

McKinley Village Project (P08-806)

Revised Draft Environmental Impact Report

State Clearinghouse Number: SCH 2008082049



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for the
McKinley Village Project**

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JANUARY 2017

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CHAPTER 1
INTRODUCTION AND SCOPE OF THE REVISED DRAFT EIR

1.1 PROJECT BACKGROUND

The environmental impact report (EIR) for the McKinley Village project (Project) was certified by the City of Sacramento (City) in April, 2014. The EIR determined that, with the Project, traffic impacts at one intersection on 29th Street changed from level of service (LOS) C to LOS E. Under Cumulative plus Project conditions, several intersections on 28th, 29th, and 30th Streets would operate at LOS E and LOS F. Each of these study intersections is located within the “Core Area” of the City, which the 2030 General Plan defines as the area bounded by C Street, the Sacramento River, 30th Street and X Street. The EIR found the Project-specific and cumulative impacts at intersections on 28th, 29th and 30th Streets to be less than significant based on the City’s General Plan policy M 1.2.2, which states that LOS F conditions are acceptable during peak hours in the Core Area.

In *East Sacramento Partnership for a Livable City v. City of Sacramento*, the Court of Appeal, Third Appellate District, upheld the McKinley Village EIR with one narrow exception -- the Court held the traffic analysis in the EIR failed to explain or provide substantial evidence to support the conclusion that the Project would not result in significant traffic impacts to specific intersections on 28th, 29th and 30th Streets. Specifically, the Court determined the EIR failed to explain why traffic levels of service E and F are not considered significant environmental impacts under the City’s General Plan LOS Policy that allows LOS F in the Core Area. Pursuant to the Court’s decision, “the City need only correct [this] deficiency in the EIR...before considering recertification of the EIR.” This Revised Draft EIR and the attached Appendix A have been prepared pursuant to the Court’s directive in order to better explain the City’s determination that LOS F is acceptable in the Core Area.

As set forth in the EIR, after construction of the Project, the following intersections would operate at LOS E or F in the Core Area under Existing Plus Project and Cumulative Plus Project conditions:

Existing Plus Project Conditions - Core Area Intersection ¹ LOS E or F Operations²

Intersection ³	Control	Peak Hour	Existing		Existing Plus Project	
			Level of Service	Average Delay	Level of Service	Average Delay
E Street/29th Street/SB Capital City Freeway Off-Ramp ⁴	Traffic Signal	AM	C	26	E	66
		PM	C	22	C	31

Cumulative Plus Project Conditions - Core Area Intersection LOS E or F Operations ⁵

Intersection ⁶	Control	Peak Hour	Cumulative		Cumulative Plus Project	
			Level of Service	Average Delay	Level of Service	Average Delay
C Street/28th Street	All-Way Stop	AM	D	27	E	40
		PM	F	69	F	108
E Street/28th Street	All-Way Stop	AM	D	29	F	53
		PM	E	49	F	69
H Street/28th Street	Traffic Signal	AM	C	16	D	38
		PM	F	146	F	164
E Street/29th Street/SB Capital City Freeway Off-Ramp ⁴	Traffic Signal	AM	D	49	D	55
		PM	E	77	F	142
H Street/29th Street/SB Capital City Freeway On-Ramp ⁴	Traffic Signal	AM	E	60	E	65
		PM	D	47	D	45
E Street/30th Street	Traffic Signal	AM	D	39	D	40
		PM	C	33	E	51
H Street/30th Street/NB Capital City Freeway On-Ramp ⁴	Traffic Signal	AM	F	119	F	124
		PM	F	266	F	314

Notes:

- ¹ The Court agreed with the City's approach in the EIR to analyze intersections in order to determine significance of Project and cumulative impacts, rather than roadway segments. (Opinion, pp. 16-17.)
- ² See Table 4.9-10 (pp.4.9-52 to 54) from the Draft EIR for the full table of intersections analyzed in the Draft EIR. This table only lists intersections in the Core Area that, under Existing plus Project conditions, will operate at either LOS E or F.
- ³ The Court also referenced the intersection of 28th and E Street, which decreases from LOS A to D; however, LOS D is an acceptable LOS anywhere in the City, and not just in the Core Area. (DEIR, pp. 4.9-45 -4.9-46, 4.9-53; Opinion, p. 19.)
- ⁴ As described in the EIR, information on operations at intersections that are part of the regional transportation network (which includes the Capitol City Freeway) are provided for information purposes only. (DEIR, p. 4.9-38.)
- ⁵ See Table 4.9-20 (pp.4.9-77 to 79) from the Draft EIR for the full table of intersections analyzed in the Draft EIR. This table only lists intersections in the Core Area that, under Cumulative plus Project conditions, will operate at either LOS E or F.
- ⁶ Note that, at the intersection of D Street and 28th Street, certain turn movements operate at LOS F in the Cumulative Plus Project condition as noted in parenthesis in Table 4.9-20; however, impacts are determined based on overall operation of the intersection, which is acceptable LOS C.

CEQA Guidelines section 15088.5 requires lead agencies to recirculate information in an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for review. "Significant new information" requiring recirculation includes a disclosure showing that "changes to the project or environmental setting," or a "new significant environmental impact" would result from the project or from a new mitigation measure proposed to be implemented. Section 15088.5 requires recirculation of only the significant new information, rather than the entire EIR.

This Revised Draft EIR and Appendix A provide the information requested by the Court and the City has determined that this additional information does not change any of the analysis or conclusions of the previously certified EIR. Pursuant to CEQA, recirculation is not required because the revisions to the EIR do not constitute "significant new information," but rather such revisions merely amplify or clarify the information provided in the EIR. (CEQA Guidelines,

section 15088.5.) Nevertheless, the City has decided to recirculate the revisions to the transportation section of the EIR in the interest of full public disclosure.

