

## **RESOLUTION NO. 2008-498**

Adopted by the Sacramento City Council

July 15, 2008

### **CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE 'METROPOLITAN' PROJECT (P05-205)**

#### **BACKGROUND**

- A. On May 22, 2008, the City Planning Commission conducted a public hearing on, the Metropolitan project (hereafter referred to as "Project"), and forwarded to the City Council a recommendation to approve with conditions.
- B. On July 15, 2008, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 17.200.010(C)(2)(a), (b), and (c) publication, posting, and mail (500'), and received and considered evidence concerning the Project.

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

- Section 1. The City Council finds that the Environmental Impact Report for the Metropolitan (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed project, and that the EIR reflects the City Council's independent judgment and analysis.
- Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support

of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A.

- 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 Record of Decision.
- Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services 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.

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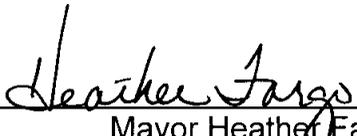
Adopted by the City of Sacramento City Council on July 15, 2008 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

  
\_\_\_\_\_  
Shirley Concolino, City Clerk

## Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations for the Metropolitan Project

### **Description of the Project**

The proposed project would demolish the existing structures on the proposed site and would construct a 38-story, high-rise tower consisting of either 320 residential condominium units with ground floor retail and parking, or a Mixed-Use Hotel Option with 190 residential condominium units and 190 hotel units with a ground floor restaurant and parking. The proposed site is 160 by 260 feet, covering most of the City half-block between J Street and the alley between J and I streets. The project with 320 condominium units would also have 13,000+/- square feet of ground floor retail with an exterior 15 foot deep arcade or plaza located along 10<sup>th</sup> Street to allow for patio dining. The optional Mixed-Use Hotel design for 190 condominium units and 190 hotel units would also have a hotel lobby with an 11,500 square foot restaurant located facing the corner of 10<sup>th</sup> and J Streets, behind a 25 foot outdoor plaza. Ingress and egress to the parking garage, loading areas, and building services would be located on the alley. Condominium parking would be provided on one or one and a half sub-grade levels and six above grade levels for a total of 500 spaces. The Mixed-Use Hotel Option would provide up to 460 parking spaces on one sub-grade level and four above-grade levels.

The project would provide amenities such as private balconies, an infinity (seemingly rimless) swimming pool, fitness and recreation rooms, and landscape and open space terrace areas. The top of the building would be split into three levels, with the pool and penthouses on the lowest. There would also be an upstairs terrace for the penthouses and a room with mechanical systems. The condos would range from 700 to 1,300 sf, feature ample window space, and include open air balconies on all units. Two-story lofts would be available right above the ground-floor retail/commercial space, and some penthouses may have two floors. The Mixed-Use Hotel Option would provide the amenities on Level 7, with hotel rooms on levels 7 through 17, and condominiums on levels 18-38.

The condominium building would be approximately 386 feet in height, and the Mixed-Use Hotel building would be approximately 400 feet to the top of the mechanical penthouse; each would feature a 30 foot spire. Both are limited to 350 feet at the first 200 feet on the J Street block moving from east to west, which is within the 350 foot zone for the Capitol View Protection Ordinance. There is no height limitation for the half block facing 10th Street. The building's step-like design is intended to be consistent with the Downtown area's existing high-rise focus.

The 0.955 acre proposed site is generally located between the alley south of I Street on the north, J Street on the south, 10th Street on the west, and 11th Street on the east. The parcels in the project are: 921 10th Street (006-0044-012), 927 10th Street (006-0044-011), 1009 J Street (006-0044-010), 1013 J Street (006-0044-009), and 1023 J Street (006-0044-013).

The proposed project site is within the Central Business District (CBD) of the City of Sacramento. The proposed site is designated Community/Neighborhood Commercial & Offices on the Sacramento City General Plan, and is zoned Special Planning District - Central Business District (C-3/CBD). The site is also located within the planning areas of the following City plans: Merged Downtown Redevelopment Plan, Cultural and Entertainment Master Plan, Central City Community Plan, and Central City Housing Strategy.

## **Findings Required Under CEQA**

### **1. Procedural Findings**

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

Based on the Initial Study conducted for Metropolitan Project (P05-205), SCH # 2006042161, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

- a) A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency on April 28, 2006, and was circulated for public comments from April 28, 2006 and ending on May 30, 2006.
- b) A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on July 11, 2006, to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- c) An official forty-five (45) day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on July 11, 2006 and ended on August 24, 2006.
- d) A Notice of Availability (NOA) of the Draft EIR was mailed on July 11, 2006 to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento Development Services Department, City of Sacramento, New City Hall, 915 I Street, 3rd Floor, Sacramento, California 95814. The letter also indicated that the official forty-five day (45) public review period for the Draft EIR would end on August 24, 2006.

- e) A public notice was placed in the Daily Recorder on July 11, 2006, which stated that the Metropolitan Project Draft EIR was available for public review and comment.
- f) A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on July 11, 2006.
- g) A Revised Draft EIR was prepared that analyzed the Mixed-Use Hotel Option. The Draft was circulated for a forty-five (45) day public comment period that began February 29, 2008 and ended on April 16, 2008.
- h) A Notice of Availability (NOA) of the Revised Draft EIR was mailed on February 29, 2008 to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Revised Draft EIR and that copies were available at the City of Sacramento Development Services Department, City of Sacramento. The letter also indicated that the official forty-five day (45) public review period for the Draft EIR would end on April 16, 2008.
- i) A public notice was placed in the Daily Recorder on February 29, 2008, which stated that the Metropolitan Project Revised Draft EIR was available for public review and comment.
- j) A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on February 29, 2008.
- k) Following closure of the public comment period, all comments received on the Draft EIR and the Revised Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR, including the Revised Draft EIR, to produce the Final EIR.

## **2. Record of Proceedings**

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

- a) The Draft, Revised Draft, and Final EIR and all documents relied upon or incorporated by reference.
- b) Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.
- c) City of Sacramento General Plan, City of Sacramento, updated and adopted January 1988; as revised by Council in 2000 and 2003.

- d) City of Sacramento General Plan, Draft and Final Environmental Impact Report, City of Sacramento, Draft EIR is dated March 2, 1987 and Final EIR is dated September 30, 1987.
- e) City of Sacramento Zoning Code, <http://www.qcode.us/codes/sacramento/>.
- f) Cultural and Entertainment District Master Plan, City of Sacramento, adopted May 1990.
- g) Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.
- h) Guide to Air Quality Assessment in Sacramento County, Sacramento Metropolitan Air Quality Management District, July 2004.
- i) Map of Hollow Sidewalk Locations, Development Engineering and Finance Department, City of Sacramento.
- j) Merged Downtown Redevelopment Plan Amendment EIR, Redevelopment Agency of the City of Sacramento, Downtown Development Group, November 5, 2004.
- k) Preservation Element of the City's General Plan, City of Sacramento, adopted April, 25, 2000.
- l) Recommended Housing Strategy for the Central City, Sacramento Housing and Redevelopment Agency and City of Sacramento Department of Planning and Development, May 1991.
- m) Sacramento Central City Community Plan.
- n) Sacramento Register, City of Sacramento Listing of Landmarks, Historic Districts, and Contributing Resources.
- o) Sacramento Urban Design Plan, Central Business District Urban Design Framework Plan, Sacramento Housing and Redevelopment Agency, adopted February 18, 1987.
- p) The Towers on Capitol Mall Draft Environmental Impact Report, City of Sacramento, May 2005.
- q) The Mitigation Monitoring Plan for the Proposed Project.
- r) 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 Proposed Project.

