

RESOLUTION NO. 2011-496

Adopted by the Sacramento City Council

August 23, 2011

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NORTHWEST LAND PARK PROJECT (P10-039)

BACKGROUND

- A. On July 14, 2011, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Northwest Land Park Project.
- B. On August 23, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1)(a), (b), and (c) (publication, posting, and mail (500 feet) and received and considered evidence concerning the Northwest Land Park 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 Northwest Land Park Project (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 in support of approval of the Project as set forth in the attached Exhibits A and B of this Resolution.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Errata to the EIR as set forth in Exhibit D of this Resolution and the revised 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 C of this Resolution.

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.

Section 8. Exhibits A to E are a part of this Resolution.

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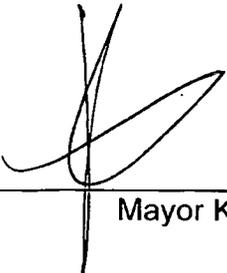
Adopted by the City of Sacramento City Council on August 23, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

CEQA FINDINGS OF FACT

**OF THE CITY COUNCIL OF
THE CITY OF SACRAMENTO**

for the

NORTHWEST LAND PARK PROJECT (P10-039)

August 23, 2011

I. INTRODUCTION

The Environmental Impact Report (EIR) prepared for the Northwest Land Park Project (Project) addresses the potential environmental effects associated with constructing and operating the Project. These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). These findings refer to the Notice of Preparation (NOP) or Draft EIR (DEIR) where the material appears in either of those documents. Otherwise, references are to the Final EIR (FEIR).

CEQA generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an EIR must be prepared. The EIR is an informational document that serves to inform the agency decision-making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

The EIR for this Project was prepared by the City of Sacramento (City) as the "lead agency" in accordance with CEQA and has been prepared to identify and assess the anticipated effects of the Project. The City, as the lead agency, has the principal responsibility for approval of the Project.

II. TERMINOLOGY OF FINDINGS

CEQA and the CEQA Guidelines require that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of the three allowable conclusions:

1. Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR.

(Pub. Resources Code, § 21081, subd. (a)(1)-(3); CEQA Guidelines, § 15091, subd. (a)(1)-(3).)

For purposes of these findings, the terms listed below will have the following definitions:

- The term "mitigation measures" shall constitute the "changes or alterations" discussed above.

- The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.
- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When the City of Sacramento City Council (City Council) finds a measure is not feasible, it will provide evidence for its decision and may adopt substitute mitigation that is feasible, and designed to reduce the magnitude of the impact. In other cases, the City Council may decide to modify the proposed mitigation. Modifications generally update, clarify, streamline, or revise the measure to comport with current engineering practices, budget conditions, market conditions or existing City policies, practices, and/or goals. Modifications achieve the intent of the proposed mitigation without reducing the level of protection.

III. DEFINITIONS AND ACRONYMS

These findings use the same definitions and acronyms set forth in the EIR.

IV. PROJECT DESCRIPTION

A. PROJECT OVERVIEW

The Northwest Land Park Re-Use Alternative (the “Project”), would develop a residential/mixed-use community on approximately 31.7 acres within the Land Park and Central City Community Plan Areas. The Project, as adopted by the City Council, is the product of an iterative process in which the Council and staff have worked with the Project applicant to revise the originally proposed project to retain and rehabilitate a major portion of the existing brick Farmers Market building located on the Project site. The City’s goal in selecting a project alternative (the Re-Use Alternative) over the originally proposed project is to preserve the Farmers Market building and provide interior semi-permanent retail booths for produce, specialty foods, crafts, and regional and ethnic meals. In general, impacts associated with the Project as approved will be similar to impacts associated with the originally proposed project. (See, e.g., FEIR, vol. 1, p. 7-4 (Table 7-1) [establishing that the Re-Use Alternative would reduce impacts in six of the issue areas analyzed in the EIR and would not increase impacts associated with any issue analyzed in the EIR]; see also FEIR, vol. 1, pp. 7-5 to 7-11.)

Based on the originally proposed project, the EIR analyzed development of the following specific development components:

- 968 medium and high-density multi-family residences (up to 898 medium-density multi-family residences and up to 70 high-density multi-family residences);
- 15,000 square feet of commercial-retail uses on approximately 1.2 acres;
- Approximately 4.3 acres of park and public open space;
- Approximately 1.1 acres of private open space; and
- Approximately 5.9 acres of public rights-of-way.

The Re-Use Alternative was favored by a number of groups that submitted comments on the Draft EIR. For example, the Greater Broadway Partnership supported the alternative's additional on-site commercial and stated that "vibrant and desirable commercial and community uses such as these [proposed for the re-use alternative] would not only keep the history of the area alive, it would give the development a true sense of place." (FEIR, vol. 2, p. 4-32.) After release of the Draft EIR and the Final EIR, the Project applicant met with staff to discuss the possibility of adopting the Re-Use Alternative instead of the project as originally proposed. City Staff, with the applicant's support, made recommendations to the Planning Commission and to the City Council suggesting that the City consider the Re-Use Alternative as the Project. The Re-Use Alternative includes the following development components:

- 825 medium and high-density multi-family residences;
- 22,350 square feet of interior space in the Farmer's Market building for office, restaurant, and market uses (6,300 square feet of office space, 2,200 square feet of restaurant space, and 13,850 square feet of market space);
- Development of a neighborhood center within the existing 11,000 square foot bow-truss warehouse structure;
- 15,000 square feet of commercial-retail uses on approximately 1.2 acres;
- Approximately 4.3 acres of park and public open space;
- Approximately 1.1 acres of private open space; and
- Approximately 5.9 acres of public rights-of-way.

The Re-Use Alternative would be similar to the originally proposed project, but would modify Phase 2 of the originally proposed project to reuse portions of the existing brick Farmers Market building for market, restaurant, office, and neighborhood center uses. The market, restaurant, and office uses would be located on a portion of the project site designated for residential uses under the originally proposed project. The neighborhood center would be located in roughly the same location as the optional neighborhood center under the originally proposed project. This alternative would set the maximum number of dwelling units at 825, a reduction of 143 units as compared to the originally proposed project.

The Re-Use Alternative would develop a medium-density urban residential and mixed-use neighborhood within the existing Land Park neighborhood and the Downtown/Central City Sacramento urban center. As with the originally proposed project, the Re-Use Alternative's design would promote walking to services, biking, and transit use and include public parks and open space to provide recreational opportunities for neighborhood residents. The site is in proximity to the major employment centers of downtown Sacramento, which would help reduce overall commuter traffic volumes. This alternative would also incorporate plans to recycle as much material as possible during the demolition and construction phases of the project. The residential and non-residential uses in this alternative would complement the existing established Land Park neighborhood.

B. THE PROJECT (RE-USE ALTERNATIVE)

The Project (the Re-Use Alternative) is an alternative project design that was analyzed in the EIR as a project alternative under CEQA. (FEIR, vol. 1, pp. 7-5 to 7-10.) Under the Re-Use Alternative, a major portion of the existing brick Farmers Market building would be retained

and rehabilitated. The portion of the Farmer's Market building that would be re-used begins at the existing Market Club and extends east to 5th Street. Re-use of this Farmers Market building would provide approximately 22,350 square feet of interior space for office, restaurant, and market uses. The interior space would include 6,300 square feet of office space, 2,200 square feet of restaurant space, and 13,850 square feet of market space.

The market space would provide interior semi-permanent retail booths for produce, specialty foods, crafts, and regional and ethnic meals. The existing large exterior covered docks that extend along the existing brick Farmers Market building could house seasonal booths and provide all-weather outdoor spaces for gathering and picnicking. The proposed Festival Way (a private street) could be blocked off and programmed for short-term street fairs, art festivals, and other community gatherings with booths and venues spanning the entire block from 5th Street to the park.