1.2 REVISED DRAFT EIR PUBLIC REVIEW PERIOD

Consistent with the requirements of CEQA Guidelines section 15088.5, this Revised Draft EIR contains only those portions of the EIR's transportation analysis where new text is provided. While this information is not deemed by the City to be "significant new information" under CEQA, the City is providing this information to the public for its review as part of this Revised Draft EIR.

This Revised Draft EIR is being made available on Wednesday, January 18, 2017, for public review for a period of 45 days. As the Court expressly limited the scope of the cure required to remedy the EIR's deficiency, the City is recirculating only the Revised Draft EIR and Appendix A for review and comment. In the event any members of the public or decision-makers would like a redlined version of the transportation chapter of the EIR to see the revisions in context of the larger transportation chapter, the City will provide such document upon request. In addition, copies of the Revised Draft EIR and copies of the complete redlined transportation chapter are available for review during normal business hours (Monday through Friday, 8 a.m. to 4 p.m.) or on the City's website at <http://www.cityofsacramento.org/dsd/planning/environmental.cfm>.

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All written comments on this Revised Draft EIR should be addressed to:

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The public review period ends on Monday, March 6, 2017. During this period, the general public, agencies and organizations may submit written comments on the Revised Draft EIR to the City.

After the close of the comment period, the City will consider all comments received on this Revised Draft EIR and will provide responses to comments. The Revised Draft EIR, public

comments and the City's responses to comments will be considered by the City Council for certification if it is determined that the Revised Draft EIR has been completed in compliance with CEQA.

Pursuant to the procedures set forth in CEQA Guidelines section 15088.5, reviewers are requested to limit their comments to the materials contained in this Revised Draft EIR. The City will not provide responses to any comments submitted on material not contained in the Revised Draft EIR.

1.3 REFERENCES

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

City of Sacramento. 2013. *McKinley Village Project (P08-806) Draft Environmental Impact Report*. SCH no. 2008082049. Prepared by Dudek. Sacramento, California: Dudek. November 2013.

CHAPTER 2 REVISIONS TO THE DRAFT EIR

2.1 INTRODUCTION

The following revisions are made to the text of the Draft EIR. New text is shown in underline. These revisions clarify and amplify information contained in the Draft and Final EIR and do not change the significance findings or result in new significant impacts. As such, CEQA does not require the City of Sacramento to recirculate the Revised Draft EIR. Nevertheless, in the interest of full disclosure, the City has opted to recirculate the Revised Draft EIR to provide the public with an opportunity to review and comment on the new text. As noted above, however, comments must be limited to the Revised Draft EIR contained in this chapter. The City will not re-open the public comment period to accept comments on the EIR that was previously certified by the City in April 2014.

Section 4.9, Transportation and Circulation

Methods of Analysis

The following information is added to the **Methods of Analysis** starting on page 4.9-38 of the Draft EIR:

As described in Chapter 4, Introduction to the Analysis, the City of Sacramento, in conjunction with and with support from SACOG, has concluded that the proposed project is consistent with the SCS prepared and adopted by SACOG (see Appendix N). Under Senate Bill 375, projects that are determined to be SCS consistent are granted certain CEQA streamlining benefits. These include exemptions related to the analysis of a project's impacts on passenger vehicle greenhouse gas emissions, the regional transportation network, and growth inducement. In this context, the “regional transportation network” means existing and proposed transportation system improvements, including the state transportation system. Therefore, in accordance with the Public Resources Code Section 21159.28, it is not necessary to determine impacts to the regional transportation network, including the state transportation system (i.e., Capital City Freeway). All regional transportation network and state highway system freeway analysis results documented in this section are for information purposes only, and not utilized for impact analysis.

To analyze impacts to LOS, the City has developed specific policies included in the 2030 General Plan that clearly define acceptable LOS in various areas of the City. The LOS thresholds included in General Plan policy M 1.2.2 are used to evaluate whether traffic associated with the proposed project would result in a significant impact (as

stated in the Thresholds of Significance). The analysis of LOS includes intersections within the City's Core Area. These intersections are numbered 1–9 on Figure 4.9-1 and include the following:

1. C Street/28th Street
2. D Street/28th Street
3. E Street/28th Street
4. H Street/28th Street
5. I Street/28th Street
6. E Street/29th Street/Southbound Capital City Freeway Off-ramp
7. H Street/29th Street/Southbound Capital City Freeway On-Ramp
8. E Street/30th Street/Northbound Capital City Freeway On-Ramp
9. H Street/30th Street/Northbound Capital City Freeway Off-Ramp

Intersections 1 – 9 are within the Core Area of the City and are governed by General Plan Policy M 1.2.2(a). In developing this policy, the City evaluated the benefits of allowing lower levels of service in order to promote infill development within an urbanized high density area of the city that reduces VMT and supports more transportation alternatives, including biking, walking, and transit, as compared to requiring a higher level of service that would accommodate more cars, but may also require widening roads and would result in increased vehicle miles traveled and greenhouse gas emissions. Based on this evaluation, the City determined that LOS E and F are considered acceptable during peak hours within the Core Area, provided that the project provides improvements to other parts of the citywide transportation system within the project site vicinity (or within the area affected by the project's vehicular traffic impacts) to improve transportation-system-wide roadway capacity, to make intersection improvements, or to enhance non-auto travel modes in furtherance of the General Plan goals. Road widening or other improvements to road segments are not required for roads within the Core Area.

The City's LOS policy was adopted to allow decreased levels of service (e.g. LOS E and F) in the urbanized Core Area of the City that supports more transportation alternatives and places residents proximate to employment, entertainment, retail and neighborhood centers and thus reduces overall vehicle miles travelled and results in environmental benefits (e.g., improved air quality and reduced GHG emissions).