### 3. Findings

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

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

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

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

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding

Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

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

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

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

#### **Air Quality**

- (a) **Impact 5.1-2: Short-term construction increases in PM<sub>10</sub> emissions. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

##### Mitigation Measure 5.1-2

- a. The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material.
- b. The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered.
- c. Two feet of freeboard space shall be maintained on all trucks transporting demolished material.

#### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.1-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Demolition activities are required to conform to the rules and guidelines outlined in SMAQMD Rule 403 (Fugitive Dust) concerning fugitive dust associated with construction activities, including demolition. Rule 403 requires the application of water or chemicals for the control of fugitive dust associated with demolition, clearing of land, construction of roadways, and any other construction operation that may potentially generate dust—including the stockpiling of dust-producing materials.

In order to reduce construction-phase dust emissions, standard dust abatement measures are routinely required by the City as a part of the development permit process. Such measures typically include watering all construction-sites as necessary to reduce dust emissions, covering stockpiles and haul trucks, sweeping dirt from paved surfaces, and suspending earthmoving activities on very windy days.

Based upon SMAQMD's screening table for PM<sub>10</sub> emissions, the proposed project's construction PM<sub>10</sub> impact would not contribute emissions of PM<sub>10</sub> that would lead to a violation of the PM<sub>10</sub> CAAQS. Keeping soil or other material moist is the most effective mitigation measure for the control of fugitive dust during all demolition activities. Fugitive dust emissions can be almost completely eliminated by this mitigation.

Implementation of Mitigation Measure 5.1-2 would reduce the impact of short-term construction increases in PM<sub>10</sub> emissions. The impact will be less than significant after mitigation.

## **Cultural and Historic Resources**

**Impact 5.2-1 Loss or degradation of known or undiscovered prehistoric and historic resources. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

### Mitigation Measure 5.2-1

The following mitigation measures should be used and monitored during construction activities:

5.2-1b: The project applicant shall hire a professional archaeologist to perform archaeological monitoring during ground-disturbing construction activities, including

demolition, for the duration of the project. If resources are discovered during construction, the procedure laid out in the Unanticipated Discovery Plan will be followed. This includes consultation with the appropriate Native American representatives if a Native American site is discovered.

5.2-1e If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

5.2-1f 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.

### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

A Cultural Resource Sensitivity Study was prepared by Tremaine and Associates to provide a context for predicting where significant archaeological deposits may have survived. The mitigation measure provides for this context to be used in conjunction with detailed plans of where ground disturbance will occur to develop a testing strategy for locating/identifying buried cultural resources and research design for the evaluation of resources prior to construction. Implementation of Mitigation Measure 5.2-1 would reduce the impact of the loss or degradation of known or undiscovered prehistoric resources. The impact will be less than significant after mitigation.

(b) **Impact 5.2-2 Potential alteration or demolition of historic resources. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

### Mitigation Measure 5.2-2

Retain the original granite curbstones in place during project construction; if that is not possible, all curbstones shall be carefully removed and stored during sidewalk demolition and replaced back in their original location during sidewalk reconstruction.

### Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The granite curbstones along J Street from the west edge of the Biltmore Hotel at 1009 J Street east to halfway along the width of 1017-23 J Street are a character-defining feature of downtown Sacramento and should be retained in place if possible, or relocated back in their original location during project construction. Permanent loss of the granite curbstones would be a potentially significant impact. Implementation of Mitigation Measure 5.2-2 would preserve the granite curbstones. The impact will be less than significant after mitigation.

### **Hazards and Hazardous Materials**

(c) **Impact 5.3-1 Construction disturbance of potentially contaminated soil and structures. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

### Mitigation Measure 5.3-1

a. Prior to any demolition activities on the project site, conduct an interior survey to evaluate the presence of asbestos containing materials, lead based paint, PCB containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on the properties.

b. The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:

(1) Prepare a hazardous material discovery and response contingency plan for review by the City of Sacramento Fire Department. The fire department will act as the first responder to a condition of extreme emergency (i.e., fire, emergency medical assistance, etc).

(2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department (SCEMD) of the contamination condition, and the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the SCEMD and any other jurisdictional authorities that might become involved in the remediation process.

(3) Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.

(4) Obtain closure and/or No Further Action letters from the appropriate agency(ies).

(5) Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.

### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.3-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Demolition activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards included in the demolition contract. Appropriate identification of existing hazards and preparation of plans for proper handling and disposal will protect the health of construction workers. Implementation of Mitigation Measure 5.3-1 would reduce the impact of the construction disturbance of potentially contaminated soil and structures. The impact will be less than significant after mitigation.

### **Noise and Vibration**

- (d) **Impact 5.4-2 Construction-induced vibration impacts could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.4-2

- a. Implement mitigation measure 5.4-1c.
- b. Prior to demolition, the pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
- c. If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.
- d. During demolition and construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The vibration study for the Esquire Plaza Office/IMAX Theater construction, located two blocks east at the northwest corner of 13th and K streets, was reviewed to estimate the potential for vibration impacts on nearby historic structures. Soils beneath the Esquire Plaza Office/IMAX Theater site are consistent with soils at the project site. The Esquire Plaza Office/IMAX Theater facade was measured five feet from the pile hole, and no damage was observed during pile driving. The vibration report concluded that indicator pile driving at the Esquire Plaza Office/IMAX Theater site generated vibrations well below the threshold for architectural damage to historic buildings. All pile holes were pre-drilled. No damage was observed and none would be expected based on the available criteria.

Other previous pile driving monitoring for the Convention Center and the Attorney General's office building projects similarly identified vibrations well below the threshold for architectural damage to historic buildings. However, while no structural damage occurred, these studies did note that it is possible for fire sprinklers to break at joints at vibration levels below current criteria. Because of the expected low vibration levels, no vibration monitoring should be necessary for the proposed project. Noise mitigation measure 5.4-1 requires pre-drilling of pile holes, which would result in conditions similar to those at the Esquire Plaza Office/IMAX Theater

site. Since fire sprinkler failure has been observed in the past, monitoring should begin only if such failures are observed in surrounding office buildings. Implementation of Mitigation Measure 5.4-1 would ensure pre-drilling of pile holes and therefore reduce the impact of the construction-induced vibration impacts that could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers. The impact will be less than significant after mitigation.

- (e) **Impact 5.4-5 The operation of the proposed project could expose new sensitive receptors to excessive interior noise levels. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.4-5

Windows for the residential floors below the 15th floor, along J Street, would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB Ldn or less.

**Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-5. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Modern residential construction typically provides a 25-30 dB exterior-to-interior noise level reduction. The residential units located on the 5th and 6th floors along J Street are predicted to be exposed to exterior traffic noise levels of 74 dB Ldn. Therefore, an exterior-to-interior noise level reduction of 29 dB would be required to achieve an interior noise level of 45 dB Ldn. In order to ensure an exterior-to-interior noise level reduction of 29 dB, it is anticipated that all windows would be required to have a minimum STC rating of 33 for residential facades exposed to exterior noise levels exceeding 70 dB Ldn. This would include all residential floors below the 15th floor along J Street, as indicated in Table 5.4-8, above. However, because building construction details are not currently available, this requirement would need to be verified when building plans become available. Implementation of Mitigation Measure 5.4-5 would reduce the impact of the operation of the proposed project that could expose new sensitive receptors to excessive interior noise levels. The impact will be less than significant after mitigation.

**Public Services and Utilities**

- (f) **Impact 5.5-2 Combined sewer system (CSS) impacts from dewatering activities. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

**Mitigation Measure 5.5-2**

a. Prior to issuance of the building permit construction contract documents shall include provisions for the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements.

b. If the City or SRCSD determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, the contractor shall implement groundwater treatment systems that treat groundwater to standards established by the Central Valley RWQCB, City, and SRCSD.

**Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.5-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The City has developed specific requirements that must be met by developers and contractors regarding construction dewatering. All new groundwater discharges to the Combined or Separated Sewers must be regulated and monitored by the Department of Utilities (Planning Commission Resolution #92-439). Long-term foundation or basement dewatering discharges to the CSS over the life of a project are not allowed. The CSS does not have adequate capacity to allow for dewatering discharges for foundations or basements, thus all foundations and basements must be designed without the need for dewatering. Currently, the Department of Utilities only recognizes two types of construction groundwater discharges, limited discharges and long-term discharges. Limited discharges are short groundwater discharges of 7-days or less. Limited discharges must be approved through the Department of Utilities by acceptance letter. Long-term discharges are construction-related groundwater discharges of greater duration than 7-days. Long-term discharge must be approved through the Department of Utilities and the City Manager through a Memorandum of Understanding (MOU) process.

Implementation of Mitigation Measure 5.5-2 ensures local, state, and federal requirements are incorporated into the construction contract documents for the proper handling and treatment of contaminated groundwater. This would reduce construction-worker exposure to contaminated water and reduce dewatering impacts on the CSS. The impact will be less than significant after mitigation.

**Transportation and Circulation**

(g) **Impact 5.6-9 Construction of the project may include the temporary closure of numerous transportation facilities, including portions of**

**City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.6-9

Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer, Regional Transit, and any other affected agency.

**Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-9. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measure 5.6-9 would provide for the appropriate review and management of lane closures, street closures, sidewalk closures, and bikeway closures, as well as the staging of construction equipment and trucking routes. This will reduce the impact of the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities during project construction. The impact will be less than significant after mitigation.

- (h) **Impact 5.6-10 Cumulative impacts to study intersections under near term plus project condition. Without mitigation, this is a *significant impact*.**

**Mitigation Measures (From MMP).** The following mitigation measures have been adopted to address this impact:

Mitigation Measure 5.6-10

a. At the 3rd Street / J Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the phase time for the southbound I-5 off-ramp approach (eastbound) to 40 seconds, maintaining the 50 second phase time for the northbound I-5 off-ramp, and decreasing the north and southbound 3rd Street phase time to 10 seconds. This mitigation measure would reduce average vehicle delay by 33 seconds during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, modify the westbound approach to provide one left-turn lane, two through lanes (to the northbound I-5 on-ramp), and one right-turn lane. This mitigation measure would reduce average vehicle delay by 40 seconds during the p.m. peak hour and maintain LOS C

operations during the a.m. peak hour. The mitigation measure would reduce the near-term cumulative impact to a less-than-significant level.

c. At the 3rd Street / N Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the southbound 3rd Street signal phase time to 34 seconds, decreasing the eastbound N Street approach to 15 seconds, and maintaining the phase time for the eastbound Tower Bridge approach at 21 seconds. This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 32 seconds for the westbound P Street approach and decreasing the southbound 3rd Street approach to 18 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 42 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 7th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 8th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 25 seconds for the westbound L Street approach and decreasing the northbound 8th Street signal phase time to 25 seconds. This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall

pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

h. At the 9th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the southbound 9th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 10th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the northbound 10th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the eastbound J Street approach and decreasing the 12th Street signal phase time to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 15th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the eastbound J Street approach to 30 seconds, and decreasing the southbound 15th Street signal phase time to 20 seconds. This mitigation measure would reduce average vehicle delay by 61.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

l. At the 15th Street / X Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the southbound 15th Street approach to 28 seconds, decreasing the eastbound U.S. 50 off-ramp phase time to 28 seconds, and maintaining 17 seconds for the X Street approach. This mitigation measure would reduce average vehicle delay by 34.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to

recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 16th Street / H Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the northbound 15th Street approach to 26 seconds, decreasing the phase times for the eastbound H Street left-turning movement and through movements to 18 and 24 seconds, respectively, and maintaining 6 seconds for the westbound H Street right-turning movement. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-10. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-10a – 5.6-10m would reduce the cumulative impacts to study intersections under the near term (Year 2013) plus project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

- (i) **Impact 5.6-17 Cumulative impacts to study intersection under Long Term (Year 2030) Plus Project condition. Without mitigation, this is a significant impact.**

**Mitigation Measures (From MMP).** The following mitigation measures have been adopted to address this impact:

#### **Mitigation Measure 5.6-17**

a. At the 3rd Street / J Street intersection, implement the near-term Mitigation Measure (a) (modification of signal phase splits) and also modify the lanes on the southbound I-5 off-ramp approach (eastbound) to provide one combination left/through lane, one through lane, one combination through/ right lane, and one exclusive right turn lane. This mitigation measure would reduce average vehicle delay during the a.m. peak hour by 32.5 seconds and would improve traffic operations during the p.m. peak hour to LOS C. This mitigation measure would reduce the long-term cumulative impact to a less-than-significant level. The

applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, implement the near-term Mitigation Measure (b) (modification of the westbound approach lanes) and also modify the traffic signal phase splits during the p.m. peak period by increasing the southbound 3rd Street approach to 23 seconds, decreasing the westbound L Street signal phase time to 38 seconds, and decreasing the northbound 3rd Street left-turning movement to 9 seconds. This mitigation measure would reduce average vehicle delay by 43.5 seconds during the p.m. peak hour and provide LOS C traffic operations during the a.m. peak hour. This mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

c. At the 3rd Street / N Street intersection, implement the near-term Mitigation Measure (c) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, implement the near-term Mitigation Measure (d) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / I Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 30 seconds for the northbound and southbound 5th Street approaches and decreasing the westbound I Street approach to 70 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 5th Street / L Street intersection, implement the near-term Mitigation Measure (e) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 7th Street / L Street intersection, implement the near-term

Mitigation Measure (f) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

h. At the 8th Street / L Street intersection, implement the near-term Mitigation Measure (g) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 9th Street / J Street intersection, implement the near-term Mitigation Measure (h) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 10th Street / J Street intersection, implement the near-term Mitigation Measure (i) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the eastbound J Street approach to 23 seconds and decreasing the southbound 12th Street and northbound right-turn movement signal phase time to 27 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level.

l. At the 15th Street / J Street intersection, implement the near-term Mitigation Measure (k) (modification of signal phase splits). This mitigation measure would reduce average delay by 59.2 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 15th Street / X Street intersection, implement the near-term Mitigation Measure (l) (modification of signal phase splits). This mitigation measure would reduce average vehicle delay by 32.8 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the

City's Traffic Operation Center monitoring and retiming of this intersection.

n. At the 16th Street / H Street intersection, implement the near-term Mitigation Measure (m) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-17. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-17a – 5.6-17n would reduce the cumulative impacts to study intersections under the Long Term (Year 2030) Plus Project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

## **Urban Design and Aesthetics**

- (j) **Impact 5.7-2 Light and glare on roadways and sidewalks. Without mitigation, this is a *significant impact*.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

### **Mitigation Measure 5.7-2**

a. Prior to the issuance of building permits, construction drawings shall indicate that the configuration of exterior light fixtures emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses.

b. Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

### **Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The proposed project would not be visible from many locations due to the relatively flat topography of the Central City and selective blockage of sight lines by existing low-rise buildings, high-rise buildings, and street trees. Line of sight between the

proposed project and I-5 to the west and I-80 to the north would be mostly blocked by intervening high-rise structures. Before solar noon, glare from sunlight reflected from the east-facing windows may be observable on nearby ground-level areas; whereas the proposed project abuts another building along the eastern edge to the top of the parking podium, to about 75 feet above street level, glare would not be anticipated to reach ground level from the east façade. The proposed project is currently designed with all the windows recessed with balconies and non-glass architectural details, reducing the potential for glare. The tower would be set back from the podium, which may reduce the amount of glare generated by the proposed project. However, because the details of the type of glass material have not been identified, the proposed project could result in a substantial increase in the amount of glare if the surfaces of the towers are highly reflective.

