

RESOLUTION NO. 2011-077

Adopted by the Sacramento City Council

February 15, 2011

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE RIVER DISTRICT SPECIFIC PLAN PROJECT (M09-003 and M10-012)

BACKGROUND

- A. On January 13, 2011 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions, the River District Specific Plan Project.
- B. On February 15, 2011, the City Council conducted a public hearing , for which notice was given pursuant to Sacramento City Code Section 17.200.010 (C)(2)(a, b, and c)(publication, posting, and mailing (500 feet) and received and considered evidence concerning the River District Specific Plan 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 River District Specific Plan (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 2.The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 3.The City Council certifies that the EIR has been presented to it that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4.Pursuant to CEQA Guidelines Sections 15091 and 15093 and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 5.Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be

implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 6. The City Council directs that, upon approval of the Project, the City's Community Development Department 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 CEQA 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 and B are a part of this Resolution.

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Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations

Exhibit B – Mitigation Monitoring Program

Adopted by the City of Sacramento City Council on February 15, 2011 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Johnson.


Bonnie Pannell, Vice-Mayor

Attest:


Shirley Concolino, City Clerk

Exhibit A: CEQA Findings of Fact and Statement of Overriding Considerations

Description of the Project

Currently, the River District area is a mix of underutilized and underdeveloped parcels, large parcels, and parcels with incompatible adjacent land uses, encompassing approximately 748 acres of land. The proposed River District Specific Plan project (RDSP) (Specific Plan) would establish planning and development standards for the redevelopment of the area. The goal of the proposed project is to master plan the district as a transit-oriented, urban neighborhood that supports a mix of uses with parcels ready for development. To meet this goal, the RDSP would lay the policy and implementation framework for the evolution of the Plan area from a primarily light-industrial, low-intensity district, to a cohesive district with a mix of residential, commercial, industrial, public, and open space uses. The Specific Plan would provide the general vision and broad policy concepts to guide development of a new neighborhood.

The RDSP is consistent with the City's 2030 General Plan and provides area-specific development policies that address the unique aspects of the River District. The proposed RDSP is a long range policy and planning document that is intended to guide development in the Specific Plan area over the next 25 years. The Specific Plan would serve to guide future decisions regarding land use, intensity of development, circulation, public spaces, urban design, and the necessary infrastructure improvements to support future development. Finally, the Plan would identify the resources necessary to finance and implement the public improvements and infrastructure needed to support the vision for the new Specific Plan area.

This project would also provide the backbone infrastructure necessary for development of individual parcels in accordance with the Specific Plan. No parcels would be developed as part of this Proposed Project. Instead the individual parcel owners would develop their parcels in accordance with the Specific Plan.

Findings Required Under CEQA

1. Procedural Findings

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

The City of Sacramento's Environmental Planning Services determined that the River District Specific Plan Project (hereinafter called "Project") may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project, River District Specific Plan EIR (SCH 2009062023). The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from June 2, 2009 through July 2, 2009.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on July 27, 2010 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on July 27, 2010 and ended on September 9, 2010.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on July 23, 2010. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, 300 Richards Boulevard, Third Floor, Sacramento, CA. The letter also indicated that the official 45-day public review period for the Draft EIR would end on September 9, 2010.

e. A public notice was placed in the Sacramento Bulletin on July 27, 2010 which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on July 23, 2010.

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

2. Record of Proceedings

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

- a. The Draft and Final EIR and all documents relied upon or incorporated by reference;
- b. The City of Sacramento 2030 General Plan adopted March 3, 2009, and all updates;
- c. The Master Environmental Impact Report for the City of Sacramento 2030 General Plan certified on March 3, 2009, and all updates;

- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2030 General Plan adopted March 3, 2009, and all updates;
- e. Zoning Ordinance of the City of Sacramento;
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004;
- g. Richards Boulevard Area Plan;
- h. River District Specific Plan and Design Guidelines;
- i. Application materials, including application information;
- j. The Mitigation Monitoring Program for the Project; and
- k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions.

3. Findings

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

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

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed

project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403.)

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

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

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

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

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

Air Quality

Impact 5.1-1: Construction activities within the RDSP area could result in NO_x levels above 85 pounds per day. Without mitigation, this is a *potentially significant* impact.

Many different types of construction equipment would be used in various combinations for the many individual development projects that are expected to occur in the RDSP area. Much of this equipment likely would be diesel-fueled and would emit NO_x as part of the fuel-combustion process. The amount of NO_x emitted per day at any individual development project site would depend on the number and type of equipment used; specifically the total daily average construction NO_x for the entire RDSP area would depend on the number and intensity of concurrent individual development projects. Specific information on the construction schedules and equipment use by every development project that would be built in the RDSP area is currently not available. For this reason the impact is considered ***potentially significant***.

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

MM 5.1-1(a) The following shall be incorporated into all City construction contracts and included on all construction plans.

- *Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.*
- *Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.*
- *Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.*
- *Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).*
- *All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.*
- *Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.*

- *Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.*

5.1-1(b) The following shall be incorporated into all construction plans for projects that estimated construction related NO_x emissions exceed 85 lbs/day.

Category 1: Reducing NO_x emissions from off-road diesel powered equipment

The project shall provide a plan, for approval by the lead agency and SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) self-propelled off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction¹ compared to the most recent CARB fleet average at time of construction.

and

The project representative shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

5.1-1(c) The following shall be incorporated into all construction plans for projects that estimated construction related NO_x emissions exceed 85 lbs/day.

Category 2: Controlling visible emissions from off-road diesel powered equipment.

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment

found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

and/or:

If at the time of construction, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with SMAQMD prior to construction will be necessary to make this determination.

5.1-1(d) The following shall be incorporated into all construction plans for projects that estimated construction related NO_x emissions exceed 85 lbs/day.

If projected construction related emissions for a project are not reduced below the 85 lbs/day by application of MM 5.1-1(b&c), then an off-site construction mitigation fee shall be applied. The construction mitigation fee shall be calculated based upon the SMAQMD's current construction mitigation fee at the time of project specific evaluation. Verification of payment of the mitigation fee shall be provided to the City prior to issuance of any grading permits

Finding: Each project applicant within the RDSP area is required to submit a plan and inventory which demonstrates that the heavy duty off-road vehicles used during construction would achieve project-wide emission reductions, based on the most recent CARB fleet average. In addition, the applicants are required to pay a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO_x above 85 pounds per day. A reduction of construction vehicle emissions and payment of mitigation fees would reduce the impact related to a temporary increase in NO_x emissions to a less than significant level. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.1-2: Construction within the RDSP could result in PM₁₀ concentrations that exceed acceptable thresholds. Without mitigation, this is a *potentially significant* impact.