To determine impacts at intersections, the threshold of significance asks whether (i) “traffic generated by the project degrades LOS from an acceptable LOS (without the project) to an unacceptable LOS (with the project)” OR (ii) whether “[t]he LOS (without Project) is unacceptable and Project generated traffic increases the average vehicle delay by 5 seconds or more.” Table 4.9-10 summarizes the Existing Plus Project intersection analysis results and indicates that the AM peak hour LOS would decrease from LOS C to E at the E Street/29th Street intersection. The impact at this intersection is less than significant under the significance threshold, pursuant to which LOS E/F are acceptable in the Core Area. The other intersections would remain at LOS D or better under Existing Plus Project conditions.

As shown in Table 4.9-20, under Cumulative Plus Project conditions, three intersections in the Core Area (C Street/28th Street, E Street/28th Street, and E Street/30th Street) would result in a decrease in LOS from C/D to E/F. The impacts at these intersections are less than significant under the significance threshold, pursuant to which LOS E/F are acceptable in the Core Area. Four additional intersections (H Street/28th Street, H Street/29th Street, E Street/29th Street, and H Street/30th Street) would operate at LOS E/F during the AM/PM peak hours without the project and would continue to do so with project traffic. The Project’s potential impacts to these intersections are less than significant under the applicable threshold because LOS E and F are acceptable in the Core Area. The five-second analysis referenced in the second prong of the threshold is not triggered because LOS E and F are acceptable in the Core Area.

Those intersections outside of the Core Area (intersections 10 - 32 shown on Figure 4.9-1) are in an area defined as “urban corridor” and “traditional neighborhood.” Study intersections numbered 10–12 located on Alhambra Boulevard are within a designated “urban corridor” and are governed by M 1.2.2 (b). LOS A-E is to be maintained at all times; provided, LOS F may be acceptable if improvements are made to the overall transportation system and/or non-vehicular transportation and transit are promoted as part of the project or a City-initiated project.

The remainder of the study intersections, numbered 13–32, are in an area defined as a “traditional neighborhood” and are governed by M 1.2.2 (c). LOS A-D is to be maintained at all times; provided, LOS E or F may be acceptable if improvements are made to the overall transportation system and/or non-vehicular transportation and transit are promoted as part of the project or a City-initiated project.

The analysis under **Impact 4.9-1** on page 4.9-60 of the Draft EIR is revised to read:

4.9-1: The proposed project could cause potentially significant impacts to study intersections. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

As shown in Table 4.9-10, with the exception of the E Street/29th Street intersection (intersection #6) all of the intersections within the Core Area would operate at LOS D or better under Existing Plus Project conditions. Intersection #6 would decrease to LOS E under Existing Plus Project conditions, which is acceptable according to the City's LOS thresholds of significance and included in General Plan Policy M 1.2.2(a). As discussed above, the City's policy was adopted to allow decreased levels of service (e.g. LOS E/F) in the urbanized Core Area of the City that supports more transportation alternatives and places residents proximate to employment, entertainment, retail and neighborhood centers and thus reduces overall vehicle miles travelled and results in environmental benefits (e.g., improved air quality and reduced GHG emissions). Based on this evaluation, the City determined that LOS E and F are considered acceptable during peak hours within the Core Area, therefore, the impact would be **less than significant**.

According to Table 4.9-10, the proposed project would exacerbate LOS F conditions at the H Street/Alhambra Boulevard intersection, located outside of the Core Area, under Existing Plus Project conditions by adding more than five seconds during the AM peak hour. This is considered a **significant impact**.

The analysis Under **Impact 4.9-6** on page 4.9-89 of the Draft EIR is revised to read:

4.9-6: The proposed project could cause potentially significant impacts to study intersections under cumulative plus project conditions. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

As shown in Table 4.9-20, under Cumulative Plus Project conditions three intersections in the Core Area, C Street/28th Street, E Street/28th Street, E Street/29th Street and E Street/30th Street would result in a decrease in LOS from C/D to E/F. Four additional intersections, H Street/28th Street, H Street/29th Street, E Street/29th Street, and H Street/30th Street would operate at LOS E/F during the AM/PM peak hours without the project and would continue to do so with project traffic which is acceptable under the City's LOS thresholds of significance and the City's General Plan Policy M

1.2.2(a). As discussed above under Impact 4.9-1, the City's General Plan Policy M 1.2.2(a) was adopted to allow decreased levels of service (e.g. LOS E/F) in the urbanized Core Area of the City. Therefore, impacts to intersections within the Core Area are **less than significant**.

According to Table 4.9-20, the proposed project would exacerbate LOS F conditions at the E Street/Alhambra Boulevard and H Street/Alhambra Boulevard intersections outside of the Core Area under "Cumulative Plus Project" conditions by more than 5 seconds during the AM and PM peak hours. The addition of project traffic would also degrade operations at the McKinley Boulevard/33rd Street intersection from LOS D to LOS E during the AM peak hour, and would exacerbate LOS F conditions at this intersection by more than 5 seconds during the PM peak hour. These are considered **significant impacts**.

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APPENDIX A

*Transportation and Circulation
Supporting Information*

APPENDIX A

TRANSPORTATION AND CIRCULATION SUPPORTING INFORMATION

The environmental impact report (EIR) for the McKinley Village project (Project) was certified by the City of Sacramento (City) in April, 2014. The EIR determined that, with the Project, traffic impacts at one intersection on 29th Street changed from level of service (LOS) C to LOS E. Under Cumulative plus Project conditions, several intersections on 28th, 29th, and 30th Streets would operate at LOS E and LOS F. Each of these study intersections is located within the “Core Area” of the City, which the 2030 General Plan defines as the area bounded by C Street, the Sacramento River, 30th Street and X Street. The EIR found the Project-specific and cumulative impacts at intersections on 28th, 29th and 30th Streets to be less than significant based on the City’s General Plan policy M 1.2.2, which states that LOS F conditions are acceptable during peak hours in the Core Area.