Implementation of Mitigation Measure 5.7-2 would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

- (k) **Impact 5.7-4 Cumulative light and glare on roadways and sidewalks. Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP).** The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.7-4

Implement Mitigation Measures 5.7-2 (a) and (b)

**Finding**

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Existing buildings in the Central City area have been designed to minimize light and glare impacts on adjacent properties. Future development in the City of Sacramento CCCP area and the CBD would also be designed to comply with City of Sacramento lighting policies in the Urban Design Plan. Because of the large amount of glass proposed on the facade of the proposed project, the proposed project could result in a substantial new source of glare. Implementation of Mitigation Measures 5.7-2 (a) and (b) would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

**B. 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 Planning Commission elects to approve the Project due to overriding considerations as set forth below in Section "e", the statement of overriding considerations.

### **Cultural and Historic Resources**

**(a) Impact 5.2-3 Cumulative loss of cultural resources. This is considered a *significant impact*. (Significant and Unavoidable).**

**Mitigation Measure:** No feasible mitigation measures or alterations that could substantially lessen, or avoid the project's significant effects associated with the cumulative loss of cultural resources were identified. Implementation of Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c would lessen the magnitude of the impact, but not to less than significance. The effects, therefore, remain significant and unavoidable.

#### Mitigation Measure 5.2-3

Implement Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c.

#### **Finding**

Based upon previous surveys and research, Sacramento has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. As urban development increases throughout the City of Sacramento and the region, cumulative development in the City could result in archaeological resources being unearthed and damaged or destroyed. Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resources base. The loss of any one designated archaeological site affects all others in a region because these other properties are best understood completely in the context of the cultural system of which they (and the destroyed resource) were a part.

Compliance with Mitigation Measure 5.2-1 would ensure the proper steps are taken for the proper handling and treatment of resources that may still exist on the proposed project site. However, even with existing regulations and compliance with required mitigation, the project's contribution to the potential loss of these resources, combined with the loss of resources over the years by previous development, would not be reduced to a level that would be considered less than significant.

These mitigation measures would reduce the magnitude of potential cumulative impacts to historic resources, but not to less-than-significant levels. This impact remains significant and unavoidable.

### **Noise and Vibration**

**(b) Impact 5.4-1 Construction noise at sensitive receptors. This is considered a significant impact. (Significant and Unavoidable).**

**Mitigation Measures (From MMP):** Mitigation measures have been adopted to address this impact to the extent feasible; however, the short term construction impact remains significant and unavoidable.

Mitigation Measure 5.4-1

a. Erect a solid 6 to 8 foot plywood construction/noise barrier along the exposed project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings.

b. Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities.

c. Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.

d. Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

e. Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.

**Finding**

Because construction would occur during hours when buildings surrounding the project site are occupied, construction noise could impact these uses. This would be especially true during those periods where pile-driving would occur, since pile-driving could produce peak levels of up to 107 dBA Leq at 50 feet. There are numerous retail and commercial buildings within 200 feet of the proposed project along the south side of J Street, and outdoor activities at Cesar Chavez Plaza Park would be significantly impacted during pile driving activities. Noise levels of 95 dBA Leq would be clearly noticeable at these buildings and for visitors to Cesar Chavez Plaza Park, as well as buildings surrounding the Plaza such as City Hall and the Main Library. Pile-driving noise would most likely be loud enough to cause annoyance to the occupants of these buildings, especially considering that pile-driving does not produce continuous noise, but sharp, intermittent noise peaks.

The City of Sacramento noise ordinance exempts construction activities from the specified noise ordinance standards during the hours of 7:00 a.m. to 6:00 p.m.

Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday. Generally, if a construction project adheres to the construction times identified in the noise ordinance, construction noise is exempted. Although the City of Sacramento Municipal Code exempts construction activities from the noise standards specified elsewhere in the Municipal Code, pile driving and other construction activities, such as the use of jackhammers and tractors, would expose sensitive receptors in the vicinity to high levels of noise during the day. Therefore, construction noise would be a short-term significant impact on sensitive receptors.

The mitigation measures would reduce the magnitude of potential cumulative impacts to construction noise at sensitive receptors, but not to less-than-significant levels. This impact remains significant and unavoidable for the duration of construction.

### **Traffic and Circulation**

**(c) Impact 5.6-2 Freeway Mainline: The project would increase traffic volumes on the freeway mainline. This is a *significant impact*. (Significant and unavoidable)**

The proposed project would add traffic to freeway mainline areas but would not cause levels of service to deteriorate beyond that of without project conditions. The project would add about eighteen vehicles to southbound I-5 north of US 50 in the a.m. and p.m. respectively. The freeway mainline would operate at LOS F without the project and would continue to operate at LOS F.

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

#### Mitigation Measure 5.6-2

Prior to building occupancy, the applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.

### **Finding**

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capital improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

**(d) Impact 5.6-3 Freeway Interchanges: The project would increase traffic volumes at the freeway interchanges. This is considered a *significant impact*. (Significant and Unavoidable).**

The project would increase traffic volumes at freeway interchanges. The changes in freeway system operating conditions with the addition of project-generated traffic exceed the standards of significance for impacts to the freeway system, since traffic is added to freeway interchanges already operating at LOS “F”. Impacts occur at the interchange of I-5 and US 50 during the a.m. and p.m. peak hours. This would be a significant impact.

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

Mitigation Measure 5.6-3

Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

**Finding**

The City consulted with Caltrans concerning possible mitigation measures to address the project’s impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capital improvement projects that would improve transportation access to and from Sacramento’s downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal*

Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

**(e) Impact 5.6-11 Cumulative impacts to freeway mainline under Near Term Plus Project condition Impact. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. Other downtown projects would add traffic to I-5 freeway segments that would cause it to operate at LOS F even without the proposed project. This is considered a significant impact.

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

**Mitigation Measure 5.6-11**

Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

**Finding**

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capital improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway projects will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

- (f) **Impact 5.6-12 Cumulative impacts to freeway merge/diverge/ weave areas under Near Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

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

Mitigation Measure 5.6-12

Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

**Finding**

The City consulted with Caltrans concerning possible mitigation measures to address the project’s impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capital improvement projects that would improve transportation access to and from Sacramento’s downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

**(g) Impact 5.6-13 Cumulative impacts to freeway ramp queues under Near Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street, which currently experiences queues during the a.m. peak hour that extend onto the freeway mainline. In addition, the proposed project, in combination with the other downtown projects would cause queues for the southbound I-5 off ramp to J Street to extend onto the freeway mainline during the a.m. peak hour. This is considered a significant impact.

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

Mitigation Measure 5.6-13

Changes or alterations have been required in, or incorporated into the project that substantially lessen, but do not avoid the project’s significant effects associated with impacts to freeway ramp queues under cumulative Near Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-1 (a) and 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

**Finding**

Mitigation measure 5.6-1(a) would reduce the queue for the southbound I-5 off-ramp at J Street to 6,125 feet during the a.m. peak hour, but this would not be enough to eliminate the near-term cumulative impact. This mitigation measure would not affect the northbound I-5 off-ramp queue at J Street. Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

**(h) Impact 5.6-18 Cumulative impacts to freeway mainline under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. The proposed project in combination with the other downtown projects would add traffic to I-5 freeway segments that would operate at LOS F even without the projects. This is considered a significant impact.

