land uses and aerial photographs, summary of results of reconnaissance site visit(s), and review of other relevant existing information that could identify the potential existence of contaminated soil or groundwater. If no contaminated soil or groundwater is identified or the Phase I ESA does not recommend any further investigation than no further action is required. The Phase I ESA for the Sacramento Railyards shall include contacting DTSC to obtain information to identify any remediation infrastructure within the vicinity of the proposed billboard site. No remediation system, monitoring well network, extraction wells, associated conveyance piping or treatment systems shall be altered, disturbed or destroyed without prior approval by DTSC. No excavation and/or removal of soil at the Sacramento Railyards billboard site, except as allowed pursuant to section 3.01.C of the 1994 covenant, shall occur without prior written approval of DTSC. Excavated soil must be tested for those compounds noted in the preamble of the 1994 covenant and properly used, treated and/or disposed of as required by law and DTSC.</p>	<p>Conduct Phase I Environmental Site Assessments at the US 50 at Pioneer Reservoir, the I-80 at Roseville Road and/or I-5 at Sacramento Railyards billboard sites according to the requirements described in Mitigation Measure 4.6-1(b). Provide information on location of remediation facilities within the area to be disturbed to Contractor. Include prohibition on removal of remediation facilities on Grading and Construction Plans.</p>	<p>DB-2, DB-6, DB-10</p>	<p>Project applicant</p>	<p>Prior to final project design</p>	<p>City of Sacramento Community Development Department</p>
			<p>DB-10</p>	<p>DTSC, project applicant</p>	<p>Prior to construction</p>	<p>City of Sacramento Community Development Department</p>
			<p>DB-10</p>	<p>Project applicant</p>	<p>Prior to construction</p>	<p>City of Sacramento Community Development Department</p>
	<p>4.6-1(c) If existing soil or groundwater contamination is identified and the Phase I ESA recommends further review, the applicant shall retain a REA to conduct follow-up sampling to characterize the contamination and to identify any required</p>	<p>Retain a REA to conduct follow-up sampling to characterize any identified contamination and to identify any required remediation according to the protocol described in Mitigation Measure 4.6-1(c). Include specifications of follow up sampling, if any, in</p>	<p>DB-2, DB-6, DB-10</p>	<p>Project applicant, Sacramento County Environmental Management Department, and California Department of Toxic Substances Control</p>	<p>Prior to construction, if additional analysis recommended in Phase I ESA</p>	<p>City of Sacramento Community Development Department</p>

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	remediation that shall be conducted consistent with applicable regulators prior to any earth-disturbing activities. The environmental professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations at the proposed construction site, and recommendations for appropriate handling of any contaminated materials during construction. These recommendations shall be implemented and the site shall be deemed remediated by the appropriate agency (e.g., DTSC, Sacramento County EMD) prior to earth disturbance continuing in the vicinity of the contamination.					
4.6-3: The Proposed Project could expose people to existing contaminated groundwater during dewatering activities.	4.6-3 Implement Mitigation Measure 4.6-1 (a) through (c).	See Mitigation Measure 4.6-1(a), Mitigation Measure 4.6-1(b) and Mitigation Measure 4.6-1(c).	ESC, SPD, DB – all DB-2, DB-6, DB-10 DB-2, DB-6, DB-10	See Mitigation Measure 4.6-1(a) through (c).	See Mitigation Measure 4.6-1(a) through (c).	See Mitigation Measure 4.6-1(a) through (c).
4.6-4: Dewatering activities associated with the Proposed Project could interfere with remediation of the Railyards South Plume.	4.6-4 Prior to initiating dewatering activities for the ESC and/or SPD development, the project applicant shall demonstrate that dewatering activities would adequately protect remediation workers and minimize interference with remediation activities subject to approval from DTSC. If during project dewatering, monitoring data indicate that the remediation of the groundwater plume is being adversely affected, dewatering activities shall cease until measures are developed and implemented, subject to DTSC approval. Measures may include: (1) limiting the amount of pumping during peak wetfalls; or (2) installing additional dewatering wells; or (3) installing additional measures developed in consultation with DTSC which eliminate demonstrated adverse effects to on-going remediation.	Obtain approval from DTSC prior to initiating dewatering activities for the ESC and/or SPD development. If monitoring data indicate that remediation of the plume is being affected, contact DTSC and undertake appropriate actions. After approval from DTSC is obtained, include DTSC approval notice on Grading and Construction Plans.	ESC, SPD ESC, SPD	Project applicant and City of Sacramento Community Development Department Project applicant	Prior to initiating dewatering activities During dewatering	City of Sacramento Community Development Department City of Sacramento Community Development Department
4.6-6: The Proposed Project would contribute to cumulative dewatering activities that could interfere with remediation of the existing South Plume.	4.6-6 Implement Mitigation Measure 4.6-4.	See Mitigation Measure 4.6-4.	ESC, SPD	See Mitigation Measure 4.6-4.	See Mitigation Measure 4.6-4.	See Mitigation Measure 4.6-4.
4.7 Hydrology and Water Quality						
4.7-2: Implementation of the Proposed Project could increase the risk of flooding on- or off-site.	4.7-2 Implement Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.	ESC, SPD	See Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.
4.7-5: The Proposed Project could contribute to cumulative increases in the risk of flooding.	4.7-5 Implement Mitigation Measure 4.7-2.	See Mitigation Measure 4.7-2.	ESC, SPD	See Mitigation Measure 4.7-2.	See Mitigation Measure 4.7-2.	See Mitigation Measure 4.7-2.