In *East Sacramento Partnership for a Livable City v. City of Sacramento*, the Court of Appeal, Third Appellate District, upheld the McKinley Village EIR with one narrow exception -- the Court held the traffic analysis in the EIR failed to explain or provide substantial evidence to support the conclusion that the Project would not result in significant traffic impacts to specific intersections on 28th, 29th and 30th Streets. Specifically, the Court determined the EIR failed to explain why traffic levels of service E and F are not considered significant environmental impacts under the City’s General Plan LOS Policy that allows LOS F in the Core Area. Pursuant to the Court’s decision, “the City need only correct [this] deficiency in the EIR...before considering recertification of the EIR.” The Revised Draft EIR and this Appendix A to the Revised Draft EIR have been prepared pursuant to the Court’s directive in order to better explain the City’s determination that LOS F is acceptable in the Core Area.

General Plan Policy M 1.2.2

Policy M 1.2.2 as set forth in the City’s 2030 General Plan states that:

“The City shall allow for flexible Level of Service (LOS) standards, which will permit increased densities and mix of uses to increase transit ridership, biking and walking, which decreases auto travel, thereby reducing air pollution, energy consumption and greenhouse gas emissions.”

To implement this flexible level of service, Policy M 1.2.2, subdivision a, provides the following “Core Area Level of Service Exemption”:

“LOS F conditions are acceptable during peak hours in the Core Area bounded by C Street, the Sacramento River, 30th Street and X Street. If a Traffic Study is prepared and identifies a LOS impact that would otherwise be considered

significant to a roadway or intersection that is in the Core Area, the project would not be required in that particular instance to widen roadways in order for the City to find project conformance with the General Plan. Instead, General Plan conformance could still be found if the project provides improvements to other parts of the citywide transportation system in order to improve transportation-system-wide roadway capacity, to make intersection improvements, or to enhance non-auto travel modes in furtherance of the General Plan goals.” (City of Sacramento 2009a, p. 2-162.)

The City’s General Plan Policy M 1.2.2 Promotes Infill Development to Reduce Vehicle Miles Traveled

The City’s vision for future development is set forth in the City’s General Plan goals and policies. A key theme of the City’s 2030 General Plan is to “live lightly” to reduce the City’s carbon footprint. (City of Sacramento 2009a, p. 1.) The General Plan thus favors “developing inward” for a more compact, infill growth pattern that will lead to increased walking, bicycling and use of alternative modes of transit, and to reduced automobile use, vehicle miles traveled (VMT) and greenhouse gas emissions. (City of Sacramento 2009a, p. 1-4.)

The General Plan Mobility Element contains policies to create a well-connected transportation network, help walking become more practical for short trips, support bicycling for both short- and long-distance trips, improve transit to serve key destinations, conserve energy resources, reduce greenhouse gas emissions and air pollution, and do so while continuing to accommodate auto mobility. The LOS threshold set forth in Policy M 1.2.2 embodies this theme as it allows for more traffic in the higher-density, transit-rich, downtown Core Area. Research has shown that dense, urban land use environments are associated with decreased per capita vehicle travel and increased use of alternative travel modes (Litman 2016). Additionally, numerous studies have found that increasing roadway capacity leads to increased VMT, a principle called “induced travel” (Litman 2013, Handy 2015), whereas increased vehicle travel time, such as increased delay, is associated with mode shifts to transit, bicycling and walking (Litman 2013). The City’s LOS policy allows for increased delay in order to encourage mode shifts rather than increasing roadway capacity, with accompanying physical impacts, and to encourage infill development that places homes proximate to employment, entertainment, retail and neighborhood centers, promotes walkability, biking and alternative modes of transit, and reduces the sprawl-related impacts associated with increased vehicle trips and vehicle miles traveled.

The City’s policy determination to allow LOS F differentiates the Core Area – where increased traffic delay is offset by walkable, transit-oriented, higher-density infill development – from other parts of the City that are less dense and less transit-rich. This differentiation addresses the concern raised by the Court regarding the EIR’s conclusion that traffic increases are acceptable

in the downtown urban Core Area, but may not be acceptable in less dense areas outside the Core. While traffic congestion may increase in the Core, the City has determined that this congestion is acceptable in downtown urban areas. Traffic delay may be an inconvenience to drivers but it is not a physical environmental impact and such inconvenience is preferable to the significant environmental impacts and adverse impacts to residences and businesses that are caused by widening roadways to accommodate increased traffic and by increased VMT.

The City's flexible LOS policy is just one example among a host of General Plan policies that promote infill development (see e.g., LU Policies 1.1.1, 1.1.4, 1.1.5; LU Policy 2.1.5), diverse compact energy efficient residential development (see e.g., LU Goal 2.6, LU Policies 2.6.1, 2.6.3; [LU Policy 4.1.10; LU Policies 4.5.1, and 4.5.2), well-connected neighborhoods (see e.g., Goal LU 2.5 and Policies LU 2.5.1 and 2.5.2), and smart growth and sustainable development concepts (see e.g., Goal LU 4.5 and Policies LU 4.5.1 through LU 4.5.6.) In addition, the 2030 General Plan Master EIR described the City's goals to promote infill development and reduce vehicle miles traveled noting, among other things, that flexible LOS standards "will permit increased densities and mix of uses to increase transit ridership, biking, and walking, which decreases auto travel, thereby reducing air pollution, energy consumption, and greenhouse gas emissions." (City of Sacramento 2009b, p. 6.12-50)

Moreover, General Plan Policy M1.2.2 addresses the Attorney General's recommendations to "create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, bicycling and walking" (Office of the California Attorney General Global Warming Measures (9-26-08), p. 1) and helps achieve the GHG emissions reduction targets set forth in Assembly Bill (AB) 32. The City's goal of densifying development near and around the downtown and adjacent older neighborhoods to encourage a more compact, infill growth pattern that contributes to increased walking, bicycling and use of alternative modes of transit is also consistent with Senate Bills (SB) 375, 226, and 743, each of which promotes infill development, reduction of vehicle miles traveled, and/or multi-modal mobility for purposes of greenhouse gas reduction and other environmental benefits of more compact, urban, and transit-served development. The goals and directives of AB 32, SB 375, SB 226, and SB 743 are described in more detail below, along with the goals of the Sacramento Area Council of Governments (SACOG), Sacramento's regional association of local governments, to provide more context for the City's LOS policy.