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

Mitigation Measure 5.6-18

Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

**Finding**

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

- (i) **Impact 5.6-19 Cumulative impacts to freeway merge/ diverge/ weave areas under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

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

### Mitigation Measure 5.6-19

Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

### Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

**(j) Impact 5.6-20 Cumulative impacts to freeway ramp queues under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).**

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street during both the a.m. and p.m. peak hours, when the queue would exceed the ramp's storage capacity without the proposed projects. Similarly, the proposed Downtown projects would add traffic to the southbound I-5 off ramp to J Street during the a.m. peak hour, when the queue would exceed the ramp's storage capacity without the proposed projects. This is considered a significant impact.

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

#### Mitigation Measure 5.6-20

Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid the project's significant effects associated with impacts to freeway ramp queues under cumulative Long Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-2 and 5.6-17 will mitigate the project's impacts on regional traffic conditions in the project area.

#### Finding

Mitigation Measure 5.6-17 (a) (for the 3<sup>rd</sup> Street/J Street intersection) would reduce the queue for the northbound I-5 off ramp queue at J Street during the p.m. peak hour to 1,725 lane feet and would reduce the long-term cumulative impact during this time period to a less-than-significant level. This mitigation measure would not significantly affect this northbound I-5 off ramp queue at J Street during the a.m. peak hour. The mitigation measure would reduce the queue for the southbound I-5 off ramp at J Street to 6,100 feet during the a.m. peak hour, but this would not be enough reduction to eliminate the long-range cumulative impact. Additionally, implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

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

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

- i. As the project is implemented, certain impacts would occur on a short term level. Such short term impacts are discussed fully above. Such short term impacts include, without limitation, impacts relating to noise, air quality, and traffic increases due to the project, although measures have been and will be incorporated in the project to mitigate these potential impacts.
- ii. The long term implementation of the project would serve to balance the need for jobs and housing and reduction of blight in the project area and surrounding areas with maintenance of long-term economic development at the City's Central Business District, and reutilization of infill areas. Notwithstanding the foregoing, some long term impacts would result. These impacts include adverse impacts on air quality, cultural resources, and increased traffic congestion. However, implementation of the project would provide many long-term benefits, including, without limitation, greater economic productivity, increased downtown residential uses, more efficient use of land, the reduction of blight, revitalization of the City's Central Business District in line with City policies for Smart Growth, reuse of an infill site and reduction of pressure for the development of outlying areas.

- iii. Although there are short term adverse impacts from the project, the short and long term benefits of the project justify its immediate implementation.

## **F. Project Alternatives**

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

The selection of alternatives takes into account the project objectives provided in Chapter 2 (Project Description). The project objectives include:

- Create a high-quality development that enhances and defines the Downtown skyline and aids in the revitalization of Downtown by creating a project that is socially and economically vital, helping to re-establish Downtown as a destination.
- Provide high-end restaurant and retail that benefits residents and visitors in the Central Business District (CBD) and contributes to the vitality of the community.
- Create a mixed-use development that provides a combination of residential and retail uses to serve a range of users.
- Promote development of high-density urban housing in the CBD.
- Create a development that is financially feasible without negatively affecting existing City resources, including the City's Capitol View Corridor.

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

The following alternatives were previously considered and rejected from further consideration, for the reasons discussed below:

- **Alternative Location**

CEQA requires that an alternative location for a proposed project be analyzed if one is available that could lessen potentially significant impacts of the proposed project. The objective of the project is to redevelop a vacant and deteriorating site consistent with the goals and objectives of the City, providing infill mixed-use development and increased housing in the downtown core. It was determined that development of the proposed project at an alternative site within the CBD would not be likely to eliminate the adverse impacts associated with development on the project site. For example, the traffic generated by the proposed project at the project site would cause significant and unavoidable impacts on freeway ramps. Since development at an alternative site would generate a similar number of daily trips, accessing the CBD on the same congested freeway ramps, traffic

generated by development at such a site would also result in an increase in traffic congestion. However, few sites in the region, and even the CBD, have the same proximity to a light rail station and major regional bus routes along J Street. Therefore, development at an alternative site would not eliminate traffic impacts related to the project site, and could result in greater traffic impacts. Implementation of an off-site alternative to the proposed project was determined to be ineffective in mitigating impacts while meeting the project objectives; therefore, no off-site alternative has been considered or evaluated in this EIR.

- **All Office Use**

This alternative would have involved constructing high-rise office on the site, consistent with the existing zoning. There would be ground floor retail but no residential uses. This alternative was determined to be infeasible because office uses generate significantly more vehicle trips than residential, cultural resource impacts would be the same, and it would not meet the basic objectives of the project to provide high-density urban housing in the CBD.

### **Summary of Alternatives Considered**

**1. No Project/ No Development Alternative.** The No Project/No Development Alternative assumed that the proposed project would not occur and there would be no new development of the site. This alternative assumed the existing buildings on the site would remain in their current vacant condition.

**2. No Project/ Existing Zoning Alternative.** The No Project/ Existing Zoning Alternative assumed that three of the existing structures would be retained and rehabilitated, and a new 75,000 sf office building would be constructed in place of the deteriorating Biltmore Hotel and Broiler buildings, consistent with the existing land use designations and zoning on the site, without the need for any special permits.

**3. Mixed Use Rehabilitation Alternative.** The Mixed Use Rehabilitation Alternative assumed that all structures on the site would be rehabilitated for residential uses with ground floor retail. Buildings over 50 years old and remaining historical features on the project site (those individually ineligible for listing but of some historic value) would be retained where possible and rehabilitated consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Structures.

Each of the alternatives is described in more detail in the DEIR, followed by an assessment of the alternative's impacts relative to the proposed project. The focus of the analysis is the difference between the alternative and the proposed project, with an emphasis on addressing the significant impacts identified under the proposed project. For each issue area, the analysis indicates which mitigation measures would be required of the alternative and which significant and unavoidable impacts would be avoided. In some cases, the analysis could indicate additional mitigation measures, if any, that may be required for the alternative being discussed, and what significant and unavoidable impacts would be more or less severe. Unless otherwise indicated, the level of significance and required mitigation would be the same for the alternative as for

the proposed project and no further statement of the level of significance is made. Table 6.0-1 in the DEIR provides a summary comparison of the severity of impacts for each alternative by topic.

## **Alternatives – Findings of Infeasibility**

### **1. No Project/No Development Alternative**

Under CEQA, the No Project Alternative must consider the effects of forgoing the project. The purpose of analyzing the No Project Alternative is to allow decision makers to compare the impacts of the proposed project versus no project. The No Project Alternative describes the environmental conditions that exist at the time that the environmental analysis is commenced (CEQA Guidelines, section 151 26.6(e)(2)).

The No Project/No Development Alternative assumes that the proposed project would not occur and there would be no new development of the site. The existing structures and surface parking on the site would remain and the site would not be redeveloped. The vacant and deteriorating buildings, particularly the Biltmore Hotel, would probably continue to experience vandalism and use by transients for shelter, as they have been despite enforcement activities, continuing the potential for another fire such as the ones that have destroyed previous buildings on similar sites in the recent past.

Although the No Project Alternative would not result in any of the significant effects identified for the proposed project, the No Project/No Development Alternative would not achieve any of the project objectives. The No Project/No Development Alternative would not provide a development project that would define the Downtown skyline or aid in the revitalization of the Downtown, and it would not add housing to Downtown. If the existing structures were to remain without further activity, they would ultimately deteriorate to a ruin. Hazardous conditions related to transients breaking into the boarded buildings would continue, and the site would remain vacant and blighted, and urban design requirements would not be met.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

### **2. No Project/Existing Zoning Alternative**

Under the No Project/Existing Zoning Alternative, it is assumed that the site would be redeveloped consistent with the existing land use designations and zoning of the site. A special permit is required to construct condominiums in the C-3 zone or construct a building exceeding 75,000 square feet; therefore this alternative assumes a project where no special permits would be needed.