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.8 Noise						
4.8-1: The Proposed Project could result in a substantial permanent increase in ambient exterior noise levels in the project vicinity.	4.8-1(a) On-site mechanical equipment (e.g., HVAC units, compressors, generators) and area-source operations (e.g., loading docks) shall be located as far as possible and/or shielded from nearby noise sensitive land uses to meet City noise standards.	Include mechanical equipment location and noise specifications consistent with Mitigation Measure 4.8-1(a) on Construction Plans.	ESC, SPD	Project applicant	Prior to construction permit	City of Sacramento Community Development Department
4.8-1(b) The project applicant shall retain a qualified acoustical consultant to verify that the architectural and outdoor amplified sound system designs incorporate all acoustical features in order to comply with the City of Sacramento Noise Ordinance.	4.8-1(b) The project applicant shall retain a qualified acoustical consultant to verify that the architectural and outdoor amplified sound system designs incorporate all acoustical features in order to comply with the City of Sacramento Noise Ordinance.	Demonstrate that architectural and outdoor amplified sound system designs comply with City of Sacramento Noise Ordinance through implementation of all acoustical features.	ESC	Project applicant	Prior to design review approval permit	City of Sacramento Community Development Department
4.8-2: The Proposed Project could result in residential interior noise levels of 45 dBA Ldn or greater caused by noise level increases due to project operation.	4.8-2(a) Prior to the issuance of building permits, the City shall require project applicants for residential development to submit a detailed noise study, prepared by a qualified acoustical consultant, to identify design measures necessary to achieve the City interior standard of 45 Ldn in the proposed new residences. The study shall be submitted to the City for review and approval. Design measures such as the following could be required, depending on the specific findings of the noise study: double-paneled glass windows facing noise sources, solid-core doors, increased sound insulation of exterior walls (such as through staggered- or double-studs; multiple layers of gypsum board; and incorporation of resilient channels), weather-light seals for doors and windows; or sealed windows, with an air conditioning system installed for ventilation. This study can be a separate report or included as part of the Noise and Vibration Reduction Plan for the SPD. The building plans submitted for building permit approval shall be accompanied by a certification of a licensed engineer that the plans include the identified noise-reducing design measures and satisfy the requirements of this mitigation measure.	Demonstrate that the project does not result in interior noise levels of 45 dBA Ldn or greater at nearby residential uses by following the protocol described in Mitigation Measure 4.8-2(a).	SPD	Project applicant	Prior to issuance of building permits	City of Sacramento Community Development Department
4.8-2(b) Implement Mitigation Measure 4.8-1(b) to minimize noise from outdoor amplified sound systems.	4.8-2(b) Implement Mitigation Measure 4.8-1(b) to minimize noise from outdoor amplified sound systems.	See Mitigation Measure 4.8-1(b).	ESC	See Mitigation Measure 4.8-1(b).	See Mitigation Measure 4.8-1(b).	See Mitigation Measure 4.8-1(b).

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Actions(s)	Component	Implementing Party	Timing	Monitoring Party
4.8-3: Construction of the Proposed Project could result in noise levels that temporarily exceed the City standards.	<p>4.8-3</p> <p><i>Prior to the issuance of any building permit for each phase of project development, the project applicant shall develop a Noise and Vibration Reduction Plan in coordination with an acoustical consultant, geotechnical engineer, and construction contractor, and submit the Plan to the City Chief Building Official for approval. The Plan shall include the following elements:</i></p> <ul style="list-style-type: none"> To mitigate noise, the Plan shall include measures such that off-road equipment will not exceed interior noise of 45 dBA Leq (between 10 p.m. and 7 a.m.) and 75 dBA Leq (between 7 a.m. and 10 p.m.) at nearby receptors. To mitigate vibration, the Plan shall include measures such that surrounding buildings will be exposed to less than 80 vdB and 85 dB (vibrational step and v_{max}) respectively, and less than 0.2 PPV for historic buildings and 0.5 PPV for non-historic buildings to prevent building damage. <p>Measures and controls shall be identified based on project-specific final design plans, and may include, but are not limited to, some or all of the following:</p> <ul style="list-style-type: none"> Buffer distances and types of equipment selected to minimize noise and vibration impacts during demolition/construction at nearby receptors in order to meet the specified standards. Haul routes that affect the fewest number of people shall be selected and subject to preapproval by the City. Construction contractors shall utilize equipment and trucks equipped with the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible. Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used to lower noise levels from the exhaust by up to about 10 dBA. External jackets shall be used on impact tools, where feasible, in order to achieve a further reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds. 	<p>Develop a Noise and Vibration Reduction Plan according to the requirements described in Mitigation Measure 4.8-3.</p> <p>Include noise and vibration reduction requirements and maximum noise levels permitted on Demolition, Grading and Construction Plans. Include noise and vibration monitoring requirements on Demolition, Grading and Construction Plans. Include the requirement for an on-site disturbance coordinator on Demolition, Grading and Construction Plans.</p>	<p>ESC, SPD</p> <p>ESC, SPD</p>	<p>Project applicant</p> <p>Project applicant</p>	<p>Prior to the issuance of any building permit for each phase of project</p> <p>Prior to construction</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	incorporate insulation barriers, or other measures to the extent feasible.					
	<ul style="list-style-type: none"> Erection of a six-foot or greater solid plywood construction/noise barrier, where feasible, around the outside perimeter of the project site where the demolition or construction activity area faces occupied uses (i.e., excluding parking garages). The barrier shall not contain any significant gaps at its base or face, except for site access and surveying openings. Use of "quiet" pile driving technology (such as auger displacement installation), where feasible in consideration of geotechnical and structural requirements and conditions. Erection of a scaffold with reinforced noise blankets to completely block the line of sight of the Jade Apartments and accessible faces of the Hotel Marshall prior to commencement of demolition, and shall extend the scaffold to screen the Hotel Marshall incrementally as access is provided by demolition of the adjacent Macy's building. Alternatively, residents of these two buildings could be temporarily relocated during demolition, excavation, and construction activities that could result in noise and vibration levels that exceed the above listed thresholds. Implement a vibration, crack, and line and grade monitoring program at existing historic and non-historic buildings located within 20 feet and 10 feet of demolition/construction activities, respectively. The following elements shall be included in this program: <ul style="list-style-type: none"> Pre-Demolition and Construction: <ul style="list-style-type: none"> To assist with measures regarding impacts to historical resources, the project applicant and construction contractor shall solicit input and review of plan components from a person(s) who meets the SOI Professional Qualification Standards for Architectural History, and, as appropriate, an architect that meets the SOI Professional Qualification Standard for Historic Architect. These qualification standards are defined in Title 36 Code of Federal Regulations Part 61. Photos of current conditions shall be included as part of the crack survey that the construction contractor will undertake. This includes photos of existing cracks and other material conditions present on or at the surveyed buildings. Images of interior conditions shall be included if possible. Photos in the report shall be labeled in detail and dated. The construction contractors shall install crack gauges on cracks in the walls of the 					