AB 32 and the California Air Resources Board's Scoping Plan

In September 2006, the Legislature enacted AB 32, establishing the greenhouse gas emissions reduction goal of achieving 1990 levels of emissions by the year 2020. Achieving this statutory goal requires that a 30 percent reduction from "business as usual" emission levels projected for 2020 be accomplished through an enforceable statewide limit on emissions. (Health & Saf.

Code, § 38550.) AB 32 directs the California Air Resources Board (“CARB”) to prepare and approve a scoping plan “for achieving the maximum technologically feasible and cost-effective reductions” in sources or categories of sources of GHG by 2020. (Health & Saf. Code, § 38561, subd. (a).) In 2008, CARB adopted its Climate Change Scoping Plan (“Scoping Plan”) as a roadmap to achieve the statewide greenhouse gas reductions required under AB 32. CARB’s Scoping Plan evaluates “a comprehensive array of approaches and tools” to achieve emissions reductions. (*Association of Irrigated Residents v. State Air Resources Board* (2012) 206 Cal.App.4th 1487, 1495, 1505 [the measures CARB recommended in the Scoping Plan “reflect the exercise of sound judgment based upon substantial evidence”].)

Cars and light duty trucks are one of the largest contributors of greenhouse gas emissions in California. To address these impacts, the Scoping Plan includes recommendations for clean vehicle technologies, clean fuel technologies, as well as regional transportation planning. According to the Scoping Plan, the regional planning recommendations build on “Blueprint” planning efforts already undertaken by metropolitan planning organizations (“MPOs”), which “focus on fostering efficient land use patterns that not only reduce vehicle travel but also accommodate and adequate supply of housing, reduce impacts on valuable habitat and productive farmland, increase resource use efficiency, and promotes a prosperous regional economy.” (Scoping Plan, p. 48.)

The Scoping Plan assumes that, if local governments influence the siting and design of new residential and commercial developments in a way that reduces vehicle travel, these efforts will help the State achieve its climate change goals. (Scoping Plan, p. 48.) And the integration of regional planning efforts with local general plans is considered key to the achievement of these goals. (*Ibid.*)

SB 375

Two years after the enactment of AB 32, the Legislature enacted the “Sustainable Communities and Climate Protection Act of 2008” (Sen. Bill No. 375 (2007–2008 Reg. Sess.)), commonly referred to as SB 375. The goal of SB 375 is to reduce greenhouse gas emissions from passenger vehicles through better-integrated regional transportation, land use and housing planning that provides easier access to jobs and public transportation. (Gov. Code, § 65080, subd. (b).) SB 375 empowers CARB to set targets for each of California’s regional planning agencies to reduce emissions from automobiles and light trucks in its region. To achieve this, SB 375 requires each regional agency, after engaging in an extensive planning process, to develop a “sustainable communities strategy” to meet CARB’s targets using regional land use and transportation policies.

The sustainable communities strategy must set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve CARB's targets. (Gov. Code, § 65080, subd. (b)(2)(B)(vii).) SB 375's emphasis on the creation of a "forecasted development pattern for the region" within a regional transportation plan confirms the Legislature intended the MPOs would meet their regional targets by using land use and transportation plans and policies to reduce emissions. (*Bay Area Citizens v. Assn. of Bay Area Governments, et al.* (2016) 248 Cal.App.4th 966, 999-1000.) As demonstrated in a recent decision upholding the SCS prepared for the Bay Area, the targets are achieved "primarily through reduction in the vehicle miles traveled of passenger motorcars and light trucks" resulting from "high-density land-use patterns" that locate a majority of new housing and jobs in locations in existing communities that "present infill development opportunities and are easily accessible to transit, jobs, shopping and services." (*Bay Area Citizens, supra*, 248 Cal.App.4th at p. 987.)

In Sacramento, SACOG is responsible for preparing the combined metropolitan transportation plan (MTP) and sustainable communities strategy (SCS). SACOG's MTP/SCS is based on projections for growth in population, housing and jobs, provided by the City of Sacramento as well as the other cities and counties that comprise SACOG.

SACOG's 2012 MTP/SCS

According to the 2012 MTP/SCS, a better mix of residential, employment, education, and service uses in an area can allow people to accomplish their daily activities with less driving, and consequently, less vehicle miles traveled. (MTP/SCS 2012, p. 83.) The MTP/SCS also notes that vehicle miles traveled bears a direct relationship to vehicle emissions. Specifically, the MTP/SCS explains that State and federal policies related to vehicle efficiency and the formulation of vehicle fuels suggest that emissions for most pollutants will decline relative to today. However, even with these improvements due to fuel and vehicle technology changes, fewer vehicle miles traveled will mean lower emissions. Looked at another way, lowering vehicle miles traveled expands the reductions expected from fuel and vehicle technology improvements. (MTP/SCS 2012, p. 83.)