Under this alternative, the two buildings at 921 and 927 10th Street facing Cesar E. Chavez Plaza and the building at 1023 J Street would remain and be rehabilitated for office uses. The oldest and most deteriorated structures, the Biltmore Hotel and Broiler building, would be demolished and a 6 story, 75,000 square foot office building with basement parking would be constructed.

Most of the mitigation measures identified in Draft EIR Chapter 5 would still be required to eliminate significant impacts, including mitigation measures for hazards and hazardous materials, demolition and construction air quality emissions, cumulative transportation impacts and combined sewer system mitigations. All other impacts would be less than significant. Under the No Project/Existing Zoning Alternative, a potentially significant and unavoidable cumulative impact to cultural resources would still occur with the excavation of part of the site for new construction.

The No Project/Existing Zoning Alternative would fail to meet all of the objectives of the proposed project. By converting the project to a low-rise office development, the No Project/Existing Zoning Alternative would fail to provide high-end residential opportunities provided by the proposed project, and would not create a high-quality development that enhances and defines the Downtown skyline. The lack of urban downtown housing opportunities associated with this alternative would fail to meet the project objective to create a mixed-use development that provides a combination of uses. This Alternative would also fail to meet adopted City and Regional Goals for development of the highest intensity mixed-uses in the CBD.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

### **3. Mixed-Use Rehabilitation Alternative - Environmentally Superior Alternative**

This alternative would result in the preservation of any remaining historic fabric on the site, including remnants of the Biltmore Hotel, the 19th Century alley, and historic hollow sidewalks along 10th and J streets. Ground floor retail would be provided along both the 10th and J streets frontages, consistent with City goals for these pedestrian corridors. Residential uses would total approximately 70,000 gsf or about 70 dwelling units, with approximately 35,000 gsf of retail, replacing previous uses on the site.

Traffic generation would be similar to historic uses on the site. Soft demolition and rehabilitation would have a less than significant impact associated with construction generated and operational particulate matter and generation of ozone precursors (ROG and NOx).

Mitigation measures identified for cultural resources, air quality, traffic, noise, fire services, and urban design would no longer be required to eliminate significant impacts. Under the Mixed-Use Rehabilitation Alternative, no significant and unavoidable impacts were identified. The Mixed-Use Rehabilitation Alternative could meet some City policy objectives by redevelopment of a vacant site and restoration of existing structures with some historic fabric. By rehabilitating the project to a low-rise residential development with ground floor retail, the Mixed-Use Rehabilitation Alternative could provide a small amount (approximately 50-70 units) of the high-end residential and retail opportunities provided by the proposed project.

The Mixed-Use Rehabilitation Alternative would not meet the project objective to create a "high-quality development that enhances and defines the Downtown skyline, and would be a small scale rehabilitation project that would not contribute to establishing the Downtown as a destination. This Alternative would likely require redevelopment assistance to make the project financially feasible, and would therefore reduce available funding for other redevelopment projects in the Merged Downtown Redevelopment Project Area. The Mixed-Use Rehabilitation Alternative would fail to meet adopted City and Regional Goals for development of the highest intensity mixed-uses in the CBD.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

#### **G. Statement of Overriding Considerations.**

Pursuant to Guidelines section 15092, the Planning Commission finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.7 of the DEIR. The Planning Commission 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 Planning Commission makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

##### Statement of Overriding Considerations

- i. The Project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area, including among others, obsolete and aged building types, and inadequate or deteriorated infrastructure and facilities. The blighting influences have been documented in the Merged Downtown Redevelopment Plan Amendment Draft EIR dated November 5, 2004, and the Report to Council and related studies that were part of the administrative record for that Amendment.
- ii. The Project helps achieve the City's goals to maintain and strengthen downtown's role as a major regional office, retail, commercial and governmental center, as set out in the General Plan and Central City Community Plan.
- iii. The Project will support the public investment in the transit system by developing intense residential uses adjacent to transit corridors and near light rail stations that will generate additional transit riders to help fund the operating costs of that system.
- iv. The Project will provide physical improvements to the site and area will be an asset to the character of the downtown area and enhance the visual and pedestrian connection to the civic area as described in the EIR.
- v. The Project will support the Downtown Cultural and Entertainment District Master Plan by providing high-end residential and retail uses that benefit residents and

visitors in the Central Business District and contributes to the mix and vitality of activities necessary to achieve the goal of a lively and active downtown.

- vi. The Project would provide for an efficient and financially beneficial use of underutilized low density commercial properties by constructing a high-rise tower that will provide long term employment and housing opportunities in the City of Sacramento.
- vii. The Project will increase commercial use in the downtown area and increase employment and housing near the K Street Mall, the revitalization of which is a priority of the City and the Redevelopment Agency.
- viii. The Project will strengthen the economic base of the Project Area and the community by providing new housing units with retail or hotel uses, and installing needed site improvements that will stimulate new commercial expansion, new employment and additional economic growth.
- ix. The Project will provide increased property, sales, business license and other fees, taxes and revenues to the City and the Redevelopment Agency of the City of Sacramento, and will enhance the value of neighboring properties and the Merged Downtown Redevelopment Project Area as a whole.
- x. The Project is consistent with Smart Growth Principles. The City Council adopted Smart Growth Principles into the General Plan that are aimed to support development that revitalizes central cities and existing communities, supports public transportation and preserves open space. The Project would contribute to the creation of a vibrant city center (Smart Growth Principle 1), concentrating new development within the urban core of the region (Smart Growth Principle 7), and promoting infill development (Smart Growth Principle 15).
- xi. The Project is consistent with the General Plan Update Vision and Guiding Principles. While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. The Project complies with the following guiding principles is not contrary to any of the proposed policies:
  - (a) Create a vibrant downtown that serves as a regional destination for the arts, culture, and entertainment while accommodating residents that live, work, and gather in the city center.
  - (b) Use the existing assets of infrastructure and public facilities to increase infill and re-use, while maintaining important qualities of community character.
- xii. The Planning Commission has determined that any remaining significant effects on the environment attributable to the Project which are found to be unavoidable, irreversible or not substantially mitigated are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. The Planning Commission has concluded that with all the environmental trade-offs of the Project taken into account, its implementation will represent a net positive

impact on the City, and based upon such considerations after a comprehensive analysis of all the underlying planning and environmental documentation, the Planning Commission has approved the Project. In reaching its decision to approve the Project and all related documentation, the Planning Commission has carefully considered each of the unavoidable impacts, each of the impacts that have not been substantially mitigated to the point of insignificance, as well as each of the residual impacts over which there is a dispute concerning the impact's significance and the feasibility of mitigation.