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>historical and non-historic buildings to measure changes in existing cracks during project activities. Crack gauges shall be installed on multiple representative cracks, particularly on sides of the building facing the project.</p> <ul style="list-style-type: none"> ▪ The construction contractor shall determine the number and placement of vibration receptors at the affected historic and non-historic buildings in consultation with the consulting architectural historian and/or architect. The number of units and their locations shall take into account proposed demolition and construction activities so that adequate measurements can be taken illustrating vibration levels during the course of the project, and if/when levels exceed the established threshold. ▪ A line and grade pre-construction survey at the affected historic and non-historic buildings shall be conducted. <ul style="list-style-type: none"> ○ During Demolition and Construction: <ul style="list-style-type: none"> ▪ The construction contractor shall regularly inspect and photograph crack gauges, maintaining records of these inspections to be included in post-construction reporting. Gauges shall be inspected every two weeks, or more frequently during periods of active project actions in close proximity to crack monitors, such as during demolition of the Macy's Men's and Furniture Department Building near the Hotel Marshall. ▪ The construction contractor shall collect vibration data from receptors and report vibration levels to the City Chief Building Official on a monthly basis. The reports shall include annotations regarding project activities as necessary to explain changes in vibration levels, along with proposed corrective actions to avoid vibration levels approaching or exceeding the established threshold. ▪ With regards to historic structures, if vibration levels exceed the threshold and monitoring or inspection indicates that the project is damaging the building, the historic building shall be provided additional protection or stabilization. If necessary and with approval by the City Chief Building Official, the construction contractor shall install temporary shoring or stabilization to help avoid permanent impacts. Stabilization may involve structural reinforcement or corrections for deterioration that would 					

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Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>minimize or avoid potential structural failures or avoid accelerating damage to the historic structure. Stabilization shall be conducted following the Secretary of Interior Standards Treatment of Preservation. This treatment shall ensure retention of the historical resource's character-defining features. Stabilization may temporarily impair the historic integrity of the building's design, material, or setting, and as such, the stabilization must be conducted in a manner that will not permanently impair a building's ability to convey its significance. Measures to shore or stabilize the building shall be installed in a manner that when they are removed, the historic integrity of the building remains, including integrity of material.</p>	<ul style="list-style-type: none"> o Post-Construction <ul style="list-style-type: none"> ▪ The applicant (and its construction contractor) shall provide a report to the City Chief Building Official regarding crack and vibration monitoring conducted during demolition and construction. In addition to a narrative summary of the monitoring activities and their findings, this report shall include photographs illustrating the post-construction state of cracks and material conditions that were presented in the pre-construction assessment report, along with images or other relevant conditions showing the impact, or lack of impact, or project activities. The photographs shall sufficiently illustrate damage, if any, caused by the project and/or show how the project did not cause physical damage to the historic and non-historic buildings. The report shall include annotated analysis of vibration data related to project activities, as well as summarize efforts undertaken to avoid vibration impacts. Finally, a post-construction line and grade survey shall also be included in this report. ▪ The project applicant (and its construction contractor) shall be responsible for repairs from damage to historic and non-historic buildings if damage is caused by vibration or movement during the demolition and/or construction activities. Repairs may be necessary to address, for example, cracks that expanded as a result of the project, physical damage visible in post-construction assessment, or holes or connection points that were needed for shoring or stabilization. Repairs shall be directly related to project impacts and will not apply to general rehabilitation or restoration activities of the buildings. If necessary for historic structures, 				

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Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<p>repairs shall be conducted in compliance with the Secretary of Interior Standards Treatment of Preservation. The Project applicant shall provide the City Chief Building Official and City Preservation Officer for review and comment both a work plan for the repairs and a completion report to ensure compliance with the SOI Standards.</p> <ul style="list-style-type: none"> Designate a disturbance coordinator and conspicuously post this person's number around the project site, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any local complaints about construction activities. This disturbance coordinator shall receive all public complaints about construction noise disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem. The disturbance coordinator shall have the authority to halt noise- or vibration-generating activity if necessary to protect public health and safety. Adjacent noise-sensitive residents and commercial uses (i.e., educational, religious, transient lodging) within 200 feet of demolition and pile driving activity shall be notified of the construction schedule, as well as the name and contact information of the project disturbance coordinator. 					
4.8-4: Construction of the Proposed Project would expose existing and/or planned buildings, and persons within, to significant vibration that could disturb people and damage buildings.	4.8-4 Implement Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.	ESC, SPD	See Mitigation Measure 4.9-3.	See Mitigation Measure 4.9-3.	See Mitigation Measure 4.9-3.
4.8-6: The Proposed Project would contribute to cumulative increases in ambient exterior noise levels in the project vicinity.	4.8-6 Implement Mitigation Measures 4.8-1(a) and 4.8-1(b).	See Mitigation Measure 4.8-1(a) and Mitigation Measure 4.8-1(b).	ESC, SPD ESC	See Mitigation Measures 4.8-1(a) and 4.8-1(b).	See Mitigation Measures 4.8-1(a) and 4.8-1(b).	See Mitigation Measures 4.8-1(a) and 4.8-1(b).
4.8-7: Implementation of the Proposed Project would contribute to cumulative increases in residential interior noise levels of 45 dBA Ldn or greater.	4.8-7 Implement Mitigation Measures 4.8-2(a) and 4.8-2(b).	See Mitigation Measures 4.8-2(a) and Mitigation Measure 4.8-2(b).	SPD ESC	See Mitigation Measures 4.8-2(a) and 4.8-2(b).	See Mitigation Measures 4.8-2(a) and 4.8-2(b).	See Mitigation Measures 4.8-2(a) and 4.8-2(b).
4.8-8: The Proposed Project would result in exposure of people to cumulative increases in construction noise levels.	4.8-8 Implement Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.	ESC, SPD	See Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DE-1= I-5 at Water Tank; DB-2 = US 99 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Paso Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Calvine Road; DB-8 = I-5 at Bayou Road; DB-9 = I-5 at San Juan Road; DB-10 = I-5 at Sacramento Railyards