The Re-Use Alternative also includes development of a neighborhood center within the existing 11,000 square foot bow-truss warehouse structure located within the area designated as the centrally located park. The neighborhood center is envisioned as a public amenity to host community gathering, continued education, and other indoor public gathering events.

In order to maintain the balance and ambience of the neighborhood, the maximum number of dwelling units under the Re-Use Alternative would be set at 825, a reduction of 143 units compared to the Project. The Re-Use Alternative would also be developed consistent with the City's 2030 General Plan designations as analyzed in Sacramento's 2030 General Plan Master EIR.

C. PROJECT SITE

The project site is bounded by Broadway Street on the north, 5th Street on the east, McClatchy Way on the south, and an elevated section of Interstate 5 (I-5) on the west. Existing uses on the project site include the currently active Setzer Forest Products plant and various produce storage and distribution facilities associated with the Sacramento Farmers Market. Vehicular and pedestrian access points to the project site are provided by Broadway, 3rd Street, 5th Street, 1st Avenue, and McClatchy Way. The project site is predominantly covered with structures and impervious surfaces. Vegetation is sparse and controlled by weed abatement. Some maintained landscaping surrounds the existing Setzer office building at the northeast corner of 3rd Street and 1st Avenue. An existing rail spur connects the property, via a tunnel under I-5, to Front Street and Miller Park.

D. EXISTING AND PROPOSED LAND USE DESIGNATIONS AND ZONING

The City of Sacramento 2030 General Plan land use designations for the project site are Urban Neighborhood Medium Density and Urban Corridor Low. No changes to the General Plan land use designations are proposed. The "Urban Neighborhood Medium" designation applies to the majority of the project site and allows for minimum densities of 33 dwelling units per acre and maximum 110 dwelling units per acre. The Project (Re-Use Alternative) anticipates multi-family residential development at densities of approximately 38-40 dwelling units per acre. The General Plan designation "Urban Corridor Low" applies to the northernmost portion of the project site and allows minimum density of 20 dwelling units per

acre and maximum 110 dwelling units per acre. The minimum floor area ratio (FAR) for mixed-use and nonresidential uses is 0.40 and the maximum FAR is 3.0. The Re-Use Alternative proposes mixed-use development on this portion of the site with a density of roughly 58 dwelling units per acre and a FAR of approximately 2.5.

Existing zoning consists of Heavy Commercial Zone (C-4), Light Industrial Zone (M-1), Heavy Industrial Zone (M-2), and Heavy Industrial Zone with Plan Review (M-2-R). The Re-Use Alternative proposes a rezone of the project site to change the zoning districts from C-4, M-1, M-2, and M-2-R to Multi-Family R-4 Zone (Planned Unit Development [PUD]), Limited Commercial C-1 PUD, and General Commercial C-2 PUD to achieve consistency with the 2030 General Plan. R-4 allows for maximum densities of 58 dwelling units per acre, and as discussed previously the Re-Use Alternative proposes multifamily residential development with densities of approximately 34 dwelling units per acre in this zone. C-2 is a general commercial zone that provides for residential development of up to 150 dwelling units per acre with a special permit and for the sale of commodities, or performance of services, including repair facilities, offices, small wholesale stores or distributors, and limited processing and packaging. Any nonresidential development in the C-2 zone that requires a discretionary entitlement shall also be subject to review for consistency with the commercial corridor design principles adopted pursuant to Section 17.132.180 and as they may be amended from time to time.

E. ADJACENT USES

An elevated section of I-5 is immediately adjacent to the site to the west, with a railroad tunnel located beneath the freeway that is owned by the State Department of Parks and Recreation.

Commercial and industrial uses, the City of Sacramento's Miller Park, and the Sacramento Marina are located beyond I-5 to the west. To the south of the site are Jedediah Smith Elementary School, Arthur A. Benjamin Health Professions High School, and properties owned by the Sacramento Housing and Redevelopment Agency. Commercial uses are located north of the project site, including the studio of the local ABC News 10 affiliate. To the east are commercial and light industrial uses.

F. PROJECT OBJECTIVES

The overarching goal of the Project is the orderly and systematic development of an integrated residential and mixed-use community that is consistent with the goals and policies of the land use designations within the City's 2030 General Plan. In support of this goal, the project applicant has developed the following project objectives.

- To develop a new, medium-density urban residential and mixed-use neighborhood reasonably close to the existing Downtown/Central City urban center consistent with the vision of the City for new residential development, as laid out in the 2030 General Plan's land use designations.
- To make efficient use of an opportunity for redevelopment of a developed site within the existing Land Park neighborhood and the Downtown/Central City Sacramento urban center.

- To design a development whose physical layout and land use mix promote walking to services, biking, and transit use.
- To incorporate public parks and open space into the project design in a manner that provides recreational opportunities for neighborhood residents and is aesthetically pleasing.
- To develop a residential community in proximity to the major employment centers of downtown Sacramento in order to help reduce the need for commuter travel.
- To recycle as much material as possible during the demolition and construction phases of the project.
- To develop a residential neighborhood that will complement the existing established Land Park neighborhood.

G. PROJECT PHASING

The project would be constructed in four phases. Construction is anticipated to begin in 2011 and continue through 2019. Each phase would be built to supply the infrastructure and stand-alone requirements for the land uses within that phase. Each phase would build the streets and block pattern infrastructure for that phase. The buildings would be designed for each block and lot within that phase. The timing of the permitting and construction of the subsequent phases would be dependent on market conditions.

H. REQUIRED DISCRETIONARY ACTIONS

The City of Sacramento requires the following discretionary actions for project approval:

- **EIR Certification.** Before the City can approve the Project, it must certify that the EIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City of Sacramento. Approval of the EIR also requires adoption of (1) Mitigation Monitoring and Reporting Program (MMRP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the Project's significant effects on the environment, (2) Findings of Fact, and (3) for any impacts determined to be significant and unavoidable, a Statement of Overriding Considerations. The EIR determined the Project will not result in any significant and unavoidable impacts, thus a Statement of Overriding Considerations is not required.
- **Rezone.** The Project requires a rezone of the project site to change the zoning districts from C-4, M1, M-2, and M-2-R to Multi-Family Zone (R-4), Limited Commercial Zone (C-1), and General Commercial Zone (C-2) to achieve consistency with the 2030 General Plan.
- **Development Agreement.** The City and applicant propose to enter into a development agreement, subject to City Council approval, for allocation of infrastructure costs, park dedication requirements, and various agreements.
- **PUD Designation and Development Guidelines.** The Project requires approval of a Planned Unit Development (PUD) designation. A PUD controls the development of land with specific regulations related to design. The purpose of a PUD is to provide greater flexibility in the design or development standards of integrated developments than is otherwise possible through strict application of zoning regulations. PUDs can

include all or a portion of a residential neighborhood, an employment center, or a mixed residential/employment development.