Exhibit B – Mitigation Monitoring Program

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	
Impact 5.1-2: Short-Term Construction Increases in PM <sub>10</sub> Emissions	<p>5.1-2 The following measures shall be incorporated into construction practices during demolition activity:</p> <p>a The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material.</p> <p>5.1-2b The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered.</p> <p>5.1-2c Two feet of freeboard space shall be maintained on all trucks transporting demolished material.</p>	Mitigation measures incorporated into demolition practices	Demolition Contractor	During demolition activity	The Building Division shall verify compliance during construction. The City Project Coordinator shall include a copy of construction conditions in the project file.	
		DEIR Section 5.1 Air Quality				
		DEIR Section 5.2 Cultural and Historic Resources				
Impact 5.2-1: Loss or degradation of known or undiscovered prehistoric and historic resources	<p>5.2-1a The project proponent shall hire a qualified professional to formulate and implement a research design and field strategy with regard to possible sub-surface resource. Testing shall include geophysical mapping of the near-surface, ground-truthing using both the geophysical maps and historic maps, followed by evaluation of discovered resources for CRHR eligibility. All testing shall be conducted prior to initiation of construction for the project. Based on the results of testing, recommendations shall be provided, which may include additional testing, data recovery, future construction monitoring, as well as preparation of an Unanticipated Discovery Plan. All recommendations shall be submitted to the City of Sacramento's Preservation Director for</p>	Mitigation measures shall be used and monitored during construction activities	Developer The City of Sacramento will include the conditions in the project's construction permits. Preservation Director	Prior to the start of demolition and construction	The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.	
		DEIR Section 5.2 Cultural and Historic Resources				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>approval.</p> <p>5.2-1b The project applicant shall hire a professional archaeologist to perform archaeological monitoring during ground-disturbing construction activities, including demolition, for the duration of the project. If resources are discovered during construction, the procedure laid out in the Unanticipated Discovery Plan will be followed. This includes consultation with the appropriate Native American representatives if a Native American site is discovered.</p> <p>5.2-1c If significant findings are made, historic materials and artifacts shall be incorporated into an interpretive display in the proposed building, or grouped with other projects to produce a larger more comprehensive exhibit or display in coordination with the Manager of the History and Science Division. The interpretive display shall include a history of the site uses including information on the various ethnics groups that dominated the site. Display of all historic materials and artifacts shall follow the standard practices and procedures generally accepted in museum curation, and shall be made available to the Manager of the History and Science Division for review and comment before they are constructed and installed. All collected materials shall be archived at an appropriate curation facility at the project applicant's expense.</p> <p>5.2-1d All activities related to the data recovery of the site shall be recorded and compiled into a report</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>and submitted to both the City and the North Central Information Center. In addition, appropriate public outreach material such as a leaflet, pamphlet, or booklet shall be developed detailing any finds and their historic context. All reports shall be deposited with the city's archive - the Sacramento Archives and Museum Collection Center (SAMCC), and shall include original photographs and negatives or high resolution digital scans in a TIF format on high quality CD's or DVD's. Reports if produced in a digital format shall be deposited as both a hard copy and a digital copy. A release shall be included that allows SAMCC the right to reproduce all documents and graphics (including photographs) without restriction.</p> <p>5.2-1e If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> <p>5.2-1f 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>Impact 5.2-2: Potential alteration or demolition of historic resources</p>	<p>5.2-2 Retain the original granite curbstones in place during project construction; if that is not possible, all curbstones shall be carefully removed and stored during sidewalk demolition and replaced back in their original location during sidewalk reconstruction.</p>	<p>Mitigation measures shall be used and monitored during construction activities</p>	<p>Developer/Contractor The City of Sacramento will include the conditions in the project's construction permits.</p>	<p>Prior to the start of demolition and construction</p>	<p>The Building Division shall verify compliance during demolition and construction. Applicant shall submit a copy of construction conditions to the City Project Coordinator.</p>
<p>Impact 5.2-3: Cumulative loss of cultural resources</p>	<p>Implement Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c.</p>	<p>Mitigation measures shall be used and monitored during construction activities.</p>	<p>Developer/Contractor The City of Sacramento will include the conditions in the project's construction permits.</p>	<p>Prior to the start of demolition and construction</p>	<p>The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction</p>

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.3-1: Construction disturbance of potentially contaminated soil and structures	<p>5.3.1a Prior to any demolition activities on the project site, conduct an interior survey to evaluate the presence of asbestos containing materials, lead based paint, PCB containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on the properties.</p> <p>5.3.1b The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor.</p> <p>Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:</p> <p>(1) Prepare a hazardous material discovery and response contingency plan for review by the City of Sacramento Fire Department. The fire department will act as the first responder to a condition of extreme emergency (i.e., fire, emergency</p>	<p>Conduct an interior survey, retain on-call hazmat removal team, and provide construction documents that incorporate the mitigation measures.</p>	<p>Developer</p> <p>The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities.</p> <p>Sacramento Fire Department SCEMD</p>	<p>Prior to demolition</p>	<p>Building Division shall verify compliance prior to demolition. Applicant shall submit a copy of construction conditions and any site remediation plans and/or site safety plans to the City Project Coordinator.</p>
5.3 Hazards and Hazardous Materials					

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>medical assistance, etc).</p> <p>(2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants, and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department (SCEMD) of the contamination condition, and the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the SCEMD and any other jurisdictional authorities that might become involved in the remediation process.</p> <p>(3) Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.</p> <p>(4) Obtain closure and/or No Further Action letters from the appropriate agency(ies).</p> <p>(5) Construction contract documents shall include provisions for</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.				
<b>5.4 Noise/Vibration</b>					
Impact 5.4-1: Construction noise at sensitive receptors	<p>5.4-1a Erect a solid 6- to 8-foot tall plywood construction/noise barrier along the project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings. The barrier shall be erected prior to the start of earthwork and shall remain in place during exterior construction on the first 8 feet of the building.</p> <p>5.4-1b Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities.</p> <p>5.4-1c Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.</p> <p>5.4-1d Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.</p>	<p>Mitigation measures shall be used and monitored during construction and demolition activities</p>	<p>Contractor The City of Sacramento will include the construction noise conditions in the project's construction permits.</p>	<p>Before and during construction</p>	<p>The Building Division shall verify compliance during construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.</p>

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>Impact 5.4-2: Construction-induced vibration impacts could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers</p>	<p>5.4-1e Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.</p> <p>5.4-2a Implement mitigation measure</p> <p>5.4-1c. Prior to demolition, the pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</p> <p>5.4-2c If fire sprinkler failures are reported to the City's Development Services Department in surrounding buildings, the contractor shall provide monitoring during construction and repairs to sprinkler systems in buildings adjacent to the project site shall be provided.</p> <p>5.4-2d During demolition and construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil</p>	<p>Mitigation measures shall be used and monitored during construction and demolition activities</p>	<p>Developer/Contractor</p> <p>The Applicant shall provide verification to the Building Division that the pre-existing condition of sensitive buildings has been assessed and recorded prior to the issuance of construction permits. The Building Division will include conditions in the project's construction permits.</p>	<p>Prior to construction and demolition</p>	<p>The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.</p>

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.				
Impact 5.4-5: The operation of the proposed project could expose new sensitive receptors to excessive interior noise levels	<p><u>Mitigation for Residential Option</u></p> <p>5.4-5 (RO) Windows for the residential floors below the 15th floor, along J Street, would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB L<sub>dn</sub> or less.</p> <p><u>Mitigation for Mixed-Use Hotel Option</u></p> <p>5.4-5(MUHO) Windows for the hotel guest rooms on floors below the 15<sup>th</sup> floor would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB L<sub>dn</sub> or less.</p>	Mitigation measures would reduce the potential for interior noise level impacts	Developer/Contractor The City of Sacramento will include the construction noise conditions in the project's construction permits.	Prior to construction	The Building Division shall verify compliance during construction, prior to issuing final building permits. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.
Mitigation for Mixed-Use Hotel Option					
Impact 5.5-2: Combined sewer service system					
5.5 Public Services and Utilities					
Impact 5.5-2a: Prior to issuance of the building permit construction contract documents shall include provisions for		Mitigation measures incorporated into	Developer/Contractor The City of Sacramento will	Prior to construction	The Building Division shall verify compliance during