The 2012 MTP/SCS analyzes vehicle miles traveled by "community type," and the community type for the City's Core Area and the Project site is "Center and Corridor Community." (MTP/SCS 2012, Map, p. 33.) Residents of this community type have the lowest per capita vehicle miles traveled for the MTP/SCS of all community types: 14.3 miles in 2008, decreasing to 12.5 miles by 2035. Center and Corridor Communities have the most compact land uses, which support walking and biking for shorter trips, and have the greatest access to transit, which provides alternatives to driving for longer trips. (MTP/SCS 2012, p. 88.)

The reasons for the greater projected reduction in vehicle miles traveled in Center and Corridor Communities relate to improvements in accessibility (i.e., the number of activities which can be reached within a given travel time), improvements in the mix of land uses, and improvements in transit service and walkability. Specifically, because the growth that occurs under the MTP/SCS between 2008 and 2035 is more compact, the number of activities within a reasonable travel time increases by 31.3 percent. This change means that most residents have jobs, schools, shopping, and other activities closer to their places of residence, thus resulting in shorter vehicle trips and more opportunities for convenient walking and biking. Improving the jobs/housing balance facilitates shorter commutes for most workers, and allows for transit, biking and walking to compete with auto modes. Shifts in mode of travel from private vehicle (e.g., driving alone and carpooling) to non-auto modes (i.e., transit, bicycling and walking) is another key factor in reducing GHG emissions. (MTP/SCS 2012, p. 91.)

As stated above, the 2012 MTP/SCS identifies the project site as a “Center and Corridor Community”. Due to its location near downtown, residential use of the site is consistent with the goal of SB 375 and the MTP/SCS to reduce greenhouse gas emissions from cars and light trucks by developing new uses near existing infrastructure and transportation choices. SACOG therefore determined that the project is consistent with the MTP/SCS.

SACOG’s 2016 MTP/SCS

Following approval of the Project, but prior to preparation this Revised Draft EIR, SACOG adopted an updated 2016 MTP/SCS, which continues to identify the Project site as being within the “Center and Corridor Community” type. The 2016 MTP/SCS reports that the vehicle miles traveled growth rate for the region through 2035 is projected to decrease from the historic growth rate of +1.3 percent per year to +0.9 percent per year for the period from 2008 to 2036. Moreover, the vehicle miles traveled growth rate is projected to be lower than the population growth rate of +1.2 percent per year, and total vehicle miles traveled per capita is forecasted to decline at -0.3 percent per year, or from 25.1 miles in 2012 to 24.2 miles by 2036. (MTP/SCS 2016, pp. 77, 79.) These reductions indicate that the concentrated growth supported by SACOG’s planning efforts, as implemented by local agencies including the City through Policy M 1.2.2, is working to reduce vehicle miles traveled.

SB 226 and 743

In order to further promote infill development, the Legislature enacted SB 226 in 2011. The legislation calls for streamlined environmental review for qualified infill development projects. (Pub. Resources Code, § 21094.5.) SB 226 focuses on a particular set of environmental objectives that such projects should promote, including increasing efficiencies in transportation, water use and energy use; reducing greenhouse gas emissions; supporting transit; and

benefiting public health. (Pub. Resources Code, § 21094.5.5(b).) Then in 2013, the Legislature enacted SB 743, further highlighting the shift away from LOS concepts in favor of advancing infill development and reducing vehicle miles traveled and greenhouse gas emissions. (See Gov. Code § 65088.4.)

The legislative history of SB 743 indicates that the level of service metric is outdated and neglects transit, pedestrian crossings, and bicycles; over-reliance on LOS considerations by planners has traditionally led to widening intersections and roadways to move automobile traffic faster at the expense of other modes of transportation. (Senate Committee on Environmental Quality Bill Analysis of SB 743 (2013-2014 Reg. Sess.) as amended Sept. 12, 2013, p.15.) SB 743 therefore directed the Office of Planning and Research (OPR) to develop revisions to the Appendix G CEQA Guidelines establishing criteria for determining the significance of transportation impacts that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, SB 743 further directs OPR to recommend potential metrics to measure transportation impacts that may include vehicle miles traveled. Once these guidelines are completed, SB 743 states that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment.” (Pub. Resources Code, § 21099, subs. (b)(1), (2).) OPR has understood this shift away from LOS to be required in part because, “as a measurement of delay, LOS measures motorist convenience, but not a physical impact to the environment.” (OPR Preliminary Evaluation of Alternative Methods of Transportation Analysis, December 30, 2013, p. 5.)

In sum, consistent with State and Regional directives, the City’s determination regarding acceptable traffic levels in the Core Area is based principally upon the City’s complementary goals of (1) creating vibrant transit-rich neighborhoods in the urban core with opportunities for walking or bicycling to nearby employment, entertainment, retail and neighborhood centers, (2) encouraging mode shifts in transit-rich areas and (3) avoiding the environmental impacts associated with vehicle miles traveled and with widening roadways to accommodate more traffic.

Project-Related Traffic Impacts in the Core Area

The City of Sacramento 2030 General Plan Master Environmental Impact Report (MEIR) (2009) explained that implementation of the 2030 General Plan could result in roadway segments that would not meet the City’s LOS standards and goals. Table 6.12-13 of the MEIR showed that 47 roadway segments out of 250 roadway segments analyzed, as well as the Tower Bridge and I Street Bridge, would not achieve LOS D-E or better conditions. (City of Sacramento 2009b, p. 6.12-79) Three of those segments could feasibly be widened, but the remainder could not be widened without causing significant impacts to adjacent business, residences, pedestrian facilities and bicycle facilities. The MEIR concluded that, even with implementation of Policy M

1.2.2, traffic impacts at some intersections would remain significant and unavoidable. (City of Sacramento 2009b, pp. 6.12-82 – 6.12-84) Importantly, however, the MEIR's significant and unavoidable conclusion did not apply to the intersections in the Core Area that would be potentially impacted by the McKinley Village Project.