Most construction sites in the RDSP area would have to be graded and prepared for development. Additionally, many of the areas would require demolition of existing structures. Grading activities involve clearing and leveling the land using heavy equipment such as scrapers, bulldozers, and backhoes. As the ground is disturbed, fugitive dust or PM₁₀ is generated. The total amount of PM₁₀ generated is normally determined by the size of the graded area and the length of time of grading activities. The larger the area and the longer the grading operation, the more PM₁₀ is created. Particulate emissions also occur to a lesser extent during other construction phases. For these reasons, the impact is considered ***potentially significant***.

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

MM 5.1-2(a) Comply with MM 5.1-1(a).

MM 5.1-2(b) Grading and ground disturbance activities shall not exceed 15 acres per day for any individual development project.

Finding: The SMAQMD's Guide to Air Quality Assessment recommends measures to reduce the amount of particulate matter generated during grading. Each project applicant is required to ensure that all off-road diesel powered equipment does not exceed 40 percent opacity for more than three minutes. In addition each applicant shall submit a dust-control plan to the City of Sacramento Community Development Department. Measures within the dust-control plan would reduce fugitive particulate matter emissions to a less than significant level. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Biological Resources

Impact 5.2-2: Implementation of the RDSP could adversely affect special-status birds due to the substantial degradation of the quality of the environment or reduction of the population or habitat below self-sustaining levels due to loss or disturbance of nesting and/or foraging habitat. Without mitigation, this is a *potentially significant* impact.

Implementation of the proposed RDSP would allow for infill development within the project boundary and could result in the demolition of existing structures to redevelop parcels in accordance with the SP. There is a potential for special-status birds (burrowing owl, Swainson's hawk, and purple martins) within the RDSP area that could be adversely impacted by construction within the RDSP area. This is considered a ***potentially significant*** impact.

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

MM 5.2-2(a) Preconstruction surveys for burrowing owls shall be conducted in accordance with the Burrowing Owl Survey Protocol and Mitigation Guidelines (The California Burrowing Owl Consortium 1993), which calls for surveying out to 500 feet from project limits where suitable habitat is present. If owls are identified in the biological study area, mitigation measures will be implemented as outlined in the CDFG's 1995 Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995). These measures will include those listed here.

If occupied owl burrows are found within the biological study area, a determination will be made by a qualified biologist in consultation with the CDFG regarding whether work will affect the occupied burrows or disrupt reproductive behavior.

If it is determined that construction will affect occupied burrows during August through February, the subject owls will be passively relocated from the occupied burrow(s) using one-way doors. One-way doors will be in place for a minimum of 48 hours before burrows are excavated.

If it is determined that construction will physically affect occupied burrows or disrupt reproductive behavior during the nesting season (March through July), avoidance is the only mitigation available. Construction will be delayed within 300 feet of occupied burrows until it is determined that the subject owls are not nesting or until a qualified biologist determines that juvenile owls are self sufficient or are no longer using the natal burrow as their primary source of shelter.

MM 5.2-2(b) Construction and demolition activities shall be conducted during the non-nesting season (August 1 through March 19) whenever feasible.

If construction or demolition activities occur during the nesting season (between March 20 and July 30), a qualified biologist shall conduct a survey for nesting Swainson's hawk within a 0.5 mile of the demolition/construction activities using the California Department of Fish and Game's (CDFG) Recommended Timing and Methodology for Swainson's hawk Nesting Surveys in California's Central Valley or as required by CDFG.

Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities, and shall be conducted in accordance with the California Department of Fish and Game (CDFG) protocol as applicable.

If no active Swainson's hawks nests are identified a copy of the preconstruction survey and letter report stating the survey results shall be sent to the City of Sacramento and no further mitigation is required.

If active nests are found, measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's hawks in the Central Valley of California shall be implemented. These measures include, but shall not be limited to:

No intensive disturbances (such as heavy equipment operation associated with construction, use of cranes, or rock-crushing) or other project-related activities that may cause nest abandonment or forced fledging, can be initiated within 200 yards (buffer zone) of an active nest between March 20 and July 30. The size of the buffer area may be adjusted by a qualified biologist

If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest to determine if abandonment occurs. If the nest is abandoned and the nestlings are still alive, the project applicant shall retain the services of a qualified biologist to reintroduce the nesting(s) (recovery and hacking). Prior to implementation, any hacking plan shall be reviewed and approved by the Environmental Services Division and Wildlife Management Division of the CDFG.

Completion of the nesting cycle will be determined by a qualified biologist.

MM 5.2-2(c) Prior to any grading, demolition, or construction activities from March 15 to May 15 within 100 feet of the bridges over the American River adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present, no construction shall be conducted within 100 feet of the edge of purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer areas shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer areas may be adjusted in a qualified biologist and CDFG determine is would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer areas until a qualified biologist confirms that the nest(s) is no longer active.

Finding: Prior to any ground disturbance for the River District Specific Plan project, the applicants shall initiate a burrowing owl consultation with the CDFG. With implementation of burrowing owl surveys and appropriate mitigation as

recommended in consultation with CDFG, the impact to burrowing owls would be less than significant.

Prior to site disturbance, during the Swainson's hawk breeding season, a pre-construction survey shall be conducted within 30 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to Swainson's hawk would be less than significant.

Prior to and grading or construction activities during the nesting season, a pre-construction survey would be conducted within 15 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to purple martins would be less than significant.

With implementation of the mitigation measure, these impacts are reduced to a *less than significant* level.

Impact 5.2-3: Implementation of the RDSP could adversely affect special-status mammals due to the substantial degradation of the quality of the environment or reduction of population or habitat below self-sustaining levels. Without mitigation, this is a *potentially significant* impact.

Although no special-status bat species were observed during the biological reconnaissance survey, their potential presence is assumed in this DEIR. There are bridges over the American River adjacent to the RDSP area. Crevices in the bridges could provide marginal roosting habitat for bats. Other structures within the RDSP could also be used by bats as maternity roosts, as evidenced by the findings in the Township 9 project area.

The project does not propose any work on either the bridge structures or within the rights of way for the bridges. However, implementation of the proposed RDSP would involve the removal of existing structures, both for roadway extensions and new roads and to redevelop parcels in accordance with the RDSP vision. For this reason, proposed project would result in ***potentially significant*** impacts to special-status mammals (bats).

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

MM 5.2-3 *Prior to demolition activities, the project applicant shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the area of disturbance. If no roosting sites or bats are found, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.*

If bats are found roosting outside of the nursery season (May 1 through October 1), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This can occur either by visual inspection of the bat pups, if possible, or monitoring the roost for sounds of bat pups after the adults leave for the night. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be established around the roosting site within which no construction shall occur.

Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exist the roosting site but prevent re-entry to the site. This would include, but not be limited to, the installation of one-way exclusion devices. The devices would remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI-recommended exclusion professional.

Finding: Implementation of Mitigation Measure 5.2-3 would reduce the potential impacts to a **less**-than-significant level by identifying potential bat roosting sites within the areas of construction disturbance, and either protecting maternal roosts or providing bat exclusion techniques that would allow for the bats to relocate before construction begins. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.2-4: Implementation of the RDSP could result in the loss of CDFG-defined sensitive natural communities, such as an elderberry savanna, resulting in a substantial adverse effect. Without mitigation, this is a *potentially significant* impact.

The valley elderberry longhorn beetle (VELB) species is almost always found on, or close to, its host plant, the elderberry. Several elderberry shrubs are present within the RDSP study area, in the elderberry savannah in the eastern portion of the plan area, and in scattered disturbed lots and ruderal fields. The VELB is federally listed as threatened; and therefore, the take of the beetle and/or the disturbance of its habitat are prohibited by law. Implementation of the RDSP could result in the loss of habitat for a federally-protected species, the VELB, which is considered a **potentially significant** impact.

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

MM 5.2-4

(a) Prior to any ground-disturbing, demolition, or construction activities, the project applicant shall retain a qualified biologist to conduct a survey to identify and document all potential valley elderberry longhorn beetle habitat (VELB). The survey and evaluation methods shall be performed consistent with the US Fish and Wildlife Service's (USFWS) VELB survey methods. The survey shall include a stem count of stems greater than, or equal to, one-inch in diameter and an assessment of historic or current VELB use. If no such habitat is found, mitigation is not necessary.

(b) Avoidance

(1) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the survey, as noted in (a) above, as having stems greater than or equal to one inch in diameter. The 100-foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.

(2) Before any ground-disturbing activity, a qualified biologist shall flag the elderberry shrubs that will be retained adjacent to the biological study area. Thereafter, the City shall ensure that a minimum 4-foot-tall temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) is installed at least 100-feet from the driplines of the flagged elderberry shrubs. This fencing is intended to prevent encroachment by construction vehicles and personnel. The fencing shall be strung tightly on posts set at a maximum interval of 10 feet. The fencing shall be installed in a way that prevents equipment from enlarging the work area beyond the delineated work area. The fencing shall be checked and maintained weekly until all construction is completed. Signs shall be placed at intervals of 50 feet and must be readable at a distance of 20 feet. This buffer zone will be marked by signs stating:

"This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."

(3) No construction activity, including grading, clearing, storage of equipment or machinery shall be allowed until this condition is satisfied. The fencing and a note reflecting this condition will be shown on the construction plans.

In addition to (b)(1-3) above, the following shall also be implemented:

The City will ensure that dust control measures are implemented for all ground-disturbing activities in the project area. These measures may include application of water to graded and disturbed areas that are unvegetated; however the City or its contractor may use other measures more appropriate for site-specific conditions, as long as dust is minimized to the maximum extent practicable. To avoid attracting Argentine ants, at no time will water be sprayed within the driplines of elderberry shrubs.

Pursuant to the USFWS VELB Guidelines, the City will implement the following measures to mitigate for the direct and indirect impacts on VELB before groundbreaking occurs for the proposed project.

If disturbance within 100-feet of the dripline, or approved equal by the USFWS, of the elderberry shrub with stems greater than or equal to one-inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop VELB mitigation plan in accordance with the current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. The mitigation plans shall be reviewed and approved by the USFWS prior to any disturbance within the 100-foot dripline.

(c) Compensatory Mitigation

(1) Transplant Directly Affected Elderberry Shrubs

Elderberry shrubs will be transplanted when the plants are dormant, approximately November through the first two weeks in February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success. The project applicant shall follow the specific transplanting guidance provided in the USFWS VELB Guidelines.

Shrubs shall be transplanted to the French Camp Conservation Bank, or another UFWS-approved site. Elderberry seedlings and associated native plants will also be established at the site according to the ratios outlined in the Guidelines. See USFWS Biological Opinion, page 6, Table 1 issued on October 8, 2009 for the ratios.

(2) Compensate for Direct Impacts on Elderberry Shrubs

According to the USFWS VELB Guidelines, adversely affected shrubs that are "transplanted or destroyed" should be mitigated for according to the measures outlined in Table 1 of the USFWS VELB Guidelines. The City

will mitigate for impacts on the shrubs by purchasing mitigation credits at a USFWS-approved mitigation bank. A summary of the required mitigation is provided in Table 3.7-2. As shown in the table, the proposed project would require 22 elderberry seedlings and 28 associated native plants (six VELB credits) to be planted at a USFWS-approved mitigation bank. Currently, VELB mitigation credits are available at French Camp Conservation Bank. The shrubs identified for transplantation will be transplanted to this mitigation bank.

Compensation for Impacts on VELB Habitat					
Location	Stem Diameter Class at Ground Level in Centimeters (inches)	Exit Holes?	Stem Count	Elderberry Seedling Ratio	Associated Native Plant Ratio
Non-riparian	2.5–7.6 (1–3)	No	5	1:1	1:1
		Yes	0	2:1	2:1
Non-riparian	7.6–12.7 (3–5)	No	1	2:1	1:1
		Yes	0	4:1	2:1
Non-riparian	>12.7 (>5)	No	3	3:1	1:1
		Yes	1	6:1	2:1

If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition, or construction activities, the project applicant shall comply with any requirements that accompany the VELB delisting notice.

Finding: Implementation of the mitigation measure would require a site-specific protocol survey be conducted to determine the presence of VELB in any elderberry bushes in the area of disturbance. If habitat is identified, then implementation of the mitigation measure would ensure that the project is designed to avoid disturbance. If disturbance within the buffer is unavoidable, the transplantation and replacement of VELB habitat as specified by the USFWS's VELB mitigation guidelines would ensure that the habitat is protected from loss. For these reasons, potential impacts to the VELB habitat would be less than significant. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.2-5: Implementation of the RDSP could result in a violation of City Code Section 12.64.040 (related to Heritage trees). Without mitigation, this is a *potentially significant* impact.

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

MM 5.2-5 Prior to the removal of any Heritage tree, the project applicant shall contact the City's Arborist and develop and enact a tree mitigation plan in compliance with the City's requirements.