- **Tentative Parcel Map.** The Project requires approval of a tentative map as part of Phase 1 of development entitlements.
- **Special Permits.** The Project requires special permits for condominium construction and development of approximately 58 dwelling units per acre in the C-2 zone.
- **Subdivision Modification.** The Project requires a subdivision modification for street modifications that are approved through the PUD process.
- **Tree Permit for Heritage Trees.** Prior to the removal, pruning, placement of chemicals, or disturbance of the soil within the drip-line of any heritage trees on the site, the City Urban Forestry Manager must first issue a permit to the applicant allowing such activities.
- **Water Supply Assessment.** Since the project would generate a demand for an amount of water required to supply at least 500 dwelling units, the City will be required to approve a water supply assessment prepared for the Project, and provide a written verification consistent with SB 610/221 requirements.
- **Grading Permit and Stockpile Permit.** The City regulates land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from construction activities. Prior to any earth disturbing activities, the project applicant will be required to obtain a permit from the City per the City's grading ordinance (Sacramento City Code, Chapter 15.88). All grading must be done in compliance with the conditions of grading approval.
- **Limited Discharge to the Combined or Separated Sewer System.** Groundwater discharges to the Combined or separated sewers must be regulated and monitored by the Department of Utilities (DOU) (City Council Resolution #92-439). Limited Discharges are short groundwater discharges of 7-days duration or less and must be approved through DOU by acceptance letter.
- **Discretionary approvals from State Parks.** State Parks has discretionary authority associated with removal of rail spurs and related improvements that may be undertaken to develop the pedestrian tunnel.
- **Dewatering and Other Low-Threat Discharges to Surface Waters Permit.** Construction activities may involve short term dewatering during construction and discharge of groundwater to the City's CSS. If the discharge is part of a groundwater cleanup or contains excessive contaminants, Central Valley Regional Water Quality Control Board approval will be required.
- **Hazardous Materials Environmental Oversight.** Any environmental problems relating to hazardous materials detected on the project site may require oversight by the appropriate governmental agency (e.g., Department of Toxic Substances Control, County Division of Environmental Health Services).
- **Authority to construct and permit to operate.** The authority to construct and permit to operate is a document issued by Sacramento Metropolitan Air Quality Management District granting permission to build and then to operate equipment that will meet air quality standards. An authority to construct and permit to operate may be required for the Re-Use Alternative. Any business must obtain an authority to construct and permit to operate before installing or operating new equipment or processes that may release or control air pollutants to ensure that all AQMD rules and regulations are considered.

V. BACKGROUND

A number of comments on the Draft EIR expressed a preference for the Re-Use Alternative as compared to the Project. (See, e.g., FEIR, vol. 2, p. 4-32 ["we strongly support...incorporate[ing] the Wholesale Produce Building and Farmers Market and Market Club building into a community center, a year-round produce stand and an open air market".]) The City has carefully considered these comments. After review of the originally proposed Project, the Re-Use Alternative and all supporting documents relating to the Project, the City has selected the Re-Use Alternative as its preferred alternative. These findings will therefore refer to the Re-Use Alternative as the Project.

VI. ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, the City released a Notice of Preparation (NOP) on May 5, 2010. The City circulated the NOP to public, local, state, and federal agencies, and other interested parties for a 30-day review period to solicit comments on the Project. The City also held a public scoping meeting on May 19, 2010. Concerns raised in response to the NOP were considered during preparation of the DEIR.

The City published the DEIR for review by the public, local agencies, state agencies, federal agencies, and other interested parties on December 29, 2010 for a 48-day review period to solicit comments on the DEIR. This period satisfied the requirement for the public review period as set forth in Section 15105 of the CEQA Guidelines. The City received 12 comments during the comment period, and one comment following the close of the comment period. Volume 2 of the FEIR includes responses to all 13 comments.

In April of 2011, the City published the FEIR for the Project. The FEIR includes comments received on the DEIR, responses to significant environmental issues raised in the comments, and revisions to the text of the DEIR. The comments in the FEIR and the DEIR as revised by the FEIR constitute the EIR for the Project (the revised DEIR is contained in Volume 1 of the Final EIR; the responses to comments on the DEIR are contained in Volume 2 of the Final EIR). The City has complied with CEQA Guidelines section 15088(b) by making its proposed response to comments from public agencies available to the respective agency at least ten (10) days prior to certification of the EIR.

On July 14, the City prepared an Errata to the FEIR to address a revision to Mitigation Measure 5.6-2(b). The proposed change is equivalent or more effective than the mitigation measure that would be revised. This change would not result in new significant effects that have not been identified and evaluated in the EIR and would not require the need to recirculate the EIR under CEQA Section 15088.5.

VII. RECORD OF PROCEEDINGS

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- The DEIR, FEIR, and mitigation monitoring and reporting program (MMRP) for the Project, technical appendices, and all documents relied upon or incorporated by reference;
- All comments and correspondence submitted by agencies or members of the public during the 48-day comment period on the DEIR, in addition to all other timely comments on the DEIR;
- The Planning Commission staff report, minutes of the Planning Commission public hearing, and the record of decision of the Planning Commission relating to the EIR and action on the Project;
- City Council staff report; minutes of the City Council public hearing; all ordinances, resolutions, and findings adopted by the City in connection with the Project; and all documents cited or referred to therein and all analyses and summaries submitted therewith;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the City Council public hearing on the project;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- The Development Agreement negotiated between the City and project applicant;
- The City's 2030 General Plan and Master EIR and all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
- The City's Municipal Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the City's Community Development Department at 300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811. The custodian of these documents and other materials is Tom Buford, Senior Planner.

VIII. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially

lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a Project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, § 15091.) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

For purposes of these findings (including the table described below), the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to

address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible; to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (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, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[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, supra*, 52 Cal.3d at p. 576.) The City Council concurs with the conclusion in the EIR for the Northwest Land Park project that the project would not create any significant and unavoidable impacts; thus, no Statement of Overriding Considerations is required.

IX. LEGAL EFFECT OF FINDINGS

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the project.

X. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program has been prepared for the Project, and is being approved by the City Council by the same Resolution that has adopted these findings. The City will use the Mitigation Monitoring and Reporting Program to track compliance with Project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period. The Final Mitigation Monitoring and Reporting Program is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

XI. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Draft EIR identified a number of potentially significant environmental effects (or impacts) that the Project will cause or contribute to. All of these significant effects can be substantially lessened by the adoption of feasible mitigation measures. Therefore, a statement of

overriding considerations is not required. In other words, the City need not consider whether overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project, because the Project simply will not create any significant unavoidable effects.

A. Table of Impacts, Mitigation Measures and CEQA Findings

The City Council's findings with respect to the Project's significant effects and mitigation measures are set forth in the table attached to these findings. The findings set forth in the table are hereby incorporated by reference. This table does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft or Final EIR and adopted by the City Council, and states the City Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft and Final EIRs, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft and Final EIRs, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft and Final EIRs relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City Council has adopted all of the mitigation measures identified in the table. Some of the measures identified in the table are also within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City Council finds those agencies can and should implement those measures within their jurisdiction and control.

XII. GROWTH INDUCEMENT

CEQA requires a discussion of the ways in which a project could be growth inducing. CEQA also requires a discussion of ways in which a project may remove obstacles to growth, as well as ways in which a project may set a precedent for future growth. CEQA Guidelines Section 15126.2, subdivision (d), identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. New employees from commercial and industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. Examples of development that would indirectly facilitate or accommodate growth include the installation of new roadways or the construction or expansion of water delivery/treatment facilities.

Elimination of Obstacles to Growth

The project would be developed in an area that contains established land uses and supporting infrastructure (e.g., roads, water distribution, wastewater and drainage collection,

and energy distribution). The City's 2030 General Plan includes redevelopment of this area of the City, which could intensify the uses relative to those now existing on the site. The existing infrastructure capacity could be an obstacle to this growth. Construction of the proposed project would tie into existing infrastructure, and would not require substantial modification and/or replacement of existing infrastructure in the project vicinity that would provide additional capacity to increase growth beyond that anticipated in the City's planning process.

An established transportation network exists in the project area that offers local and regional access to the project site. The existing roadways adjoining the site - Broadway, 5th Street, and McClatchy Way - all provide access to the project site. On-site circulation would be facilitated by construction of internal streets. No improvements to streets adjacent to the project site would be required in order to serve the increased population generated by the proposed project.

Water service to the project site would be provided by existing 8-inch mains in 3rd Street and existing water lines in 5th Street. A new 12-inch water line would be constructed with the project replacing an existing 8-inch main. This new 12-inch main would not increase the total capacity in the area, but would provide connections for the project in place of tapping the existing 42-inch main line.

Sanitary sewer from the project site would be conveyed to the existing 60-inch combined system lines in 5th Street. No new water or sewer mains other than those required to serve the project site would be constructed. Development of on-site water and sewer infrastructure to serve the project would not be sized to support any other development in the area.

Electricity and natural gas transmission infrastructure presently exists on and in the vicinity of the project site. Development of the project would necessitate the construction of an on-site distribution system to convey this energy to uses on the site.