The western portion of the Project traffic study area, including the intersections at issue in the Court of Appeal's decision, falls within the City's Core Area and is well served by existing infrastructure for walking, bicycling, and transit. In this area of the City, the connectivity of the grid street system and density and diversity of land use patterns also contribute to the viability of using alternative forms of travel. Therefore, allowing higher levels of vehicle delay (i.e., LOS F) in this area helps to support usage of the City's overall multimodal travel system. Conversely, designing roads to meet a higher LOS, (e.g., LOS A-D) may require the City to widen roadways and add more turning lanes which results in more environmental impacts and longer pedestrian crossing distances, and conflicts with the City's goals of a walkable, bikeable, transit-supportive urban environment. The City has determined that increased congestion at intersections within the Core Area is acceptable and the Project's potential traffic impacts, including those in the Core Area, are less than significant.

Although LOS F is acceptable in the Core Area and there are no significant Project-related traffic impacts in the Core Area, the Project applicant nonetheless committed to provide the following improvements to the citywide transportation system in order to improve system-wide roadway capacity, to make intersection improvements, or to enhance non-auto travel modes in furtherance of the General Plan goals:

- **28th Street from A Street to B Street.** The Project applicant will widen the roadway; add curb, gutter, and sidewalks on both sides; add bike lane(s); add streetlights; and add a crosswalk at A Street. (Condition I21.)
- **C Street near 40th Street.** The Project applicant will restripe existing C Street from Tivoli Way to the proposed 40th Street extension to accommodate bike lanes on both sides of C Street; add crosswalks and pedestrian refuge islands on C Street; and install stop signs at the C Street/40th Street extension intersection. (Condition I23.)
- **Alhambra Tunnel/Alternative Improvements and Services.** The Project applicant will provide \$2.2 million to fund either a Bicycle/Pedestrian Underpass or a Vehicular Underpass (to include vehicular, bicycle, and pedestrian access) at Alhambra Boulevard; or if the City does not pursue either of those projects, the Applicant will provide \$1.9 million for alternative transportation improvements or services in the Project vicinity with priority given to improvements and services that benefit bicyclists, pedestrians, and transit. The Project applicant will also provide \$100,000 to the City to study the feasibility of a Vehicular Underpass at Alhambra. (Development Agreement, Exhibit J, Special

Condition B.) If the City constructs the bicycle/pedestrian undercrossing, the Project applicant will build the bike trail from Streets 1/A in the Project to the undercrossing and install landscaping at the entrance to the undercrossing on the south side of the railroad tracks. (Conditions I16 and I20.)

- **Neighborhood Traffic Management Program (NTMP).** The Project applicant will provide \$150,000 to fund a NTMP, with \$75,000 to be utilized in the area east of the Capital City Freeway and \$75,000 to be used in the area west of the Capital City Freeway. (Development Agreement, Exhibit J, Special Condition D.)
- **A Street Bridge.** The Project applicant will improve the A Street Bridge with new paving and striping, upgrade the bridge railings, and either construct a new sidewalk on the north side of the bridge or modify the existing cross section of the bridge if required by the City after consultation with Caltrans. (Condition I14.)
- **28th Street At Grade Crossing.** The Project applicant shall coordinate with the Public Utilities Commission and the City to improve the existing at-grade crossing including improvement/modification of existing warning devices to ensure all traffic lanes are controlled by crossing arms, construction of medians, and the installation of pedestrian-specific warning devices, including extending the crossing arms to the new sidewalks. (Condition I32.)
- **Public Transit Way-Finding.** The Project applicant shall provide signage to the nearest bus stop from both Project entrances. (Condition I31.)
- **28th Street Repaving.** The Project applicant shall repave 28th Street from C Street to the proposed A Street extension. (Condition I22.)
- **Bikeway Connection.** The City's Bikeway Master Plan includes a bicycle/pedestrian bridge over the freeway adjacent to the UPRR bridge near the eastern portion of the site. The Project provides a location for this proposed bikeway connection in the northeast portion of the Project site. (Development Agreement, Exhibit J, Special Condition E; Condition I16.)

The above improvements are in addition to the following mitigation measures described in the EIR and the Mitigation Monitoring Plan, which will also assist in improving the City's roadway capacity or intersection improvements:

MM 4.9-1 The project applicant shall pay the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard traffic signal to optimize traffic flow through the intersection.

MM 4.9-6(a) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard, H

Street/30th Street, and H Street 29th Street traffic signals to optimize flow through the corridor, and to implement the following improvements:

- Restripe the westbound approach to the H Street/Alhambra Boulevard intersection to have one shared through/right lane and one shared through/left lane.
- Remove on-street parking on the north side of H Street between 30th Street and Alhambra Boulevard to accommodate two westbound travel lanes.
- Prohibit on-street parking during peak periods (7-9 AM and 4-6 PM) on the south side of H Street to allow for two eastbound lanes between 30th Street and Alhambra Boulevard while maintaining the same lane configurations on the eastbound approach to the H Street/Alhambra Boulevard intersection.

MM 4.9-6(b) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the E Street/Alhambra Boulevard traffic signal to optimize flow, and to implement the following improvements:

- Remove the bulb-out on the southbound approach to the E Street/Alhambra Boulevard intersection and prohibit on-street parking on the west side of Alhambra Boulevard during peak periods (7-9 AM and 4-6 PM) to allow for the installation of a dedicated southbound right-turn lane.
- Restripe the northbound approach to the E Street/Alhambra Boulevard intersection to include a northbound dedicated right-turn lane.

MM 4.9-6(c) The project applicant shall contribute its fair share toward the installation of a traffic signal at the McKinley Boulevard/33rd Street intersection.

These mitigation measures and conditions of approval, along with the Project design features that encourage alternative modes of transportation, and the location of the Project site proximate to Downtown, Midtown, and neighborhood commercial areas, further reduce the Project's physical impacts to the environment and ensure that all impacts are less than significant.