Finding: There could be Heritage trees on parcels that would be developed or redeveloped as part of the RDSP. Implementation of Mitigation Measure 5.2-5 would ensure that development within the RDSP would mitigate for the loss of Heritage trees, as required by the City. For this reason, the impact would be less than significant. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Hazards and Hazardous Materials

Impact 5.4-1: Construction associated with development in accordance with the RDSP could result in the exposure of people to hazards and hazardous materials during construction activities. Without mitigation, this is a *potentially significant* impact.

Construction activities due to development in the RDSP area could expose people to existing contamination. There are areas of known soil and groundwater contamination in the Specific Plan area due to historic uses, both within, and adjacent to, the Project area. In addition, development of some parcels in accordance with the RDSP may result in demolition of existing structures. Due to the age of some existing structures it is likely that asbestos containing materials (ACM) and lead-based paint are present. In addition to demolition, the grading, excavation, and dewatering of parcels for new or re-development within the RDSP area could also expose construction workers and the public to known, or previously unknown, hazards and/or hazardous materials present in the soil or groundwater. This impact is considered ***potentially significant***.

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

MM 5.4-1(a) Prior to any ground-disturbing or site construction activities associated with development of a parcel east of 12th Street, a determination shall be made by the County's Environmental Management Department (EMD) as to whether the parcel is within 1,000 feet of the following County Assessor's Parcels. If so, the applicant shall contact the County of Sacramento's Local Enforcement Agency, per Title 27, California Code of Regulations, Section 21190. The applicant shall comply with all requirements of the EMD regarding development and use of the parcel and provide written confirmation of such to the City of Sacramento.

- 003-0032-008
- 003-0032-009
- 001-0160-010
- 001-0160-011

- 003-0032-012
- 003-0041-006
- 001-0170-022
- 003-0410-003

5.4-1(b) *Prior to demolition or renovation of structures, the project applicant shall provide written documentation to the City that either there is no asbestos-containing materials and/or lead-based paint in the structure or that such materials have been abated and that any remaining hazardous substances and/or waste have been removed in compliance with application State and local laws.*

Finding: Compliance with the federal, State, and local regulatory framework (including General Plan policies) would ensure that workers and the public are protected from hazards and hazardous materials during ground disturbing, demolition and/or construction activities within the RDSP boundary. Mitigation Measure 5.4-1(a)(b) enhances this framework by ensuring that project applicants provide written documentation to the City that development in the RDSP area does not expose people to potential hazards due to asbestos, lead-based paint, and the closed landfill. For these reasons, the potential impacts resulting from construction associated with development in accordance with the RDSP resulting in the exposure of people to hazards and hazardous materials during construction activities are less than significant. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Noise and Vibration

Impact 5.6-2: Implementation of the RDSP could result in residential interior noise levels of L_{dn} 45 or greater caused by an increase in noise levels. Without mitigation, this is a *potentially significant* impact.

Proposed residentially zoned areas in the RDSP that are subject to traffic noise and exterior noise sources that exceed the normally acceptable levels, may also result in residential interior noise levels of 45 dBA L_{dn} or greater caused by noise level increases due to the project. As a result, areas of the RDSP proposed for residential zoning could result in future uses being subject to interior noise levels that exceed the City's standards.

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

MM 5.6-2 Implement Mitigation Measure 5.6-1

Finding: Because no development is currently proposed it is not possible provide adequate specific mitigation measures related to the design features of future buildings. In order to achieve the reduction of interior noise levels of future

residential uses, future projects involving sensitive receptors that could be exposed to noise levels exceeding the City's noise standards will be required to prepare a project specific acoustical analysis that identifies potential impacts and noise attenuation methods, such as higher sound transmission rated windows, site design, and other mechanisms to reduce interior noise levels resulting in a less than significant impact. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.6-3: Construction of the development in accordance with the RDSP could result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance. Without mitigation, this is a *potentially significant* impact.

The primary source of temporary or periodic noise within the Plan area would be construction activity. This involves both construction-site activity and the transport of workers and equipment to and from the construction sites. While specific construction activities and schedules are not presently known for the RDSP, future noise from construction activities will occur and will be subject to General Plan Policy EC 3.1.10. This policy requires that development projects subject to discretionary approval assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on these uses to the extent feasible. Since this policy would require mitigation of construction noise from future development, mitigation measures are provided for the Project.

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

MM 5.6-3 The contractor shall ensure that the following measures are implemented during all phases of construction.

- *Whenever construction occurs adjacent to occupied residences (on or offsite), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Sacramento Building Official.*
- *Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.*
- *Quieter "sonic" pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations.*

Finding: The mitigation would require construction methods to reduce construction noise from future development. Compliance with the mitigation measure would reduce the severity of construction noise from development in the RDSP area, resulting in a less-than-significant impact. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.6-5: Implementation of the RDSP could result in adjacent residential and commercial areas to be exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations. Without mitigation, this is a *potentially significant* impact.

Development proposed for sites alongside major heavy and light rail lines or adjacent to major freeways in the RDSP area would have the potential for exposure to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations. In general, the potential for vibration-induced structural damage from such sources would be very rare under any circumstances, but vibration-induced disruption could occur if the uses were close enough to rail lines or major freeways, resulting in a *potentially significant* impact.

Mitigation Measure (From MMP): The following mitigation measure was adopted to address this impact:

MM 5.6-5 Implement Mitigation Measure 5.6-4(b).

Finding: Compliance with General Plan Policy EC 3.1.6, which requires new residential and commercial projects located adjacent to major freeways, hard rail lines, or light rail lines to follow the FTA screening distance criteria, would limit vibration impacts along with Mitigation Measure 5.6-4(b) and would ensure that vibration guidelines are adhered to. As a result, vibration impacts on residential and commercial areas would be less than significant. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.6-6: Implementation of the RDSP could result in exposure of historic buildings and archaeological sites to vibration-peak-particle velocities greater than 0.25 inches per second due to project construction, highway traffic, and rail operations. Without mitigation, this is a *potentially significant* impact.

Construction activities or highway traffic in close proximity to historic buildings and archeological sites may cause structural damage under certain circumstances, for example, when blasting, pile driving, heavy earth-moving, etc. take place very close to sensitive buildings or sites. Within the RDSP area there are existing listed historic structures and structures potentially eligible for listing along with a potential historic district and contributing resources. Construction activities could occur adjacent to each of these areas; thereby resulting in a potentially significant impact.

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

MM 5.6-6 Implement Mitigation Measures 5.6-4 and 5.6-5.