**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.8-9: The Proposed Project would contribute to cumulative construction that could expose existing and/or planned buildings, and persons within, to significant vibration.	4.8-9 <i>Implement Mitigation Measure 4.8-3.</i>	See Mitigation Measure 4.8-3.	ESC, SPD	See Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.	See Mitigation Measure 4.8-3.
4.10 Transportation						
4.10-1: The Proposed Project would worsen conditions at intersections in the City of Sacramento.	4.10-1 <i>The applicant shall be required to prepare and implement an Event Transportation Management Plan (TMP) that would provide a range of transportation management strategies designed to address the travel associated with various events at the ESC, and to improve operations in downtown before, during, and after ESC events. The TMP will be subject to review and approval of City of Sacramento Traffic Engineer, in consultation with affected agencies such as Caltrans and Regional Transit.</i>	Prepare and implement an Event Transportation Management Plan (TMP) according to the requirements described in Mitigation Measure 4.10-1.	ESC, SPD	Project applicant, Caltrans, and Regional Transit	TMP approved prior to issuance of certificate of occupancy; Implement during operation	City of Sacramento Community Development Department, Department of Public Works, City of Sacramento Fire and Police departments
4.10-2: The Proposed Project would worsen conditions on freeway facilities maintained by Caltrans.	4.10-2 <i>Prior to the issuance of each building permit for the project, the project applicant shall pay its fair-share contribution to fund planned transportation improvements which are included in the SACOG Metropolitan Transportation Plan (MTP) and are located within the I-5 freeway corridor in proximity to the project. The payment shall cover the fair-share portion allocable to the portion of the project subject to the building permit. This mitigation measure is required with each phase of development, regardless of whether it is the ESC or a non-ESC land use.</i>	Demonstrate payment of project fair-share contribution to fund planned transportation improvements which are included in the SACOG Metropolitan Transportation Plan (MTP) and are located within the I-5 freeway corridor in proximity to the project.	ESC, SPD	Project applicant	Prior to issuance of each building permit for the project	City of Sacramento Community Development Department and Department of Public Works
4.10-3: The Proposed Project would worsen queuing on the J Street freeway off-ramps from I-5.	4.10-3 <i>The City shall coordinate with Caltrans, as necessary, to implement the following measures to benefit operations at the J Street/3rd Street/I-5 off-ramps intersection:</i> a) <i>AM Peak Hour: Street/3rd Street/I-5 off-ramps Intersection – Revise the traffic signal green splits for the 3rd Street north-south, southbound off-ramp, and northbound off-ramp phases. The applicant shall be required to pay a fair share contribution to the City Traffic Operation Center (TOC) to revise the signal timing at this intersection.</i> b) <i>Pre-Event Peak Hour (for large events): Implement Mitigation Measure 4.10-1 (Prepare/Implement TMP which includes potential traffic management strategies at the J Street/3rd Street/I-5 off-ramps intersection for pre-event conditions).</i> c) <i>Pre-Event Peak Hour (for large events): The City shall coordinate with Caltrans to use existing changeable message signs (CMS) located on southbound I-5 (south of West Et Camino Ave.), northbound I-5 (at</i>	Coordinate with Caltrans, as necessary, to implement the measures listed in Mitigation Measure 4.10-3(a). Coordinate with Caltrans, as necessary, to implement the measures listed in Mitigation Measure 4.10-3(b). Coordinate with Caltrans, as necessary, to implement the measures listed in Mitigation Measure 4.10-3(c).	ESC, SPD	City of Sacramento Department of Public Works, Caltrans	Prior to issuance of the first building permit for the project	City of Sacramento Community Development Department and Department of Public Works

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.10-5: The Proposed Project would cause inadequate access to bus transit.	Sutterville Road), and westbound Capital City Freeway (at 9 th Street) to broadcast real-time information to travelers regarding preferred travel routes to access the ESC. These broadcasts would operate in conjunction with City, State, and ESC Traffic Management Centers.	4.10-5 The project applicant, in coordination with the City of Sacramento, Regional Transit, and other transit providers within the project vicinity, shall identify new bus stop locations and cause replacement bus stop facilities to be constructed. Service providers should then collaborate/agree on which bus routes should use which relocated stops. The proposed new bus stop would be located on the north side of Capitol Mall between 8th Street and 7th Street.	ESC	Project applicant, City of Sacramento Department of Public Works, and Regional Transit	Prior to demolition	City of Sacramento Community Development Department and Department of Public Works
4.10-6: Access to light rail transit would be inadequate.	<p>The project applicant, the City of Sacramento, and Regional Transit shall identify and implement feasible operational strategies to improve access to light rail transit before and after events at the ESC. These strategies, which shall be documented in the TMP, may include, but are not limited to, the following:</p> <p>a) 7th Street Closure (City/Applicant responsibility): Close 7th Street between J Street and L Street to vehicular traffic (buses and LRT trains) would be permitted on 7th Street prior to the completion of an evening event and extending for a certain period after the event ends (events warranting closure and duration of closures to be identified in the TMP).</p> <p>b) Train Boarding Queuing at 7th K Station (City/RT responsibility): During post-event conditions, permit pedestrians to board trains at the 7th K (St. Rose of Lima Park) stop from both the left and right sides of the train. This measure would increase pedestrian staging space, and provide improved access to trains. Also implement strategies (wayfinding, barriers, personnel) that would enable transit riders to "queue" (stand in line) while waiting for post-game trains.</p> <p>c) Alternative Station Loading Strategies (City/RT/Applicant responsibility): To better distribute passenger loadings, consider loading the Gold line and Blue line (to Meadowview) from different stations (i.e., one would load only at 7th K and the other would load only at 7th Capitol). Also consider a mid-block loading location for the Gold line on the closed portion of 7th Street from J to K Streets.</p> <p>d) Enhanced LRT Service (City/RT/Applicant responsibility): As warranted, operate the first post-event trains (i.e., after the game ends) in each direction with four cars (versus current two-car</p>	<p>Identify and implement feasible operational strategies to improve access to light rail transit before and after events at the ESC according to the requirements described in Mitigation Measure 4.10-6.</p> <p>ESC</p>	Project applicant, City of Sacramento Department of Public Works, and Regional Transit	TMP approved prior to issuance of certificate of occupancy; Implement during operation	City of Sacramento Community Development Department and Department of Public Works	

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DB-1= I-5 at Water Tank; DB-2 = US 50 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Prado Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park/American River; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Bayou Road; DB-8 = I-5 at San Juan Road; DB-9 = I-5 at San Juan Road; DB-10 = I-5 at Sacramento Railyards

TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	capacity) to provide a spike in transit system capacity in response to demand.					
e)	Enhanced LRT Ticket Purchasing (City/RT/Applicant responsibility): Consider approaches such as selling LRT passes inside the ESC, special passes (valid for use on trains until midnight) sold at the box office, smartphone applications, and/or special transit ticket provisions.					
4.10-8	The project applicant, in coordination with the City and subject to the City's Traffic Engineer approval, shall implement pedestrian system enhancements consistent with the Project's TMP to accommodate pedestrian access before and after special events at the ESC. Potential improvements may include, but are not limited to, the following:	<p>Implement pedestrian system enhancements consistent with the project TMP to accommodate pedestrian access before and after special events at the ESC according to the requirements described in Mitigation Measure 4.10-8.</p> <p>ESC</p> <p>Project applicant and City of Sacramento Department of Public Works</p> <p>TMP approved prior to issuance of certificate of occupancy; Implement during operation; Signal improvements shall be implemented before issuance of a building permit</p> <p>City of Sacramento Community Development Department and Department of Public Works</p>				
a)	Upgrade traffic signals, (if necessary) at the following locations to include pedestrian countdown heads (i.e., displays number of seconds remaining in "flashing don't walk" phase) and other required enhancements (e.g., special signage or signal control equipment for temporary closures) subject to the review and approval by the City Traffic Engineer.	<ul style="list-style-type: none"> • L Street/4th Street • J Street/5th Street • L Street/5th Street • J Street/6th Street • L Street/6th Street • J Street/7th Street • L Street/7th Street • K Street/7th Street • Capitol Mall/5th Street 				
b)	Increase the width of the following crosswalks from 10 to 15 feet:	<ul style="list-style-type: none"> • L Street/4th Street – crossing of L Street on the east side • J Street/5th Street Intersection - crossing of J Street on the east side • L Street/5th Street Intersection - crossing of L Street on the east side • J Street/6th Street Intersection - crossing of J Street on the west side • L Street/6th Street Intersection – crossing of L Street on the west side • L Street/7th Street Intersection – crossing of L Street on the west side 				

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DB-1= I-5 at Water Tank; DB-2 = US 50 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Paso Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park/American River; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Calvine Road; DB-8 = I-5 at Bayou Road; DB-9 = I-5 at San Juan Road; DB-10 = I-5 at Sacramento Railyards

TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.10-10: The Proposed Project would cause construction-related traffic impacts.	<ul style="list-style-type: none"> J Street/7th Street Intersection – all crossings of both J Street and 7th Street Capitol Mall/5th Street Intersection - crossing of Capitol Mall on the east side 	<p>Implement the measures listed in Mitigation Measure 4.10-10 to minimize construction-related traffic impacts.</p>	ESC, SPD	Project applicant, City of Sacramento Department of Public Works, Caltrans, Regional Transit, City of Sacramento Fire and Police departments	Prior to issuance of demolition permit	City of Sacramento Community Development Department and Department of Public Works
	<p>c) Position traffic control personnel, as determined in the TMP, at intersections on J Street, 7th Street, and J Street to monitor and assist with pedestrian crossings during events that generate large pedestrian volumes (i.e., NBA games, concerts, major community events).</p> <p>d) Modify traffic signal timings for the pre-event and post-event peak hours at each of the intersections listed in (a)-(c) above to provide longer WALK intervals for north-south travel, while maintaining signal coordination along each corridor.</p>					
	<p>a) Before issuance of demolition permits for the project site, the project applicant shall prepare a detailed Construction Traffic Management Plan that will be subject to review and approval by the City Department of Public Works, in consultation with Caltrans, affected transit providers, and local emergency service providers including the City of Sacramento Fire and Police departments. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:</p> <ul style="list-style-type: none"> The number of truck trips, time, and day of street closures Time of day of arrival and departure of trucks Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting Provision of a truck circulation pattern Identification of detour routes and signing plan for street closures Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas) Maintain safe and efficient access routes for emergency vehicles 					

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TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> ▪ Manual traffic control when necessary ▪ Proper advance warning and posted signage concerning street closures ▪ Provisions for pedestrian and bicycle safety <p>A copy of the construction traffic management plan shall be submitted to local emergency response agencies and transit providers, and these agencies shall be notified at least 30 days before the commencement of construction that would partially or fully obstruct roadway.</p>					
	<p>b) The project applicant, in coordination with the City of Sacramento, Regional Transit, and other transit providers within the project vicinity and subject to their approval, shall identify temporary bus stop locations and cause ADA-compliant replacement bus stop facilities to be constructed. Potential bus stop locations include (but are not limited to): J Street to the west of 4th Street, J Street to the west of 5th Street, and J Street to the east of 6th Street. The relocation of bus stops may have a secondary impact related to the loss/relocation of a small number of on-street parking spaces and/or loading zones. This secondary impact would not be significant.</p>					
	<p>c) The project applicant shall implement the planned conversion of 3rd Street, from Capitol Mall to I Street, from its current one-way (southbound-only) configuration to a two-way configuration prior to the closure of 5th Street. This project will provide an alternative travel route during the 5th Street closure. This shall include the installation of lane/intersection restriping, signing, and traffic signal modifications. It may include the elimination of on-street parking on the east side of 3rd Street. The improvements shall include the provision for eastbound buses on Capitol Mall to turn left on 3rd Street and travel along 3rd Street to J Street.</p>					
4.10-11: The Proposed Project would contribute to cumulatively unacceptable intersection operations in the City of Sacramento.		See Mitigation Measure 4.10-1.	ESC, SPD	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.
4.10-13: The Proposed Project would contribute to cumulatively unacceptable operations on freeway facilities maintained by Caltrans.	Implement Mitigation Measure 4.10-2.	See Mitigation Measure 4.10-2.	ESC, SPD	See Mitigation Measure 4.10-2.	See Mitigation Measure 4.10-2.	See Mitigation Measure 4.10-2.
4.10-14: The Proposed Project would worsen cumulatively unacceptable queuing on the J Street freeway off-ramps from I-5.	Implement Mitigation Measure 4.10-3.	See Mitigation Measure 4.10-3.	ESC	See Mitigation Measure 4.10-3.	See Mitigation Measure 4.10-3.	See Mitigation Measure 4.10-3.