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
impacts from dewatering activities	the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements. 5.5-2b If the City or SRCSD determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, the contractor shall implement groundwater treatment systems that treat groundwater to standards established by the Central Valley RWQCB, City, and SRCSD.	construction practices	include the construction dewatering conditions in the project's construction permits. SRCSD		construction, prior to issuing building permits. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.
5.6 Transportation and Circulation					
Impact 5.6-2: Freeway Mainline: The project would increase traffic volumes on the freeway mainline	5.6-2 Prior to building occupancy, the applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.	The applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-3: Freeway Interchanges: The project would increase traffic volumes at the freeway interchanges	5.6-3 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-9: Construction: The construction of the project may include the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities	5.6-9 Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer, Regional Transit, and any other affected agency.	Prepare traffic management plan and get sign-off by the City traffic engineer and Regional Transit	Developer	Prior to construction	The Development Engineering Division and Department of Transportation shall verify compliance prior to issuing building permits.
Impact 5.6-10 Cumulative impacts to study intersection under near term plus project condition	5.6-10a At the 3rd Street / J Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the phase time for the southbound I-5 off-ramp approach (eastbound) to 40 seconds, maintaining the 50 second phase time for the northbound I-5 off-ramp, and decreasing the north and southbound 3rd Street phase time to 10 seconds. This mitigation measure would reduce average vehicle delay by 33 seconds during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level.	The applicant shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10b At the 3rd Street / L Street intersection, modify the westbound approach to provide one left-turn lane, two through lanes (to the northbound L-5 on-ramp), and one right-turn lane. This mitigation measure would reduce average vehicle delay by 40 seconds during the p.m. peak hour and maintain LOS C operations during the a.m. peak hour. The mitigation measure would reduce the near-term cumulative impact to a less-than-significant level.</p> <p>5.6-10c At the 3rd Street / N Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the southbound 3rd Street signal phase time to 34 seconds, decreasing the eastbound N Street approach to 15 seconds, and maintaining the phase time for the eastbound Tower Bridge approach at 21 seconds. This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10d At the 3rd Street / P Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 32 seconds for the westbound</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>P Street approach and decreasing the southbound 3rd Street approach to 18 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10e At the 5th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 42 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10f At the 7th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10g At the 8th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 25 seconds for the westbound L Street approach and decreasing the northbound 8th Street signal phase time to 25 seconds. This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10h At the 9th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the southbound 9th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10i At the 10th Street / J Street intersection, modify the traffic signal</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the northbound 10th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10j At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the eastbound J Street approach and decreasing the 12th Street signal phase time to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10k At the 15th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the eastbound J Street approach to 30 seconds, and decreasing the southbound 15th Street signal phase time to 20 seconds. This mitigation measure would reduce average vehicle</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>delay by 61.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-10l At the 15th Street / X Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the southbound 15th Street approach to 28 seconds, decreasing the eastbound U.S. 50 off-ramp phase time to 28 seconds, and maintaining 17 seconds for the X Street approach. This mitigation measure would reduce average vehicle delay by 34.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p>				
	<p>5.6-10m At the 16th Street / H Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the northbound 15th Street approach to 26 seconds, decreasing the phase times for the eastbound H Street left-turning movement and through movements to 18 and 24 seconds, respectively, and maintaining 6 seconds for the westbound H Street right-turning movement. This mitigation measure would improve traffic operations to LOS C during the</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.				
Impact 5.6-11: Cumulative impacts to freeway mainline under near term plus project condition	5.6-11 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-12: Cumulative impacts to freeway merge/diverge/ weave areas under near term plus project condition	5.6-12 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-13: Cumulative impacts to freeway ramp queues under near term plus project condition	5.6-13 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-17 Cumulative impacts to study intersection under long term plus project condition	5.6-17a At the 3rd Street / J Street intersection, implement the near-term Mitigation Measure (a) (modification of signal phase splits) and also modify the lanes on the southbound I-5 off-ramp approach (eastbound) to provide one combination left/through lane, one through lane, one combination through/right lane, and one exclusive right turn lane. This mitigation measure would reduce average vehicle delay during the a.m. peak hour by 32.5 seconds and would improve traffic operations during the p.m. peak hour to LOS C. This mitigation measure would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.  5.6-17b At the 3rd Street / L Street intersection, implement the near-term Mitigation Measure (b) (modification of the westbound approach lanes) and also modify the traffic signal phase splits during the p.m. peak period by increasing the southbound 3rd Street	The applicant shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>approach to 23 seconds, decreasing the westbound L Street signal phase time to 38 seconds, and decreasing the northbound 3rd Street left-turning movement to 9 seconds. This mitigation measure would reduce average vehicle delay by 43.5 seconds during the p.m. peak hour and provide LOS C traffic operations during the a.m. peak hour. This mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17c. At the 3rd Street / N Street intersection, implement the near-term Mitigation Measure (c) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17d. At the 3rd Street / P Street intersection, implement the near-term Mitigation Measure (d) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17e At the 5th Street / I Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 30 seconds for the northbound and southbound 5th Street approaches and decreasing the westbound I Street approach to 70 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p>				
	<p>5.6-17f At the 5th Street / L Street intersection, implement the near-term Mitigation Measure (e) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p>				
	<p>5.6-17g At the 7th Street / L Street intersection, implement the near-term Mitigation Measure (f) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17h At the 8th Street / L Street intersection, implement the near-term Mitigation Measure (g) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17i At the 9th Street / J Street intersection, implement the near-term Mitigation Measure (h) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17j At the 10th Street / J Street intersection, implement the near-term Mitigation Measure (i) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17k At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the eastbound J Street approach to 23 seconds and decreasing the southbound 12th Street and northbound right-turn movement signal phase time to 27 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level.</p> <p>5.6-17l At the 15th Street / J Street intersection, implement the near-term Mitigation Measure (k) (modification of signal phase splits). This mitigation measure would reduce average delay by 59.2 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.</p> <p>5.6-17m At the 15th Street / X Street intersection, implement the near-term Mitigation Measure (l) (modification of signal phase splits). This mitigation measure would reduce average vehicle delay by 32.8 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share</p>				

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17n At the 16th Street / H Street intersection, implement the near-term Mitigation Measure (m) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.				
Impact 5.6-18: Cumulative impacts to freeway mainline under long term plus project condition	5.6-18 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-19 Cumulative impacts to freeway merge/diverge/ weave areas under long term plus project condition	5.6-19 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

5.0 MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-20: Cumulative impacts to freeway ramp queues under long term plus project condition	5.6-20 Implement Mitigation Measures 5.6-17(a) and 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
5.7 Urban Design					
Impact 5.7-2: Light and glare on roadways and sidewalks	5.7-2 (a) Prior to the issuance of building permits, construction drawings shall indicate that the configuration of exterior light fixtures emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses. 5.7-2 (b) Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.	Project proponent shall provide construction drawings to Design Review with appropriate materials	Developer The City Design Review staff shall include conditions in the project's final design approvals, and forward to the Building Division.	Prior to issuance of building permits	The Building Division shall verify prior to issuing building permits. Applicant shall submit a copy of construction conditions to the City Project Coordinator
Impact 5.7-4 Cumulative light and glare on roadways and sidewalks	Implement Mitigation Measures 5.7-2 (a) and (b)	Project proponent shall provide construction drawings to Design Review with appropriate materials	Developer The City Design Review staff shall include conditions in the project's final design approvals, and forward to the Building Division.	Prior to issuance of building permits	The Building Division shall verify compliance prior to issuing building permits. Applicant shall submit a copy of construction conditions to the City Project Coordinator