None of the infrastructure improvements that would occur as part of the project would eliminate existing obstacles to growth, and the project would not induce growth beyond the levels anticipated in the City's 2030 General Plan.

Economic Effects

Increased future employment generated by resident and employee spending ultimately results in physical development of space to accommodate those employees. It is the characteristics of this physical space and its specific location that will determine the type and magnitude of environmental impacts of this additional economic activity. Although the economic effect can be predicted, the actual environmental implications of this type of economic growth are too speculative to predict or evaluate, since they can be spread throughout the Sacramento metropolitan region and beyond. The indirect and induced employment from residences and commercial space within the proposed project would not be substantial in the context of the existing population and local economy.

Impacts of Induced Growth

Based on current estimates, the proposed project would increase the population within the city by approximately 1,900 residents. While growth in the Upper Land Park area of the city is an intended consequence of the proposed project, growth induced directly and indirectly by the proposed project could affect the greater Sacramento area. Potential impacts associated with induced growth in the area could include traffic congestion; air quality deterioration; loss of habitat and wildlife; impacts on utilities and services, such as fire and police protection, water, recycled water, wastewater, solid waste, energy, and natural gas; and increased demand for housing.

Specifically, an increase in population-growth-induced housing demand in the greater Sacramento region could cause significant environmental effects, as new residential development would require governmental services, such as schools, libraries, and parks. Indirect and induced employment and population growth would further contribute to the loss of open space because it would encourage conversion to urban uses for housing and infrastructure.

While the proposed project would contribute to direct, indirect, and induced growth in the area, the physical effects of that growth would likely be negligible. (FEIR, vol. 1, pp. 6-3 to 6-5.)

XIII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project. Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

Generally, a project would result in significant irreversible environmental changes if:

- the primary and secondary impacts would generally commit future generations to similar uses;
- the project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project;
- the project would involve a large commitment of nonrenewable resources; or
- the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

Development of the proposed project would result in the continued commitment of the project site to urban development, thereby precluding any other uses within the project site for the lifespan of the project. Restoration of the site to a less developed condition would not be

feasible, or practical, given the degree of disturbance, the urbanization of the area, location, and the level of capital investment.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with the project. While the project would result in the use, transport, storage, and disposal of some hazardous wastes, all future activities would be required to comply with applicable state and federal laws related to the use, storage, and disposal of hazardous materials, which significantly reduces the likelihood and severity of accidents that could result in irreversible environmental damage. Because the project site would be committed to residential and commercial uses, hazardous materials used would be generally confined to household hazardous materials such as cleaners, solvents, and pesticides.

The most notable significant irreversible impacts are increased generation of pollutants and the short-term commitment of non-renewable and/or slowly renewable natural and energy resources, such as water resources during both construction activities and project operation.

Resources that would be permanently and continually consumed once the project is completed include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or wasteful use of resources. Compliance with applicable building codes, mitigation measures identified for the project, planning policies contained in the 2030 General Plan, and standard conservation features would ensure that natural resources are used efficiently. It is likely that new technologies or systems will emerge in the future, or will become more cost-effective or user-friendly, to further reduce the reliance upon nonrenewable natural resources. Nonetheless, construction activities and project operation would result in the irreversible commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas (heating), and gasoline/diesel for automobiles and construction equipment. (FEIR, vol. 1, pp. 6-1 to 6-3.)

XIV.

MITIGATION MEASURES/PROJECT ALTERNATIVES PROPOSED BY COMMENTERS

Some DEIR commenters suggested additional mitigation measures and/or modifications to the measures recommended in the Draft EIR. Some commenters advocated on behalf of the Re-Use Alternative analyzed in the Draft and Final EIR. In considering specific recommendations from commenters, the City has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. In considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft and Final EIR, the City, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to an environmental impact that can already be mitigated to less than significant levels by proposed mitigation measures in the Draft EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as

finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the Project objectives.

As is often evident from the specific responses given to specific suggestions, City staff and consultants spent substantial effort considering and weighing proposed mitigation language, and in many instances adopted much of what a commenter suggested. In some instances, the City revised mitigation measures in accordance with the comments. In other instances, the City developed alternative language addressing the same issue that was of concern to a commenter. In no instance, however, did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. In fact, the City Council has adopted the commenter's suggestions to consider the Re-Use Alternative as the project. For purposes of these findings, the Re-Use Alternative is the "project" the City Council will consider adopting.

With respect to mitigation measures or alternatives proposed by commenters, the City adopts the following findings:

1. Several commenters suggested that the City adopt the Re-Use Alternative rather than the originally proposed project. Commenters cited, as an example, the following reason for this preferred alternative: "vibrant and desirable commercial and community uses such as these would not only keep the history of the area alive, it would give the development a true sense of place." (FEIR, vol. 2, p. 4-32.)

The City has carefully considered these comments and agrees that the Re-Use Alternative is superior to the proposed project due to its adaptive reuse of existing structures and incorporation of the project site's history into the project design. In addition, the EIR determined the Re-Use Alternative was environmentally superior to the originally proposed project. The City Council adopts the Re-Use Alternative as the Project.

2. Some commenters urged the City to adopt mitigation measures to ensure the project design features included in the project's PUD Guidelines are implemented and greenhouse gas reductions are achieved. (See, e.g., FEIR, vol. 2, pp. 4-33; 4-48; 4-75.)

In response to these comments, the City added mitigation measure 5.4-1:

5.4-1 The following PUD Guidelines shall be incorporated into project design, as verified by City staff during design review:

- Choice of Mobility – The applicant shall allow for multiple modes of transportation including private automobiles, bicycles, and pedestrian mobility.
- Street Connectivity – The streets shall be designed on a modified grid with multiple connections to the surrounding roadway network.

- Pedestrian and Bicycle Connectivity – The applicant shall provide sidewalks on both sides along all streets, and a defined multi-use trail network. The applicant shall develop private pathways that provide pedestrian linkages within individual blocks and between community uses.
- Safe Environment – Streets shall be designed to be safe in terms of traffic mobility, diversity in users, and crime prevention. Climate Appropriate Plants – Trees, shrubs, and grasses shall be conducive to the Northern California environment in terms of water use, drought tolerance, maintenance, and durability. Synthetic Turf should be used for active play areas and small gathering lawns.
- Low Maintenance & Cost Effectiveness – Landscape material including trees, plants, turf, and hardscape should require minimal maintenance as compared to other varieties and material choices. Synthetic turf shall be used to the extent possible in lieu of natural turf and grasses. Materials should be cost effective to lessen the initial expenditure, periodic replacement, and long-term maintenance. Turf may be synthetic to lessen irrigation demands and long term maintenance.
- Standard Streetscape – The plantings along streets and the community trails shall consist mainly of species that at maturity will act as large canopy shade trees and colorful understory plantings. Nothing in this section shall be construed to require an initial planting larger than a 24" box tree.
- Alternative Local Streetscape - Landscaping along internal local streets shall be more lush and generous in plant coverage including primarily canopy shade trees to create a dynamic streetscape.
- Stormwater Management – The project will redevelop with smaller residential buildings interlaced within green courtyards, large central park and meandering greenbelt, and utilizing decorative permeable materials for private driveways and courts. The pervious to impervious ratio for Phase 1 (40% permeable to 60% Impermeable) will be used as a minimum guideline for the build-out of the entire site through Phase 4.
- Water Efficiency – All project landscaping shall be climate appropriate for the area and irrigated with moisture sensor driven systems to provide drought tolerance and maximum efficiency of water use in irrigation. Synthetic turf shall be used, to the greatest extent possible, for private grassed areas within the development.
- Vegetation & Forestation – Vegetation and tree planting plans shall be designed to provide shading for streets, hardscape surfaces, buildings, and recreation areas during summer months. In contrast, said plans shall include landscape varieties that lose their leaves during winter months to promote passive sunlight within the community, thus reducing energy use relating to heating and lighting.