ESC = Entertainment and Sports Center; SPD = Special Planning District; DB-all = all proposed digital billboard sites; DB-1 = I-5 at Water Tank; DB-2 = US 50 at Pioneer Reservoir; DB-3 = Business 80 at Sutter's Landing Regional Park; DB-4 = Business 80 at Del Paso Regional Park/Haggin Oaks; DB-5 = Business 80 at Sutter's Landing Regional Park/American River; DB-6 = I-80 at Roseville Road; DB-7 = SR 99 at Calvine Road; DB-8 = I-5 at Bayou Road; DB-9 = I-5 at San Juan Road; DB-10 = I-5 at Sacramento Railyards

**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.10-16: The Proposed Project would cause inadequate access to bus transit under cumulative conditions.	4.10-16 Implement Mitigation Measure 4.10-5.	See Mitigation Measure 4.10-5.	ESC	See Mitigation Measure 4.10-5.	See Mitigation Measure 4.10-5.	See Mitigation Measure 4.10-5.
4.10-17: Access to light rail transit would be inadequate under cumulative conditions.	4.10-17 Implement Mitigation Measure 4.10-6.	See Mitigation Measure 4.10-6.	ESC	See Mitigation Measure 4.10-6.	See Mitigation Measure 4.10-6.	See Mitigation Measure 4.10-6.
4.10-19: The Proposed Project would adversely affect existing or planned pedestrian facilities or fail to provide for access for pedestrians.	4.10-19 Implement Mitigation Measure 4.10-8.	See Mitigation Measure 4.10-8.	ESC	See Mitigation Measure 4.10-8.	See Mitigation Measure 4.10-8.	See Mitigation Measure 4.10-8.
4.10-21: The Proposed Project would cause construction-related traffic impacts.	4.10-21 Implement Mitigation Measure 4.10-10.	See Mitigation Measure 4.10-10.	ESC, SPD	See Mitigation Measure 4.10-10.	See Mitigation Measure 4.10-10.	See Mitigation Measure 4.10-10.
4.11 Utilities and Service Systems						
4.11-3: The Proposed Project would contribute to cumulative increases in demand for water supply.	4.11-3 To ensure that sufficient capacity would be available to meet cumulative demands, the City shall implement, to the extent needed in order to secure sufficient supply, one or a combination of the following: (a) Maximize Water Conservation (b) Implement New Water Diversion and/or Treatment Infrastructure (c) Implement Additional Groundwater Pumping	Implement, to the extent needed in order to secure sufficient water supply, one or a combination of the actions listed in Mitigation Measure 4.11-3.	ESC, SPD	City of Sacramento Department of Utilities	During operation	City of Sacramento Community Development and Utilities departments
4.11-5: The Proposed Project would discharge additional flows to the City's sewer and drainage systems, which could exceed existing infrastructure capacity.	4.11-5 The project applicant shall manage wastewater, drainage and dewatered groundwater from the Proposed Project such that they shall not exceed existing CSS and Basin 52 system capacity by implementing one or more of the following or equally effective methods to be designed according to City standards and approved by the City Department of Utilities: a. Install one or more tanks to hold wastewater, stormwater and/or construction period groundwater dewatering flows for a period of time and incrementally release flows at a rate that would not exceed existing capacity. b. Suspend construction period dewatering activities during storm events; and/or c. Design and implement on-site improvements to increase capacity to accommodate project flows.	Demonstrate that project is designed so that CSS and Basin 52 capacity will not be exceeded, per Mitigation Measure 4.11-5.	ESC, SPD	Project applicant	Prior to issuance of Building Permit	City of Sacramento Community Development and Utilities departments

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**TABLE 4-1
SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.11-7: The Proposed Project would contribute to cumulative increases in demand for wastewater and stormwater facilities.	4.11-7 Implement Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.	ESC, SPD	See Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.	See Mitigation Measure 4.11-5.
4.11-12: Project construction could interfere with a buried, existing 115-kV power line.	4.11-12 Prior to the initiation of demolition, the project applicant shall work with SMUD to identify the location of the 115-kV, machinery or the placement of heavy objects on or in the immediate vicinity (i.e., within 10 feet on either side of the line) of the line during construction. The applicant shall work with SMUD to identify maximum weight limits within the 70-foot buffer area prior to the initiation of construction activities on site.	Work with SMUD to identify the location of the 115-kV power line according to the requirements described in Mitigation Measure 4.11-12. Include statement prohibiting heavy equipment on top of or within 10 feet of SMUD's 115-kV line on Demolition, Grading and Construction Plans.	ESC, SPD ESC, SPD	Project applicant, Sacramento Municipal Utility District (SMUD) Project applicant	Prior to the issuance of Demolition Permit Prior to construction	City of Sacramento Community Development and Utilities Departments, Sacramento Municipal Utility District (SMUD) City of Sacramento Community Development and Utilities Departments, Sacramento Municipal Utility District (SMUD)

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Attachment B

JRP Historical Consulting,
*Technical Memorandum:
Sacramento Entertainment
and Sports Center (ESC)
Project for the Hotel Marshall
(Hotel Clayton) 1122, 1126,
1128 7th Street Sacramento,
Sacramento County,
California, August 21, 2014.*

Technical Memorandum

Sacramento Entertainment and Sports Center (ESC) Project

for the

**Hotel Marshall (Hotel Clayton)
1122, 1126, 1128 7th Street
Sacramento, California**



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August 2014

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Cover photo: “Hotel Clayton, Sacramento, California,” Catalog Number 2005/012/015, circa 1925, courtesy of Center for Sacramento History.

EXECUTIVE SUMMARY

As part of the Sacramento Entertainment and Sports Center (“ESC”) project, Sacramento Downtown Arena, LLC is constructing an arena with an integrated practice facility fronting on L Street next to the Hotel Marshall, which is a Sacramento Register Landmark and is a historical resource for the purpose of compliance with the California Environmental Quality Act (“CEQA”). JRP Historical Consulting, LLC (JRP) prepared this document to present analysis of project effects on the Hotel Marshall (historically Hotel Clayton) located at 1122, 1126, 1128 7th Street Sacramento, California, at the northwest corner of 7th and L streets. The analysis herein was prepared to evaluate changes to the approved project that may affect the Hotel Marshall’s cornice.

CEQA requires that the project lead agency determine the significance of impacts that a project may have to historical resources. JRP prepared this technical memorandum to assist with CEQA compliance as it pertains to the Hotel Marshall. The impacts analysis presented herein follows the guidelines presented in the California Public Resources Code (PRC Sec 21000 et seq.) and the California Code of Regulations (14 CCR Sec. 15000 et seq.). This technical memorandum summarizes the changes to the project, provides a description of the historical resource, and provides analysis of potential effects to the historical resource. This document also discusses impacts of the proposed action on the Hotel Marshall’s character-defining features and the proposed repair and rehabilitation of a portion of the Hotel Marshall proposed to be directly affected by the ESC project. In addition, this memorandum provides a discussion of the potential impacts this component of the ESC project will have under Senate Bill 743 (SB743).