Traffic delays and driver inconvenience are not physical impacts to the environment, as acknowledged by the Court of Appeal in its opinion. (Opinion, p. 19, fn 6, citing Pub. Resources Code § 21099, subds. (b)(1), (b)(2); see also Pub. Resources Code § 21099, subd. (d)(1) [parking impacts of mixed use and infill development in transit-rich areas "shall not be considered significant impacts on the environment"]; Pub. Resources Code § 21060.5 [CEQA defines "environment" as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of

historic or aesthetic significance”].) Rather, such impacts are more akin to parking deficits, which the courts have recognized as an inconvenience to drivers not as significant physical impacts on the environment. (See *San Franciscans Upholding the Downtown Plan v. City and County of S.F.* (2002) 102 Cal.App.4th 656, 697.)

Moreover, the Project does not result in any transportation-related impacts to air quality, noise and safety:

- Air quality modeling prepared for the Project evaluated emissions of reactive organic gases (ROG) and nitrogen dioxide (NO_x) associated with vehicle trips, energy-related products (natural gas combustion) and consumer products (landscaping equipment, etc.). Based on the modeling, emissions of ROG and NO_x would remain below the air district’s acceptable thresholds during long-term project operation. The modeling accounts for project design features that increase energy efficiency, measures to support pedestrian and bicycle activity; and by its location, the Project supports use of alternative transportation. These features would serve to reduce NO_x and ROG emissions from the Project; therefore, the Project’s long term operational impact associated with ROG and NO_x emissions was found to be less than significant.
- An increase in the Project’s transportation-related noise was evaluated by modeling traffic noise associated with the increase in vehicle trips in the Project’s traffic study area. The Project would result in increases in traffic noise levels on roadways/intersections ranging from 0–2 dB L_{dn}. Studies have documented noise levels that are 3 dB or less are considered barely perceptible. Noise levels under 2 dB would not be a perceptible increase. Therefore, the increase in project-related traffic noise on local roadways was found to be a less-than- significant impact.
- The Project includes pedestrian and bicycle facilities throughout the Project site, including Class II and Class III bikeways as well as a new bicycle/pedestrian undercrossing of the UPRR tracks at the northern terminus of Alhambra Boulevard and associated Class I off street bicycle/pedestrian trail, if approved by UPRR (or in the alternative, alternative transportation services and improvements intended to improve access to and from the project and connections between the project and existing neighborhoods, with priority given to improvements and services that benefit bicyclists, pedestrian, and transit). Sidewalks are also provided on the A Street extension to 28th Street and on the connection to C Street. All roadways within the study area would be low-volume, low-speed streets conducive to safe bicycle and pedestrian travel. No safety impacts were identified.

Thus the City’s analysis complies with Public Resources Code § 21099, which provides that relying on vehicle miles traveled and vehicle miles traveled per capita as metrics to measure

transportation impacts does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise and safety. These impacts were analyzed.

Project-Related Traffic Impacts Under the City's 2035 General Plan

Following approval of the Project, the City adopted the 2035 General Plan. In *East Sacramento Partnership for a Livable City v. City of Sacramento*, the Court of Appeal concluded that, for purposes of determining general plan consistency, adoption of the 2035 General Plan mooted claims of inconsistency with the 2030 General Plan. This ruling appears limited to the discussion of consistency with the General Plan, and the court's analysis of traffic intersection impacts did not state that the threshold based on the 2030 General Plan was mooted by adoption of the 2035 General Plan. Instead, the information that the court deemed missing from the Draft EIR analysis, and that has been included in the Revised Draft EIR and this Appendix to the Revised Draft EIR, was to supplement the threshold of significance relied on in the Draft EIR based on the 2030 General Plan. However, in the event the court determines that the 2030 General Plan is completely moot for purposes of the Revised Draft EIR, and that the threshold should now be derived from the 2035 General Plan, the City includes the following analysis of project-related traffic impacts under a threshold of significance based on the updated 2035 General Plan Mobility Policy 1.2.2.

Under the City's current 2035 General Plan, Mobility Policy 1.2.2 has been modified to simply state "LOS F is allowed" in the Core Area. In addition, the boundary of the Core Area has expanded farther to the east to include Alhambra Boulevard. Therefore, in addition to the intersections in the Core Area that would have less than significant impacts using the threshold based on the 2030 General Plan, the Project's impacts to the H Street/Alhambra Boulevard intersection would also fall within the Core Area (rather than outside the Core Area under the 2030 General Plan) and LOS E/F would be allowed. The same would be true for the cumulative impacts at E Street/Alhambra Boulevard and H Street/Alhambra Boulevard. As such, if the Project were proposed today, the impacts to these intersections would be less than significant and no mitigation would be required.

All of the evidence discussed above showing that Policy M 1.2.2 under the 2030 General Plan promotes infill development to reduce vehicle miles traveled applies equally to that policy under the 2035 General Plan. Indeed, the 2035 General Plan MEIR further demonstrates the City's ongoing commitment to supporting infill development through Policy M 1.2.2, stating that "by moving away from automobile-oriented congestion and travel-time standards for mobility, this policy change [to M 1.2.2] also aligns with the goals of recent state legislation, i.e., Senate Bills (SB) 375, 226, and 743, which promote infill development, reduction of vehicle miles traveled, and/or multi-modal mobility for purposes of greenhouse gas (GHG) reduction and other

environmental benefits of more compact, urban, and transit-served development.” Moreover, by applying the flexible LOS standard as a threshold of significance, the 2035 General Plan MEIR concluded that “implementation of the 2035 General Plan would not result in significant LOS impacts based on the 2035 horizon year analysis.” Thus, potential adverse impacts to LOS within the General Plan Policy Area associated with planned future regional development were determined to be less than significant.

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