- Air Quality – The project proposes that all buildings, units, and facilities, indoors and out, are free of devices designated to facilitate the combustion of wood or wood products to eliminate emissions generally associated with traditional fireplaces.
- Reuse and Recycling - The project shall re-use at least 50% of the salvageable materials in the existing improvements on-site, as measured by weight. This can take the form of re-use of entire structures, re-use or repurposing of significant elements, such as beams or trusses, and recycling materials within the new project such as grinding paving and asphalt for use as base material at the site. These activities will increase the sustainability of the site through reduced waste materials from demolition, reduced need for new materials on-site, and reduction of the ancillary transportation impacts from off-haul and delivery of materials to the site. Additionally, the project will evaluate brick, wood, metal, and masonry materials from the demolition to be re-manufactured into a “heritage” line of finishes to be offered as upgrades to the units. As an example, wood timbers would be converted into flooring material to provide the character and cache of “distressed” lumber underfoot. These efforts will increase the amount of on-site materials reused sustainably within the project.
- Efficient Floor Plans - The Northwest Land Park community will be developed with compact efficient floor plans. In addition the majority of units will share wall/floor space, and thus thermal mass, with at least one other unit.
- Insulation – Building shall be designed with a high-efficiency thermal shell for the units with exterior walls at or above R25 for walls and R40 for ceilings.
- Climatization – Residential buildings shall use small high efficiency heating and cooling units.
- Lighting - Buildings shall use a LED or fluorescent lighting system throughout the units, allowing for energy efficient lighting.
- Exterior Lighting – Exterior HOA maintained lighting, including pathway lights, accent/landscaping lights, motor-court lights, and private street lights shall use LED lighting technologies.
- Water Heaters - The project shall provide high efficiency tank-less hot water heaters to provide for the most energy efficient delivery of hot water. Nothing in this provision shall preclude installation of high efficiency alternative energy source hot water heating and storage units.
- Electrical vehicle accommodations – The project shall incorporate 110v electrical outlets in the garage units such that they are readily accessible for use with electric vehicles.

- Renewable Energy Commitment - The project shall incorporate a 400 KW renewable energy system to reduce the amount of energy purchased by the Project. The 400 KW renewable energy will be incorporated over the life of the project such that a minimum of 100 KW will be incorporated into phase 1 with an aggregate total of 100 KWs per phase through the buildout of phase 4. The 400 KW system will result in an annual reduction of 730,000 kWh of purchased electricity at full project buildout. This is equivalent to the emissions from electrical consumption of approximately 188 dwelling units. The renewable energy system may include solar, wind, fuel cells, or other new technology that becomes available over the implementation of the project. The following are the commitments already made by the project to foster this renewable commitment:
 - Photovoltaic Design - The project shall be planned to orient at least 40% of the roof area of a minimum of 50% of the buildings to the west, south or southwest so that photovoltaic panels and collector systems can provide maximum benefit when installed. The project shall work with the local utility and, through an aggressive sales program, encourage and provide solar systems and/or alternative energy systems as an option.
 - Solar Orientation – The majority of the project's buildings shall be designed to orient the roof tops with strong solar capture opportunities for photovoltaic panels throughout the community. The orientation of at least 40% of the roof area of at least 50% of the buildings shall be west, southwest, or south.
 - Solar Energy – As indicated in the AQMP (measure M28), the NWLP Project has committed to the implementation of a solar energy system that will offset a minimum of 2.5% of the residential needs of the project.

XV. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The City Council adopts the following findings with respect to whether to recirculate the DEIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft EIR. As noted above, several comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. Commenters also urged the City to adopt the Re-Use Alternative. As explained in the Final EIR (Text Revisions), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EIR, including the City's consideration of the Re-Use Alternative as the preferred alternative. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the Draft EIR. The City's decision to adopt the Re-Use Alternative as compared to the originally proposed project similarly does not change the significance of any conclusions presented in the EIR. The Re-Use Alternative was analyzed in the Draft EIR; any potential environmental impacts were disclosed and mitigation measures were imposed where appropriate.

CEQA case law emphasizes that "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes made to mitigation measures and the determination to adopt the Re-Use Alternative are exactly the kind of project improvements that the case law recognizes as legitimate and proper.

The changes to the mitigation measures described in the Volume 2 of the Final EIR supplement or clarify the existing language. Thus, none of these changes involves "significant new information" triggering recirculation because the changes to the mitigation measures did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under such circumstances, the City finds that recirculation of the EIR is not required.

XVI. PROJECT ALTERNATIVES

A. BASIS FOR ALTERNATIVES

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where significant environmental impacts will not occur.

As is evident from the text of the EIR and the attached table describing the disposition of the significant effects of the Project, all significant effects of the Project have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. There are no impacts that remain as significant and unavoidable and which cannot be substantially lessened. Thus, as a legal matter, the City Council need not consider whether any alternative is environmentally superior. Nevertheless, as discussed throughout these findings, the City Council has elected to consider adopting the Re-use Alternative as the Project, which the FEIR identifies as the environmentally superior alternative. (FEIR, Vol. 1, p. 7-14 ["other than the No Project/No Development Alternative, the environmentally superior alternative would be the Adaptive Re-Use Alternative"].)

Project alternatives are developed to reduce or eliminate the significant or potentially significant adverse environmental effects identified as a result of the proposed project, while still meeting most if not all of the basic project objectives. Relying on the Master EIR for the 2030 General Plan as addressing cumulative effects, growth-inducing effects, and irreversible effects on the environment, the FEIR identified no additional significant effects that were not addressed as significant in the Master EIR. Mitigation measures have been identified for any project-specific effects that were identified as significant, reducing such effects to a less-than-significant level. Notwithstanding the absence of significant and unavoidable effects, for informational purposes the FEIR included an analysis of alternatives to the project that could be developed consistent with the existing 2030 General Plan designations, as well as an alternative that considers no new development of the site. The selection of alternatives also considered the applicant's project objectives. (See FEIR, vol. 1, pp. 7-1 to 7-2.)

B. ALTERNATIVES CONSIDERED AND DISMISSED FROM FURTHER CONSIDERATION

As noted above, the project as proposed would not result in impacts that could not be reduced to less than significant, so the alternatives discussed in the EIR were developed to provide a comparative analysis of the manner in which the project site could be developed consistent with the 2030 General Plan designations for the site. The City considered a number of alternatives to the proposed project, but certain alternatives were rejected from further consideration. The following alternatives were considered but rejected from further analysis for the reasons discussed below.

- **Off-Site Alternative.** The off-site alternative was rejected from further consideration because the project applicant does not control any off-site properties that could accommodate the project, and due to the infill nature of the project, the potential locations are developed with urban uses. Because the existing land uses on the project site do not conform to the current land use designations, it is likely that the project site would be developed in the future. Consequently, the on-site impacts avoided by an off-site alternative would likely occur in the future and would be in addition to those of construction and operation of the project at an off-site location.
- **Reduced Footprint Alternative.** Reducing the footprint of the project would reduce the ground disturbance effects of the project. A reduced footprint alternative would result in the elimination of some, or perhaps all of the existing uses on the site to accommodate the project. Because the project site is currently committed to uses that differ from the underlying 2030 General Plan land use designations, it is likely that the portion of the site not developed now would be developed at some point in the future. Therefore, a reduced footprint alternative would likely lead to eventual full development of the site, eliminating any potential environmental benefit of the alternative.
- **Reduced Intensity Alternative.** The 2030 General Plan land use designations on the project site allow a minimum of 33 dwelling units per acre (DU/acre) and a maximum of 110 DU/acre. The project anticipates development of the site at an overall density of approximately 38-40 dwelling units per acre, which is already at the lower end of the allowable density under the 2030 General Plan. Development at 33 DU/acre would not result in a substantial reduction in effects compared to the proposed project. A reduction in density below the 33 DU/acre minimum density, though it could result in a reduction of impacts compared to the proposed project, would not be consistent with vision of the site expressed in the 2030 General Plan and would be inconsistent with the City's efforts to encourage infill development.
- **Maximum Allowable Density Alternative.** The maximum allowable density on the project site is 110 DU/acre. While such a development would be consistent with the 2030 General Plan, it would result in impacts that substantially exceed those of the proposed project and could result in impacts that are significant and unavoidable.