Finding: General Plan Policy EC 3.1.7 would ensure that the City require an assessment of the damage potential of vibration-induced construction activities, highways, and rail lines in close proximity to historic buildings and archeological sites and require all feasible mitigation measures be implemented to ensure no damage would occur. In addition to, and compatible with, Policy EC 3.1.7, prior to development activities, project proponents would be required to comply with Mitigation Measures 5.6-4 and 5.6-5. Because historic buildings and archeological sites would be assessed for damage potential prior to construction activities and mitigation implemented to prevent damage, the impact to these resources would be less than significant. With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Impact 5.6-8: Implementation of the RDSP could result in cumulative construction noise and vibration levels that exceed the standards in the City of Sacramento Noise Ordinance as well as vibration-peak-particle velocities greater than 0.5 inches per second. Without mitigation, this is a ***potentially significant*** impact.

For a cumulative impact due to vibration to occur, project-related construction would have to occur within 50 feet of a receptor simultaneously with construction of some other development in the area. It is not anticipated that this would occur in residential areas where many sensitive receptors are located. Construction at distances greater than 50 feet from a receptor would not have the capacity to add to any cumulative vibration effect. However, numerous pieces of equipment operating within 50 feet of a receptor would have a combined effect that could result in substantial VdB levels resulting in a significant cumulative impact due to vibration levels.

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

MM 5.6-8 Implement Mitigation Measures 5.6-3 and 5.6-4.

Finding: Because City policy would require mitigation of construction noise and vibration from individual future development projects and because construction noise and vibration from each project would be restricted in intensity and hours of occurrence by the City Code, construction noise and vibration from each project would be mitigated and the project's contribution would not be considerable. With implementation of the mitigation measure, this cumulative impact is reduced to a *less than significant* level.

Impact 5.6-9: Implementation of the RDSP could result in cumulative impacts on adjacent residential and commercial areas exposed to vibration peak particle velocities

greater than 0.5 inches per second due to highway traffic and rail operations. Without mitigation, this is a *potentially significant* impact.

Development proposed for sites alongside major heavy and light rail lines or adjacent to major freeways in the RDSP area would have the potential for exposure to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations. In general, the potential for vibration-induced structural damage from such sources would be very rare under any circumstances, but vibration impacts could occur if the uses were close enough to rail lines or major freeways. Since it is anticipated that traffic volumes would increase along the I-5 Freeway and that in the future it is anticipated that more freight trains may access the city along with an increase in light rail trains resulting in exposing more sensitive areas to vibration-borne effects. Compliance with General Plan policies would limit vibration impacts. Implementation of these policies along with the Mitigation Measure 5.6-4(b) would ensure that vibration guidelines are adhered to. With implementation of the mitigation measure, this cumulative impact is reduced to a *less than significant* level.

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

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project have been identified. However, pursuant to section 21081(a)(3) of the Public Resources Code and section 15091(a)(3) of the CEQA Guidelines, as to each such impact and mitigation measure, the Planning Commission, based on the evidence in the record before it, specifically finds that the mitigation measures are infeasible. The impact and mitigation measures and the facts supporting the finding of infeasibility of each mitigation measure are set forth below. Notwithstanding the disclosure of these impacts and the finding of infeasibility, the Planning Commission elects to approve the Project due to the overriding considerations set forth below in Section (G), the statement of overriding considerations.

Noise and Vibration

Impact 5.6-1: Implementation of the RDSP could result in exterior noise levels that are above the upper value of the normally acceptable category for various land uses due to an increase in noise levels. Without mitigation this is a *potentially significant* impact.

Residential development in the RDSP area could experience traffic related exterior noise greater than the "Normally Acceptable" levels. The installation of sound walls could reduce the exterior noise levels to levels below the normally acceptable level; however, this is not considered a feasible mitigation measure because this would require new access points so that continuous soundwalls could be constructed along the street frontages. In addition the installation of sound walls would also be in conflict with the City's General Plan Policy EC 3.1-11, which encourages the use of design strategies and other methods along transportation corridors to attenuate noise in lieu of

sound walls. As a result, sensitive receptors to noise could be subject to exterior noise levels above the upper value of the normally acceptable level category for the residential land use. This would be a **significant impact**.

Mitigation Measure (From MMP): The following mitigation measure has been identified to reduce this impact to a less than significant level. However, for the reasons set forth below, the mitigation measure is rejected as infeasible:

MM 5.6-1 Future development projects in the RDSP area consisting of noise sensitive receptors shall have an acoustical analysis prepared to measure any potential project noise impacts and identify specific noise attenuation features to reduce impacts associated with exterior noise, to the extent feasible, to a less than significant level consistent with the policies of the General Plan.

Finding: While mitigation measures could be implemented to reduce exterior noise impacts there are no feasible mitigation measures to reduce noise generated by traffic adjacent to several residentially-zoned areas below the upper value of the normally acceptable noise category. The installation of sound walls could reduce the noise levels to acceptable levels; however, this is not considered feasible mitigation because this would require new access points so that continuous sound walls could be constructed along the street frontages. In addition, the installation of sound walls would be in conflict the City's General Plan policy encouraging the use of design strategies along transportation corridors to attenuate noise in lieu of sound walls. For these reasons, the impact remains *significant and unavoidable*.

Impact 5.6-4: Implementation of the RDSP could result in existing and/or planned residential and commercial areas to be exposed to vibration-peak-particle velocities greater than 0.5 inches per second due to project construction. Without mitigation, this is a *potentially significant* impact.

Existing and proposed residential and commercial uses could be exposed to vibration-peak-particle velocities greater than 0.5 inches per second due to construction activities within the RDSP. Future construction activities that could occur under the River District Specific Plan could have the potential to generate ground-borne vibration. Construction activities would occur at discrete locations throughout the RDSP area and vibration from such activities may impact existing buildings (i.e., through structural damage) and their occupants (i.e., through activity disruption, annoyance, etc.) if they are located close enough to the construction sites. In general, vibration-induced structural damage could only occur when certain types of construction activity (e.g., blasting, pile driving, heavy earth-moving) take place very close to existing structures, while vibration-induced disruption/annoyance could occur during more common types of construction activity (e.g., truck movements) at greater distance from the activity area.

Impacts related to construction vibration are event- and location-specific; these impacts would not occur at great distances. However, when construction vibration occurs at

sensitive land uses close to construction sites, the impacts would be considered **significant**.

Mitigation Measure (From MMP): The following mitigation measure has been identified to reduce this impact to a less than significant level. However, for the reasons set forth below, the mitigation measure is rejected as infeasible:

MM 5.6-4: *Implement Mitigation Measure 5.6-3 and;*

- a) *During construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid further structural damage.*
- b) *Prior to individual development projects, the applicant shall have a certified vibration consultant prepare a site-specific vibration analysis for residential uses and historic structures that are within the screening distance (shown in Table 5.6-7) for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and annoyance. The results of the analysis shall be incorporated into project design.*

Vibration-induced structural damage could be avoided in all cases by prohibiting any construction projects that have any potential for causing structural damage to nearby structures. Since it is not feasible to prohibit all construction close to existing structures (i.e., within 150 feet), the residual potential for vibration impacts at certain receptors could be *significant and unavoidable*.