This technical memorandum concludes that the proposed changes to the approved project will not cause a substantial adverse change to the Hotel Marshall, including its character-defining cornice. The small-scale alteration of the cornice, efforts made to minimize the alteration of the cornice, and the inclusion of repairs adhering to the Secretary of Interior Standards for Rehabilitation of the previously altered portion of cornice avoid any significant impact.

1. PROJECT DESCRIPTION

In October 2013, JRP completed a Historical Resources Impact Analysis report for the ESC Project EIR. JRP concluded that project activities adjacent to the Hotel Marshall, including the demolition of the loading dock at the Macy's Men's and Furniture Department (formerly Weinstocks) connected to the west wall of the Hotel Marshall and construction of the new ESC practice facility, had the potential to cause direct and indirect effects to the building that could cause a substantial adverse change to this historical resource by diminishing the building's integrity of workmanship and materials. JRP's report identified appropriate mitigation measures to address these impacts, including compliance with "Treatment of Preservation" under the Secretary of Interior's Standards for the Treatment of Historic Properties, along with a Noise and Vibration Reduction Plan.

Minor changes have been proposed to the project since certification of the EIR (May 20, 2014). The original project design included a gap between the west wall of the Hotel Marshall and the practice facility along L Street. The practice facility is now proposed to be constructed immediately next to the Marshall Hotel on the property line and there is a potential for additional direct impacts to the historical resource, specifically removal of a portion of the building's cornice that projects over the property line. Several options have been examined in regards to the alteration of the Hotel Marshall's cornice. All options include removal of a portion of the cornice, coupled with repairs to the area of the cornice that had been altered in the recent past (prior to contemplation of ESC). The initial options considered were a "Cut Flush," a "45 Degree Cut," and a "Reduced Wrap." The Cut Flush option would have removed the projecting cornice on the west side of the building, negatively impacting a character-defining feature of the building. A 45 Degree Cut option would have retained a portion of the cornice along the south wall only, projecting out at an angle from the building corner. A Reduced Wrap option would have retained a small portion of the projecting cornice around the west side. A final option, which is recommend by this technical memorandum, includes removal of most of the north half of the cornice along the west wall while retaining the wrap-around detail on the building's southwest corner, leaving the southern portion of cornice extending westward in front a small area of the new practice facility. This final option would be achieved by a proposed minor alteration to the exterior design of the practice facility.

2. DESCRIPTION OF THE HISTORICAL RESOURCE

The Hotel Marshall is a five-story reinforced concrete and brick building with steel frame, built on a concrete pile foundation. The building was constructed in 1911 and has Classical features with Chicago School influences (cover photograph and **Photograph 1**). The character-defining features of this classically designed building include its decorative cornice, eaves and keystones, original windows of various sizes and designs, brick exterior, and terra cotta and metal belt courses creating a horizontal tripartite composition. Specifically related to the issue addressed in this technical memorandum, the Hotel Marshall's broad decorative cornice comprised of sheet metal with a wood top, projects outward from the building's three street-facing corners. While the cornice was previously cut off at the northeast corner along 7th Street (adjacent to the Jade Apartments building) (the original shown in the cover photograph), its projection remains on the building's southeast and southwest corner, thus emphasizing the top of the building's tripartite division. Historically a five-story building, the John Bruener Company store (built in 1929), was on the west side of the Hotel Marshall (**Photographs 2 and 3**), but the building included a shorter connector between it and the Hotel Marshall that did not interfere with the cornice. The Hotel Marshall's larger historic setting was altered by the urban renewal redevelopment of this portion of the city, which included demolitions in the late 1950s and early 1960s that removed nearby buildings in a historically dense urban environment. The setting was also altered by construction of the Weinstocks (later Macy's) department store in 1979 to the west along L Street (soon to be demolished for the ESC project). The Hotel Marshall was listed in the Sacramento Register in 1982 for its significant architecture.¹

At the southwest corner of the Hotel Marshall a large section of the cornice's soffit metal has been removed, apparently as a result of storm damage and because of potential hazard the loose sheet metal posed to pedestrians. The removed sections of sheet metal are stored in the basement of the building. The character-defining projecting, wrap-around, wide box cornice on the Hotel Marshall consists of several decorative elements. The area of the cornice that is missing metal reveals wood sheathing and the cornice's connection to the roof and brick building by wood and metal brackets (**Photographs 4 and 5**). The crown molding along the roof line is decorated with applied rosettes, some of which are missing. The soffit has a repeating modillion course of double scrolls separated by large rosettes within coffers with a wide modillion molding below (**Photograph 6**). Below the modillions is a dentil band with molding underneath. **Photograph 7** shows a portion of the removed sheet metal cornice in the Hotel Marshall's basement.

¹ City of Sacramento, *Sacramento Register of Historic & Cultural Resources* (December 2011), Hotel Clayton / Marshall, Ordinance No. 82-046, June 15, 1982; William Ladd Willis, *History of Sacramento County, California, With Biographical Sketches of the Leading Men and Women of the County Who Have Been Identified with Its Growth and Development from the Early Days to the Present* (Los Angeles, CA: Historic Record Company, 1913), 806.



Photograph 1: Hotel Marshall south elevation, camera facing northwest, July 16, 2014 (ESA).



Photograph 2: Former Macy's loading dock attached to west side of Hotel Marshall at site of original Brueners Store and of proposed practice facility, camera facing north, September 4, 2013 (JRP).



Photograph 3: View of Hotel Marshall west wall with projecting wrap-around cornice at site of proposed practice facility, camera facing south, July 16, 2014 (ESA).



Photograph 4: Missing cornice elements at southwest corner, camera facing north, July 16, 2014 (ESA).



Photograph 5: Detail view of cornice substructure at southwest corner that projects over the property line, July 16, 2014 (ESA).



Photograph 6: Detail view of missing cornice and original cornice in place near southwest corner, July 16, 2014 (ESA).



Photograph 7: Sheet Metal Cornice Sections in Hotel Marshall basement.
(Photo provided by ESA.)

3. IMPACTS ANALYSIS

Determination of Significance of Impacts to Historical Resources Criteria

The analysis herein was prepared using the same significance impact criteria as were used for evaluation of the project in the Sacramento ESC and Related Development EIR. See Appendix G, Section 6 of the Draft EIR (December 2013) for standards of significance related to historical resources.