(FEIR, vol. 1, p. 7-2.)

C. ALTERNATIVES CONSIDERED IN THE EIR

Although any number of alternatives could be designed that could be consistent with the

2030 General Plan and the project objectives for the proposed project, the DEIR and FEIR evaluated the No Project Alternative and two other scenarios that are consistent with the 2030 General Plan designations. These alternatives are briefly described below.

- **No Project/No Development Alternative.** Section 15126.6 (e)(1) of the State CEQA Guidelines requires that a “no project alternative” be evaluated in comparison to the proposed project. The No Project/No Development Alternative is defined in this section as the continuation of the existing condition of the project site. This alternative assumes that the proposed project would not be built and there would be no new development of the site. This alternative assumes the existing buildings and uses on the site would remain.
- **Adaptive Re-Use Alternative.** As discussed throughout these findings, this alternative is being considered by the City as the preferred alternative/proposed project. This alternative is similar to the originally proposed project, but would modify Phase 2 of the originally proposed project to reuse portions of the existing brick Farmers Market building for market, restaurant, office, and neighborhood center uses. The market, restaurant, and office uses would be located on a portion of the project site designated for residential uses under the originally proposed project. The neighborhood center would be located in roughly the same location as the optional neighborhood center under the originally proposed project. This alternative would set the maximum number of dwelling units at 825, a reduction of 143 units as compared to the original project.
- **Increased Intensity Alternative.** This alternative assumes a density halfway between the minimum and maximum allowable under the General Plan: 71.5 DU/acre for a total of 2,267 residential units. While development under this alternative is denser than the originally proposed project and the Re-Use Alternative project and would result in more environmental effects than the original project and the Re-Use Alternative, this alternative is consistent with the 2030 General Plan and provides an example of what could be developed on the site.

Each of the alternatives is described in more detail, below, followed by an assessment of the alternative’s impacts relative to the proposed project.

ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT

Because the existing buildings would remain, there would be no change in the visual character of the area. There would be no impacts on biological resources as a result of construction and operation associated with redevelopment of the site. No buildings on the site would be demolished and, therefore, there would be no impacts on historical resources. There would be no potential impacts on archaeological resources resulting from construction-related earth disturbance. Project impacts related to air quality, noise, and vibration, geology and soils, hydrology, and hazardous materials would not occur under this alternative. There would be no change to operational air emissions or noise, because there would be no new development or traffic. Demand for public services and utilities would not change from uses that currently exist on the project site. There would be no transportation-related impacts under the No Project Alternative because there would no new trips. Therefore, there would be no significant and unavoidable impacts under this alternative.

Mitigation That Would No Longer Be Required.

None of the mitigation measures identified in this FEIR would be required under the No Project/ No Development Alternative.

Significant and Unavoidable Impacts That Would No Longer Occur.

No significant and unavoidable impacts would occur under the No Project/No Development Alternative.

Relationship of the No Project/No Development Alternative to the Project Objectives.

The No Project/No Development Alternative would not achieve any of the project objectives. Moreover, the alternative is not consistent with the General Plan.

(FEIR, vol. 1, pp. 7-4 to 7-5.)

ALTERNATIVE 2: ADAPTIVE RE-USE ALTERNATIVE

As discussed throughout these findings, the applicant and City Staff recommend that the City Council consider the Re-Use Alternative as the preferred alternative/project.

This Alternative would modify Phase 2 of the originally proposed project to reuse portions of the existing brick Farmers Market building. A major portion of the existing brick building would be retained and rehabilitated for contemporary use with interior space totaling approximately 22,350 square feet. The interior space would include 6,300 square feet for office space, which could include conference/meeting rooms for uses such as homeowner's association meetings; 2,200 square feet for restaurant uses; and 13,850 square feet as a market. The portion of the building proposed for the office, restaurant, and market uses begins at the existing Market Club and extends east to 5th Street.

The 13,850-square-foot portion of the existing brick building would be renovated to house a year-round market with occasional street festival intended to serve as a focal point for Northwest Land Park. This portion of the building could be adapted to provide interior semi-permanent retail booths for produce, specialty foods, crafts, and regional and ethnic meals. The existing large exterior covered docks that extend along the existing brick Farmers Market building could house seasonal booths and provide all-weather outdoor spaces for gathering and picnicking. The proposed Festival Way (a private street) could be blocked off and programmed for short-term street fairs, art festivals, and other community gatherings with booths and venues spanning the entire block from 5th Street to the park. While the existing brick Farmers Market building is not considered an historical resource pursuant to CEQA, adaptive re-use of the building could provide contextual character, represent sustainable re-use practices, and create community oriented gathering spaces. Rehabilitation of the building would follow all applicable City standards, as modified by the adopted Northwest Land Park PUD Guidelines, and be fully permitted both for rehabilitation and for the ultimate uses.

The approximately 11,000-square-foot bow-truss warehouse structure would be renovated to serve as a neighborhood center. The warehouse building is located within the area

designated in the originally proposed project as the centrally-located park and is proximate to the area considered for the optional neighborhood center under the originally proposed project. Under this Alternative, the building would include the uses described in the EIR for the optional neighborhood center.

Under this Alternative, the residential area (planned for 24 units) south of Festival Way in Phase 2 of the originally proposed project would no longer be used for residential purposes. The 13,850 square feet of retail market, 2,200 square feet of restaurant, and 6,300 square feet of office uses proposed under this Alternative are of a higher intensity than the 24 residential units proposed as part of the original project. In order to maintain the balance and feel of the neighborhood, the maximum number of dwelling units under this alternative would be set at 825, a reduction of 143 units compared to the proposed project as originally studied in the EIR. In addition, because the area south of Festival Way in Phase 2 would consist of a private street festival/market and would house predominantly semi-permanent and transient retail uses, including produce, prepared food, specialty food, and arts and crafts booths, the amount of square footage dedicated to retail uses would increase from none under the original project to approximately 13,850 square feet under this alternative. Park uses would be the same as the originally proposed project under this alternative. Under this alternative, there would be a slight reduction in the amount of open space to provide community connectivity, because Setzer Run would be narrowed to an eight-foot-wide multi-use trail incorporated as the northern walk of the enhanced Festival Way through to 5th Street.

Suggested hours of operation for restaurant and retail market uses under this alternative would be 10:00 a.m. to 8:00 p.m. weekdays, 8:00 a.m. to 8:00 p.m. Saturdays, and 9:00 a.m. to 6:00 p.m. Sundays. CC&Rs would be adopted to include hours of operation and other measures to reduce potential effects from crowds and noise. Parking for uses under this alternative would be provided consistent with City regulations, as modified by the adopted Northwest Land Park PUD Guidelines.

Comparative Environmental Effects

The Adaptive Re-Use Alternative would result in a reduction in residential units compared to the originally proposed project and re-use of some onsite buildings, which could shorten construction time and thereby reduce the overall construction-related air pollutant emissions compared to the originally proposed project. However, it is anticipated that the intensity of daily construction activities would be similar to the original project and, with compliance with applicable Sacramento Metropolitan Air Quality Management District (SMAQMD) guidelines, this alternative would not exceed thresholds. Operational air pollutant emissions for this alternative would be less than the original project's and would be below the SMAQMD's oxides of nitrogen (NO_x) and reactive organic gases (ROG) thresholds without the implementation of the air quality management plan (AQMP). With the implementation of the AQMP, NO_x and ROG emissions would be further reduced. This alternative would reduce traffic compared to the originally proposed project and, therefore, would reduce carbon monoxide (CO) emissions further below the regulatory threshold. Because the Adaptive Re-Use Alternative would place residential receptors within 500 feet of the adjacent freeway, this alternative, as with the original project, would need to implement Mitigation Measure 5.1-2. Implementation of all of the project features and mitigation measures required for the originally proposed project would result in less than significant impacts for criteria pollutants and toxic air contaminants (TAC) for the Adaptive Re-Use Alternative.