Impact 5.6-7: Implementation of the RDSP along with other development in the region could result in an increase in interior and exterior noise levels in the Policy Areas that are above acceptable levels. Without mitigation, this is a *potentially significant* impact

Due to anticipated increases in traffic on most local roadways due to increases in development within and outside of the Project area, noise levels in excess of City standards attributed to growth per the General Plan and the Project would represent a considerable contribution. This is considered a *significant cumulative impact*.

Mitigation Measure (From MMP): The following mitigation measure has been identified to reduce this impact to a less than significant level; however, for the reasons set forth below, the mitigation is rejected as infeasible:

MM 5.6-1 Future development projects in the RDSP area consisting of noise sensitive receptors shall have an acoustical analysis prepared to

measure any potential project noise impacts and identify specific noise attenuation features to reduce impacts associated with exterior noise to a less than significant level, to the extent feasible, consistent with the policies of the General Plan, to the extent feasible.

Finding: While mitigation measures could be implemented to reduce exterior noise impacts there are no feasible mitigation measures to reduce noise generated by cumulative traffic conditions adjacent to several residentially-zoned areas below the upper value of the normally acceptable noise category. The installation of sound walls could reduce the noise levels to acceptable levels; however, this is not considered feasible mitigation because this would require new access points so that continuous sound walls could be constructed along the street frontages. In addition, the installation of sound walls would be in conflict the City's General Plan policy encouraging the use of design strategies along transportation corridors to attenuate noise in lieu of sound walls. For this reason, the impact remains *significant and unavoidable*.

Traffic and Circulation

Impact 5.10-2: Implementation of the RDSP could result in potentially significant impact on study roadway segments in 2015. Without mitigation this is **a *potentially significant*** impact.

The traffic generated by development within the RDSP area in year 2015 would result in significant traffic impacts for the following roadway segments:

- Richards Boulevard just east of Bercut Drive
- 16th Street south of Richards Boulevard

Finding: No feasible mitigation measure was found to lessen the impact to a less than significant level. Mitigation would require widening of Richards Boulevard wider than planned in the RDSP to add vehicle lanes for additional vehicle capacity. This is inconsistent with the City's goals to create pedestrian-friendly streets and the City's Smart Growth policies. For this reason, the impact remains *significant and unavoidable*.

Impact 5.10-3: Implementation of the RDSP could result in potentially significant impacts on study freeway mainline segments in 2015.

The traffic generated by RDSP would result in significant traffic impacts in 2015 for one freeway mainline segment in the study area:

- State Route 160 northbound at the American River bridge during P.M. peak hour

Finding: No feasible mitigation measure was found to lessen the impact on SR 160 northbound at the bridge. To fully mitigate this impact, it would be necessary to

reduce the RDSP traffic such that no additional traffic is added to the freeway segment, or to improve the operation of the freeway segment from LOS F to LOS E. Widening the freeway would reduce the impact, but is not considered feasible because of the numerous transportation structures that would need to be modified or replaced. For this reason, the impact remains *significant and unavoidable*.

Impact 5.10-11: Implementation of the RDSP could result in potentially significant impacts on study roadway segments in 2035. Without mitigation, this is a *potentially significant* impact.

The traffic generated by RDSP would result in significant traffic impact under cumulative conditions for the following roadway segments in the study area:

- Richards Boulevard east of Bercut Drive
- Richards Boulevard east of Dos Rios Street
- 16th Street south of Richards Boulevard
- 12th Street north of Richards Boulevard
- 16th Street north of Richards Boulevard
- North 4th Street north of Richards Boulevard
- North 4th Street south of Richards Boulevard
- North 4th Street south of Bannon Street
- 10th Street south of Railyards Boulevard
- 12th Street south of North B Street

Finding: No feasible mitigation measures were identified that would reduce the impacts on the roadway segments. Mitigation would require additional widening of the roadways within the RDSP area, to add more vehicle lanes to increase vehicle capacity, which is inconsistent with City goals to create pedestrian-friendly streets and the City's Smart Growth policies. For these reasons, the impact remains *significant and unavoidable*.

Impact 5.10-12: Implementation of the RDSP could result in potentially significant impacts on study freeway mainline segments in 2035. Without mitigation, this is a *potentially significant* impact.

The traffic generated by RDSP would result in significant traffic impact in 2035 for the following freeway mainline segments in the study area:

- Northbound I-5 south of I Street on-ramp – AM and PM peak hours
- Northbound I-5 south of Richards Boulevard off-ramp – PM peak hour
- Northbound I-5 north of Richards Boulevard off-ramp – PM peak hour
- Northbound I-5 north of Richards Boulevard on-ramp – PM peak hour
- Southbound I-5 north of Richards Boulevard off-ramp – AM and PM peak hours

- Southbound I-5 north of Richards Boulevard on-ramp – AM and PM peak hours
- Southbound I-5 north of J Street off-ramp – AM and PM peak hours
- Southbound I-5 north of I Street on-ramp – PM peak hour
- Northbound SR 160 at the American River – PM peak hour

Finding: No feasible mitigation measures were found to lessen the impact on these freeway segments. It would be necessary to reduce the traffic generated in the RDSP area such that no additional traffic were added to the freeway segment or to improve the operations of the freeway segments from Level of Service F to Level of Service E. Widening the freeway would reduce the impact, but was not considered feasible because of the numerous transportation structures that would need to be modified/ replaced.

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

Impact 5.10-13: Implementation of the RDSP could result in potentially significant impacts on study freeway interchanges in 2035. Without mitigation, this is a *potentially significant impact*.

The traffic generated by RDSP would result in significant traffic impact the following freeway interchange locations within the study area:

- Northbound I-5 off-ramp to Richards Boulevard – PM peak hour
- Northbound I-5 off-ramp to Garden Highway – PM peak hour
- Southbound I-5 off-ramp to Richards Boulevard – AM peak hour
- Southbound I-5 on-ramp from Richards Boulevard – PM peak hour
- Southbound I-5 off-ramp to J Street – PM peak hour

Finding: No feasible mitigation measures were identified that would reduce the impact of the project on I-5 off-ramps. It would be necessary to reduce the traffic generated in the RDSP area such that no additional traffic were added to the freeway ramps or to improve the operations of the freeway ramps. Widening the ramps would reduce the impact, but was not considered feasible because of the numerous transportation structures that would need to be modified/ replaced.