Direct and Indirect Impacts

This section assesses the potential direct and indirect impacts of the proposed changes to the Sacramento ESC Project on the Hotel Marshall. Direct impacts would be the physical destruction or material alteration of the building as a result of demolition and/or physical construction of the proposed project. Indirect impacts would be the potential for noise, vibration, and visual impacts of the proposed project, related to both demolition and construction, to historical resources. The assessment provided below identifies impacts and analyzes whether these impacts would constitute a “substantial adverse change” to the historical resource, as per CEQA Guidelines Section 15064.5(b).

The proposed project will involve an alteration of the cornice of the Hotel Marshall, a Sacramento Register Landmark and a historical resource for the purposes of CEQA. The proposed alteration will result in a direct effect to the hotel with partial removal of the character-defining cornice. This action will somewhat diminish the cornice’s integrity of design and material, modestly decreasing the building’s overall historic integrity. However, the partial removal will not cause a substantial adverse change to the historical resource because of the efforts included in the project to avoid a greater impact to the Hotel Marshall’s character-defining features, and because of the proposed repairs to the altered portion of the cornice that will adhere to *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (SOI Standards), specifically the SOI Standards for Rehabilitation. These factors will ensure that the project’s impact is less than significant

While the proposed project will somewhat change the design of character-defining cornice feature at the building’s southwest corner and remove some of its historic material, the following factors help avoid effects to the cornice such that the impact will be less than significant:

- the small scale of the alteration;
- efforts made to minimize the alteration;
- inclusion of repairs and rehabilitation of the cornice, which was previously altered.

The Draft EIR previously referenced the SOI Standards. To assist with discussion herein, the SOI Standards for Rehabilitation are presented below:²

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

² Kay D. Weeks and Anne E. Grimmer, *The Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (Washington, D.C.: U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, 1995), 62.

In reviewing each of the above standards it is possible to note that:

- The proposed project will not change the historic use of the building;
- The proposed project will retain and preserve the historic character of the property;
- There are no proposed changes that will create a false sense of historical development such as adding conjectural features or architectural elements from other buildings;
- There are no proposed alterations to any other features of the building that may have acquired historic significance in their own right;
- Distinctive features that characterize the property will be preserved;
- No chemical surface treatments are proposed;
- No significant archeological resources are proposed to be affected;
- There are no new exterior alterations to the Hotel Marshall that will destroy historic materials or features of the building;
- The adjacent new construction of the arena practice facility will be undertaken in such a manner that if removed in the future, the essential form and integrity of the Hotel Marshall and its environment would be unimpaired.

While the SOI Standards for Rehabilitation note that removal of historic materials or alteration of features and spaces that characterize a property should be avoided, the standards do not prohibit such alterations. As discussed in the Project Description, the cornice will be repaired with the removed portions being reinstalled. Repair of the metal cornice will be through patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. During removal of the northern portion of the cornice, the rosettes will be salvaged and reused. As noted, most of the sheet metal of this area of cornice was previously removed, at the City's direction, and stored in the basement of the building. In order to comply with the SOI Standards for Rehabilitation, specifically standard six, additional steps would be necessary if the removed metal cornice components are not sufficiently intact, or if they are extensively deteriorated and cannot be safely returned to the building's cornice. If this occurs, replacement features will need to be fabricated to match the design of the cornice. With input from the City Preservation Director, fabrication of replacement features will be substantiated by documentary, physical, or pictorial evidence, most likely from surviving intact cornice elements that can be used as a model to reproduce the feature. Repairs may also include the limited replacement in kind with compatible substitute material, upon review of the City Preservation Director. While similar sheet metal would be preferable, other materials may be considered if sheet metal is not technically or economically feasible.³

³ Weeks and Grimmer, *The Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, 75-77.

Compliance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation* for this project also meets City of Sacramento Rehabilitation Standards. For additional guidance for repair and rehabilitation of the sheet metal cornice, the Project Proponent may reference the National Park Service's Preservation Tech Notes, *Metal: Restoring Metal Roof Cornices*.⁴

The project's proposed changes will not alter the potential for indirect impacts identified in the EIR, nor produce additional indirect impacts. The previously identified indirect impacts were addressed by mitigation measures in the certified EIR.

Cumulative Impacts

The proposed project to construct the practice facility next to the west wall of the Hotel Marshall and the alteration of the cornice do not have an adverse cumulative effect on the building as a historical resource. The project will alter the Hotel Marshall's setting, but this will not diminish the building's ability to convey its significance because this portion of the historical resource's integrity was previously affected with the demolition of buildings for redevelopment in the 1950s and 1960s, and construction of the Macy's Men's and Furniture Department building. The proposed small alteration to the cornice has the potential to cumulatively impact the property, which has been previously altered; however, the impact of the current alteration will be less than significant and not cause a cumulative impact because the action includes repairs to the cornice that meet SOI Standards for Rehabilitation. Furthermore, there are no pending applications for actions that would alter the Hotel Marshall, thus there are no known projects in foreseeable future to which the current project could be combined with to cause a cumulative impact.

Senate Bill 743

Senate Bill (SB) 743 applies to the Sacramento ESC Project (also referred to as the downtown arena). SB 743 is in PRC Section 21168.6.6. (h)(1)(A)-(B). Briefly summarized, the code states that "the court shall not stay or enjoin the construction or operation of the downtown arena unless...unforeseen important Native American artifacts or historical, archaeological or ecological values...would be materially, permanently, and adversely affected by the continued construction...of the downtown arena." SB 743 would potentially require the Project Proponents (or its construction contractor) to solicit input from a person(s) that meets the SOI Professional Qualification Standards for History, Archaeology, or Architectural History (as defined in Title 36 Code of Federal Regulations Part 61) if unforeseen potentially historical resources are encountered during construction.

For the proposed action analyzed in this technical memorandum, the proposed alteration to the Hotel Marshall's cornice will not materially, permanently, and adversely affect a historical value.

⁴Richard Pieper, *Preservation Tech Notes Metal: Restoring Metal Roof Cornices* (Washington D.C., U.S. Department of the Interior, National Park Service, October 1990), available at the National Park Service website: <http://www.nps.gov/tps/how-to-preserve/tech-notes/Tech-Notes-Metals02.pdf>

The historic value in question is the combined quality of all of Hotel Marshall's character-defining features and how they contribute to the building's overall historic integrity. This historic value will not be materially, permanently, and adversely affected because the proposed action is limited in scale to a small portion of the southwest corner of the building's cornice, one of the building's multiple character-defining features, and because the project action will repair the adjacent area of cornice following the SOI Standards for Rehabilitation, thus helping improve a component of this character-defining feature that had previously been altered and damaged.