Because the Adaptive Re-Use Alternative would develop the same area as the original project, and would also be required to comply with the City Ordinances that protect trees, this alternative would result in the same less-than-significant impact on protected trees. Similarly, because the ground disturbance under this alternative would be the same as the original project, the potential for discovery of previously undiscovered significant archaeological resources and human remains would be the same as the originally proposed project. Mitigation Measure 5.3-2 would also be required for this alternative to reduce potential effects due to the potential discovery of previously undocumented archaeological resources and human remains.

The Adaptive Re-Use Alternative, like the originally proposed project, would result in a net increase of greenhouse gas (GHG) emissions on the project site due to the replacement of existing uses. However, the Adaptive Re-Use Alternative would result in less GHG emissions than the original project. Further, with the incorporation of the project design features, the Adaptive Reuse Alternative would reduce emissions by more than 34 percent (nearly 5 percent greater reduction than the originally proposed project) and would be in compliance with the AB 32 reduction requirements. Therefore, as with the original project, the incremental contribution of GHG emissions would have a less-than-significant impact.

Historical uses on the site have resulted in areas of contaminated soil and groundwater, which are currently the subject of remediation with oversight from agencies such as the Sacramento County Environmental Management Department and Department of Toxic Substance Control. It is assumed that the remediation efforts on the site would continue regardless of the project to be developed, consequently, effects related to hazardous materials would be the same for this alternative as the original project.

Because the Adaptive Re-Use Alternative would result in fewer residential units than the originally proposed project, this alternative would generate a reduced demand for parks compared to the originally proposed project and its impact on parks would be less than that of the originally proposed project. Sacramento City Code requires that new residential projects dedicate land, pay in-lieu fees, or otherwise contribute a fair share to the acquisition and development of parks or recreation facilities to meet the service level goals. Therefore, like the originally proposed project, this alternative would require the acquisition of additional parkland, but would also be required to comply with the City Code to ensure that adequate parkland is provided.

The Adaptive Re-Use Alternative would generate the demand for fewer fire fighters and police officers than the original project, because there would be fewer residential units under this alternative. Like the originally proposed project, payment of development fees would ensure adequate service would be provided. Because this alternative would result in fewer residential units, it would also generate fewer students who would attend local schools. Similar to the original project, however, payment of required school impact fees would ensure impacts related to the generation of additional students under this alternative would be less than significant.

The Adaptive Re-Use Alternative would generate approximately 471 fewer total trips than the originally proposed project; this alternative would also result in fewer AM and PM peak hour trips (28 and 30 fewer peak-hour trips, respectively) than the original project. Therefore, traffic

impacts of this alternative would be less than the project as originally proposed. The Adaptive Re-Use Alternative would include an open air market (neighborhood-oriented produce stand), including the redevelopment of the Farmers Market and Market Club building. The market is intended to complement the Northwest Land Park community as a civic gathering place that attracts many of its patrons from the immediately surrounding area. Approximately 50-60 parking stalls should be accommodated on the festival street to serve the adjacent open air market; however when street closures occur for periodic events, no on-site parking would be available. For the purposes of the open air market, parking along surrounding streets may be used to satisfy the parking demand. The market would be exempt from any on-site parking requirements

Because this alternative would generate less traffic than the original project, the traffic-generated noise would be less. Noise from Interstate 5 (I-5) would result in a similar impact on this alternative and Mitigation Measures 5.6-1 and 5.6-2 would also be required under this alternative to reduce noise impacts from I-5. This alternative would result in a similar amount of development as the original project, so construction noise under this alternative would be similar to that of the originally proposed project and would not exceed established noise standards. Construction-related vibration would also be similar to the original project and would also be less than significant.

As discussed above, much of the development under this alternative would be the same as the original project, with the difference being development of non-residential uses along the proposed Festival Way. Potential effects related to glare, therefore, would be similar to those of the project as first proposed. To ensure that glare from reflective surfaces on building materials would not negatively affect the surrounding area, Mitigation Measure 5.10-1 would also be required under this alternative. Impacts related to glare would be the same as the originally proposed project. As with the original project, the Adaptive Re-Use Alternative would alter the character of the development on the site. However, because any development on the site would be required to comply with the General Plan policies that guide development patterns and streetscape improvements within the City, the new development would be consistent with the urban character as envisioned in the General Plan. Thus, development of the site under the Adaptive Re-Use Alternative would not be considered an adverse change.

The original project would generate water demand of approximately 166.1 acre-feet per year (AFY). The Adaptive Re-Use Alternative would result in development with 143 fewer residential units and 24,850 square feet of non-residential uses. Using the demand factors used for the originally proposed project and assuming a commercial demand rate for all the additional non-residential uses under this alternative, the Adaptive Re-Use Alternative would generate demand for 154.4 AFY. The impact on water supplies would, therefore, be less than that of the project as originally proposed and it would also be less than significant.

Wastewater generation under the Adaptive Re-Use Alternative would also be less than the originally proposed project. The total average dry weather flow from the Adaptive Re-Use Alternative would be approximately 31,700 gallons per day less than the original project. Therefore, the impact due to wastewater generation of the Adaptive Re-Use Alternative would be less than the originally proposed project and would also be less than significant.

Significant and Unavoidable Impacts That Would No Longer Occur

No significant and unavoidable impacts would occur under the Adaptive Re-Use Alternative.

Relationship of the Adaptive Re-Use Alternative to the Project Objectives

The Adaptive Re-Use Alternative would be consistent with the project objectives. This alternative would develop a medium-density urban residential and mixed-use neighborhood within the existing Land Park neighborhood and the Downtown/Central City Sacramento urban center. Like the originally proposed project the Adaptive Re-Use Alternative's design would promote walking to services, biking, and transit use and include public parks and open space to provide recreational opportunities for neighborhood residents. The site is in proximity to the major employment centers of downtown Sacramento, which would help reduce overall commuter traffic volumes. This alternative would also incorporate plans to recycle as much material as possible during the demolition and construction phases of the project. The residential and non-residential uses in this alternative would complement the existing established Land Park neighborhood.

The City Council finds that the Re-Use Alternative is a feasible alternative to the originally proposed project. In accordance with CEQA's mandate, and pursuant to the CEQA Guidelines, the City Council hereby adopts the Re-Use Alternative as the Project.

ALTERNATIVE 3: INCREASED INTENSITY ALTERNATIVE

The Increased Intensity Alternative assumes that the residential density on the project site would be in the middle of the range allowed by the Urban Neighborhood Medium Density General Plan Designation on the site. The Urban Neighborhood Medium Density designation allows between 33 and 110 residential units per acre, so the middle range density would be 71.5 units per acre. At this density, the Increased Intensity Alternative would include 1,372 residential units (71.5 units on 19.2 acres). Therefore, this alternative would include 404 more residential units than the originally proposed project and 547 more than the Re-Use Alternative/proposed Project. It is assumed that the non-residential component of this alternative would be the same as the original project and Re-Use Alternative.