Therefore the impact of the project remains **significant and unavoidable**.

Impact 5.10-14: Implementation of the RDSP could result in potentially significant impacts on study freeway off-ramp queues in 2035. Without mitigation, this is a *potentially significant impact*.

The traffic generated by RDSP would result in significant traffic impact for one freeway off-ramp queue in the study area:

- I-5 northbound off-ramp to J Street – AM peak hour.

Finding: With implementation of MM 5.10-10(gg), freeway off-ramp queues at the I-5 northbound off-ramp at J Street would be 1,028 feet in the A.M. peak hour, and would exceed the available storage. No feasible mitigation measures were identified at this location. It would be necessary to reduce the traffic generated in the RDSP area such that no additional traffic were added to the freeway ramp or to improve the operations of the freeway ramp. Widening the ramp would reduce the impact, but was not considered feasible because of the numerous transportation structures that would need to be modified/ replaced.

Therefore the impact of the project remains **significant and unavoidable**.

C. Significant and Unavoidable Impacts.

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

Notwithstanding disclosure of these impacts, the Planning Commission elects to approve the Project due to overriding considerations as set forth below in Section G, the statement of overriding considerations.

Air Quality

Impact 5.1-6: Implementation of the RDSP, in conjunction with other construction activities in the SVAB, would increase cumulative construction-generated NO_x levels above 85 pounds per day. Without mitigation this is a *potentially significant* impact.

Construction activities for other projects outside of the RDSP Area that occur simultaneously with project construction within the RDSP Area would contribute emissions of NO_x. While those emissions would be temporary, combined they could exceed the SMAQMD thresholds. However, the SMAQMD oversees a large area outside of the RDSP Area boundaries that would require projects comply with SMAQMD mitigation requirements. It is anticipated that individual projects within the RDSP Area would comply with policies requiring implementation of feasible mitigation. Nonetheless, concurrent projects both within the RDSP Area as well as within the SVAB would likely exceed the SMAQMD significance threshold, resulting in a **significant cumulative** impact.

Mitigation Measure (From MMP): The following mitigation measure has been identified to reduce this impact to a less than significant level. However, for the reasons set forth below, the mitigation measure is rejected as infeasible:

MM 5.1-6 Comply with MM 5.1-1 (a - d)

Finding: Compliance with General Plan policies requiring implementation of SMAQMD standard mitigation measures (MM 5.1-1(a – d)) would result in reductions in construction emissions from individual projects in the RDSP Area including compliance with SMAQMD standard construction measures; payment into SMAQMD's construction mitigation fund would reduce off-site sources to ensure that construction emissions would not result in substantial increases in ozone precursors in the air basin. However, there are no other feasible mitigation measures to ensure that construction emissions for multiple concurrent projects, including projects outside of the Policy Area, can be reduced below the 85 pounds per day threshold.

Therefore, the project's contribution to this impact would remain considerable and the impact would be *significant and unavoidable*.

Impact 5.1-8: Implementation of the RDSP, in conjunction with other development in the SVAB, would emit particulate pollutants associated with construction activities at a cumulative level equal to, or greater than, five percent of the CAAQS (50 micrograms/cubic meter for 24 hours). Without mitigation, this is a *potentially significant* impact.

Significant levels of particulate matter could be generated during project grading and other construction activities taking place within the RDSP Area. Those impacts could be reduced below the significance threshold for individual projects through the implementation of the identified mitigation measures. However, PM₁₀ emissions from construction projects that occur simultaneously in the vicinity of one another and within the RDSP Area combined with development in the larger SVAB could have significant cumulative effects. Because the particulate matter emissions due to implementation of the RDSP and other development in the region could exceed established thresholds, its contribution would be considerable resulting in a ***significant cumulative impact***.

MM 5.1-8 Comply with MM 5.1-2(a & b)

Finding: Compliance with General Plan policies, which requires implementation of feasible mitigation measures, including MM 5.1-2(a & b) to reduce PM₁₀ emissions, would result in reductions in construction PM₁₀ emissions from individual projects within the RDSP Area. However, there are no other feasible mitigation measures to ensure that construction emissions for multiple concurrent projects, including those outside of the RDSP Area boundaries, can be reduced to ensure that PM₁₀ emissions would not exceed thresholds.

Therefore, emissions of PM₁₀ in the Policy Area would remain cumulatively considerable and the impact would be *significant and unavoidable*.

Cultural and Historic Resources

Impact 5.3-1: Implementation of the RDSP could cause a substantial change in the significance of historical resources (State Printing Plant) as defined in the CEQA Guidelines Section 15064.5. Without mitigation, this is a *potentially significant* impact.

Mitigation Measure 5.3-1: None available (for State Printing Plant only).

Finding: Full implementation of the RDSP requires the construction of several streets within the Specific Plan area. North 6th Street would be extended from North B Street to Richards Boulevard, in order to extend the Central City street grid pattern. Bannon Street would be extended eastward to 7th Street. Portions of the extended North 6th Street and Bannon Streets would traverse the site of the State of California Printing Plant. This facility is eligible as a historic resource in the Sacramento Register. However, the extension of the street grid to the RDSP area is one of the primary objectives of the project. The traffic circulation within the District is dependent upon traffic accessing the area from the south, to include North 6th Street. For this reason, the impact is *significant and unavoidable*.

Impact 5.3-2: Implementation of the RDSP could cause a substantial change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5. Without mitigation, this is a *potentially significant* impact.

Mitigation Measure 5.3-2 (From MMP): The following mitigation measures have been adopted to address this impact:

MM 5.3-2 The following shall apply to any ground disturbing activities associated with development in accordance with the RDSP.

a. Prior to any excavation, grading or other construction on the project site, and in consultation with Native American Tribes and the City's Preservation Director: a qualified archaeologist will prepare a testing plan for testing areas proposed for excavation or any other ground-disturbing activities as part of future projects, which plan shall be approved by the City's Preservation Director. Testing in accordance with that plan will then ensue by the qualified archaeologist, who will prepare a report on findings, and an evaluation of those findings, from those tests and present that report to the City's Preservation Director. Should any findings be considered as potentially significant, further archaeological investigations shall ensue, by the qualified archaeologist, and the archaeologist shall prepare reports on those investigations and evaluations relative to eligibility of the findings to the Sacramento, California or National Registers of Historic & Cultural Resources/ Places and submit that report to the City's Preservation Director and SHPO with recommendations for treatment, disposition, or reburials of significant findings, as appropriate. Also, at the conclusion of the pre-construction testing, evaluation and

reports and recommendations, a decision will be made by the City's Preservation Director as to whether on-site monitoring during any project-related excavation or ground-disturbing activities by a qualified archaeologist will be required.

b. *Discoveries during construction:* For those projects where no on-site archaeological monitoring was required, in the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and a qualified archeologist will be consulted to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In, a report shall be prepared by the qualified archeologist according to current professional standards.

c. *If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.*

d. *If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.*

e. *In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.*

f. *If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner, and City's Preservation Director, shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-*

internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place. Work can continue on other parts of the project site while the unique archeological resource mitigation takes place.