Comparative Environmental Effects

The Increased Intensity Alternative would result in an increase in dwelling units compared to the original project and Re-Use Alternative, which could lengthen the construction time and thereby increase the overall construction-related air pollutant emissions comparatively. It is anticipated, however, that the intensity of daily construction activities would be similar to the original project and Re-Use Alternative and, with compliance with applicable SMAQMD guidelines, construction under this alternative would not exceed thresholds. Because this alternative would include more residential units and, therefore, generate more traffic, operational air pollutant emissions for this alternative would be more than the proposed project and the Re-Use Alternative and could exceed SMAQMD's NO_x and ROG thresholds even with implementation of the AQMP. This alternative would increase traffic compared to the originally proposed project and the Re-Use Alternative and, therefore, would increase CO emissions compared to both the original project and proposed Re-Use Alternative. However, this alternative would not result in intersection volume of more than 31,600 vehicles per hour;

contribute traffic to locations where horizontal or vertical mixing of air would be substantially limited; or change the mix of vehicle types at the affected intersection to that substantially different from the County average. Therefore, this alternative would not exceed the regulatory threshold for CO. Because the Increased Intensity Alternative would place residential receptors within 500 feet of the adjacent freeway, this alternative, as with the original and proposed project, would need to implement Mitigation Measure 5.1-2. Implementation of all of the project features and mitigation measures required for the original and proposed projects would result in less than significant impacts for criteria pollutants and TAC for the Increased Intensity Alternative.

Because the Increased Intensity Alternative would develop the same area as the proposed project, and would also be required to comply with the City Ordinances that protect trees, this alternative would result in the same less-than-significant impact on protected trees. Similarly, because the ground disturbance under this alternative would be the same as the original and proposed project, the potential for discovery of previously undiscovered significant archaeological resources and human remains would be the same as the originally proposed project and the Re-Use Alternative project. Mitigation Measure 5.3-2 would also be required for this alternative to reduce potential effects due to the potential discovery of previously undocumented archaeological resources and human remains.

The Increased Intensity Alternative, like the originally proposed project and Re-Use Alternative, would result in a net increase of greenhouse gas (GHG) emissions on the project site due to the replacement of existing uses. However, the Increased Intensity Alternative would result in more GHG emissions than the original and proposed project. With the incorporation of the project design features, the Increased Intensity Alternative would substantially reduce emissions and would be in compliance with the AB 32 reduction requirements. Therefore, as with the original project and the proposed Re-Use Alternative project, the incremental contribution of GHG emissions would have a less-than-significant impact.

Historical uses on the site have resulted in areas of contaminated soil and groundwater, which are currently the subject of remediation with oversight from agencies such as the Sacramento County Environmental Management Department and Department of Toxic Substance Control. It is assumed that the remediation efforts on the site would continue regardless of the project to be developed, consequently, effects related to hazardous materials would be the same for this alternative as the original project and the Re-Use Alternative.

Because Increased Intensity Alternative would result in more residential units than the originally proposed project and the proposed Re-Use Alternative project, this Increased Intensity Alternative would generate greater demand for parks than the original and proposed projects and its impact on parks would be increased comparatively. Sacramento City Code requires that new residential projects dedicate land, pay in-lieu fees, or otherwise contribute a fair share to the acquisition and development of parks or recreation facilities to meet the service level goals. Therefore, like the original and proposed projects, this alternative would require the acquisition of additional parkland, but would also be required to comply with the City Code to ensure that adequate parkland is provided.

The Increased Intensity Alternative would generate the demand for more fire fighters and police officers than the originally proposed project and the Re-Use Alternative, because there would be more residential units under this alternative. Like the original and proposed projects, payment of development fees would ensure adequate service would be provided. Because this alternative would result in more residential units, it would generate more students who would attend local schools. Similar to the original project and Re-Use Alternative, however, payment of required school impact fees would ensure impacts related to the generation of additional students under this alternative would be less than significant.

Because the Increased Intensity Alternative includes approximately 40 percent more residential units than the original project and 65% more residential units than the proposed Re-Use Alternative, it would generate more traffic than the proposed project. Therefore, traffic impacts of this alternative would be greater than both the original and proposed project. A detailed traffic analysis would be required to define impacts and develop mitigation measures to reduce impacts if this alternative were adopted.

Because the Increased Intensity Alternative would generate more traffic than the original project and the Re-Use Alternative, the traffic-generated noise would be greater. Noise from I-5 would result in a similar impact on residential uses under this alternative and Mitigation Measures 5.6-1 and 5.6-2 would also be required under this alternative to reduce noise impacts from I-5. This alternative would result more development than the original and proposed projects, which may increase the duration of construction, but construction noise would be similar to that of the original project and proposed Re-Use Alternative and would not exceed established noise standards. Construction-related vibration would also be similar and would also be less than significant.

The Increased Intensity Alternative would include residential uses, which is the same type of use as the original project and Re-Use Alternative. Therefore, potential effects related to glare would be similar. To ensure that glare from reflective surfaces on building materials would not negatively affect the surrounding area, Mitigation Measure 5.10-1 would also be required under this alternative. With implementation of the mitigation, impacts related to glare would be the same as the original and Re-Use Alternative projects. As with the original and proposed project, the Increased Intensity Alternative would alter the character of the development on the site. However, because any development on the site would be required to comply with the General Plan policies that guide development patterns and streetscape improvements within the City, the new development would be consistent with the urban character as envisioned in the General Plan. Thus, development of the site under the Increased Intensity Alternative would not be considered an adverse change.

The originally proposed project would generate water demand of approximately 166.1 acre-feet per year (AFY). The Re-Use Alternative would generate water demand of approximately 154.4 AFY. The Increased Intensity Alternative would result in development with 404 more residential units than the original project and 547 more than the Re-Use Alternative. Using the demand factors used for the originally proposed project under this alternative, the Increased Intensity Alternative would generate demand for 226.8 AFY or approximately 60 AFY more than the original project and 72 AFY more than the Re-Use Alternative. However, the demand generated by this alternative would not exceed the diversion amount specified for the City; therefore, the impact on water supplies would be less than significant, although it

would be greater than the originally proposed project and proposed Re-Use Alternative project.

Wastewater generation under the Increased Intensity Alternative would also be greater than the original project and Re-Use Alternative. The total average dry weather flow from the Increased Intensity Alternative would be approximately 94,000 gallons per day more than the originally proposed project and 125,700 gallons per day more than the Re-Use Alternative. Therefore, the impact due to wastewater generation of the Increased Intensity Alternative would be greater than the originally proposed project and proposed Re-Use Alternative project. Nonetheless, wastewater generated under this alternative would not exceed the capacity of the wastewater treatment plant and the impact would also be less than significant.

Significant and Unavoidable Impacts That Would No Longer Occur

The Increased Intensity Alternative would not reduce impacts relative to the originally proposed project or proposed Re-Use Alternative project and could result in air emissions that exceed SMAQMD's thresholds for NO_x and ROG.

Relationship of the Increased Intensity Alternative to the Project Objectives

The Increased Intensity Alternative would be consistent with the project objectives. This alternative would develop a medium-density urban residential and mixed-use neighborhood within the existing Land Park neighborhood and the Downtown/Central City Sacramento urban center. Like the originally proposed project and Re-Use Alternative, the Increased Intensity Alternative's design would promote walking to services, biking, and transit use and include public parks and open space to provide recreational opportunities for neighborhood residents. The site is in proximity to the major employment centers of downtown Sacramento, which would help reduce overall commuter traffic volumes. It is assumed that this alternative would also incorporate plans to recycle as much material as possible during the demolition and construction phases of the project. The uses in this alternative would complement the existing established Land Park neighborhood.

Environmentally Superior Alternative

The environmentally superior alternative would be the No Project/No Development Alternative because it would not result in new impacts on the project site. However, the No Project/No Development Alternative does not achieve any of the project's objectives. CEQA Guidelines Section 15126.6(e)(2) states that when the No Project/No Development Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. The Increased Intensity Alternative would result in effects that are greater than those of the proposed project, so it would not be considered environmentally superior.

From the alternatives evaluated in the EIR, other than the No Project/No Development Alternative, the environmentally superior alternative would be the Adaptive Re-Use Alternative. As described above, the Adaptive Re-Use Alternative would reduce the project area population compared to the originally proposed project, so it would reduce population-related impacts. The Adaptive Re-Use Alternative would reduce the severity of impacts on