Finding: Mitigation 5.3-2 outlines a plan to test sites in the RDSP area where projects will involve excavation or other ground-disturbing activities, and to specifies the proper handling of any archeological resources uncovered during ground-disturbing construction anticipated by the RDSP. While unforeseen archeological resources may still be found during any ground disturbing activities, following the guidelines in Mitigation 5.3-2 will significantly reduce potential impacts to archeological resources in the RDSP area; however, because the potential impacts to significant archeological resources may still occur during ground disturbing activity there is the potential that implementation of the RDSP may cause a significant environmental impact as defined by CEQA Guidelines Section 15064.5. For these reasons, the impact remains *significant and unavoidable*.

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

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

- As the project is implemented, certain impacts would occur on a short-term level. Such short-term impacts are discussed above. Where feasible, measures have been incorporated in the project to mitigate these potential impacts.
- The project would result in the long-term commitment of resources to develop and operate the project including water, natural gas, fossil fuels, and electricity. The long-term implementation of the project would provide economic benefits to the City. The project would be developed within an existing urban area and not contribute to urban sprawl. Notwithstanding the foregoing, some long-term impacts would result.

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

E. Project's Contribution of Greenhouse Gas Emissions

The City of Sacramento has adopted a proactive and comprehensive approach to climate change issues, including adoption of the 2030 General Plan to encourage a pattern of urban development that avoids dispersed residential and employment centers that by their design encourage motor vehicle trips, one of the largest contributors to

greenhouse gas emissions. Likewise, the 2030 General Plan calls for strengthening the City's efforts to promote building standards to reduce the carbon footprint of buildings, another of the major contributors. The River District Specific Plan project is consistent with this approach and implements the City's plan to reduce greenhouse gas emissions.

The 2030 General Plan and the Master Environmental Impact Report

The City Council approved the 2030 General Plan on March 3, 2009. As part of its action, the City Council certified the Master Environmental Impact Report (Master EIR) that evaluated the environmental effects of development that is reasonably anticipated under the 2030 General Plan. The Master EIR includes extensive discussion of the potential effects of greenhouse gas emissions. The Master EIR discussions regarding climate change are incorporated here by reference. See, for example:

Draft EIR: 6.1 Air Quality (Page 6.1-1)

Final EIR: City Climate Change master Response (Page 4-1)

Errata No. 2: Climate Change (Page 12)

The impact of greenhouse gas emissions from human activities, specifically with regard to global climate change, has been acknowledged by the City of Sacramento and others as an inherently cumulative effect. Global climate change occurs, by definition, on a global basis. Greenhouse gases remain in the atmosphere for extended periods, and combine with GHG emissions from other areas of the globe, thus creating an inherently cumulative impact.

The 2030 General Plan and Master EIR recognized these unique aspects of the problem. The Master EIR acknowledges that the greenhouse gas emissions resulting from development that would be consistent with the 2030 General Plan would be cumulatively considerable, and significant and unavoidable. See Errata 2, February 23, 2009.

In addition, at City Council direction staff reviewed the various policies and implementation programs in the 2030 General Plan that could mitigate greenhouse gas emissions, and determined that a number of these policies could be revised. A list of such policies, and the changes that were made to respond to the continuing discussion of climate change, were included as part of the Mitigation Monitoring Plan that implemented mitigation identified in the Master EIR.

The effects of the 2030 General Plan promote denser urban development within the current City territorial limits to accommodate population growth, which will reduce growth pressures and sprawl in outlying areas. While total greenhouse gas emissions within the General Plan policy area may increase over time due to growth in population in the region, this increase is less than what would have occurred if the 2030 General Plan were not adopted and development of more land in outlying areas had been permitted under the 1988 General Plan. Adoption of the 2030 General Plan put these key strategies in place immediately and has begun to shape development as well as the

activities of day-to-day living and move the City and the region toward a more sustainable future.

Because the actual effectiveness of all the feasible policies and programs included in the 2030 General Plan that avoid, minimize, or reduce greenhouse gas could not be quantified, the impact was identified in the Master EIR as a significant and unavoidable cumulative impact.

General Plan Consistency of the River District Specific Plan Project

The 2030 General Plan identifies a mix of Traditional Neighborhood Low Density (TNLD), Traditional Neighborhood Medium Density (TNMD) and Traditional Center (TC) on the River District Specific Plan site. These designations include detached and attached single-family homes, multifamily dwellings, commercial or mixed use development and compatible public and quasi-public uses. The Land Use and Urban Form Diagram in the 2030 General Plan designates TNLD for the northern portion of the site, TNMD for the central portion and TC in the southern portion. Each of the three designations permit residential and commercial development. The development program analyzed in the Master EIR for the River District Specific Plan site included a mix of 549 attached and detached dwelling units and 200,000 square feet of commercial development.

The proposed River District Specific Plan project development program and mix of uses is generally consistent with the development program anticipated by the 2030 General Plan and the Master EIR. The River District Specific Plan project proposes a mix of TNLD, TNMD, Traditional Neighborhood High Density, and TC development. The proposal locates lower density single family homes to the north, higher density attached homes and apartments in the central area and commercial uses to the south. The proposed 527 dwelling units fall within the range anticipated by the General Plan (549). The 259,000 square feet of commercial space appears to be about 30% greater than was studied in the Master EIR. However, the commercial floor area ratio (FAR) of 0.37 is well within the range of 0.3-2.0 FAR permitted in TC. As a result, the land uses and their associated density and intensity are consistent with the 2030 General Plan.

In addition to determining consistency with the Land Use and Urban Form Diagram, goals and policies of the General Plan's ten elements are relevant.

Land Use and Urban Design Element:

LU 5 Traditional Center Urban Form Guidelines (2030 General Plan, Page 2-68)

While the guidelines are not goals or policies, and are not mandatory or binding on the applicant, they do express the City's desired urban form vision. For Traditional Centers, the guidelines call for:

1. small, rectangular blocks;

2. small, narrow lots providing a fine-grained development pattern;
3. building heights ranging from one to four stories;
4. lot coverage not exceeding 80 percent;
5. buildings sited at or near the sidewalk and typically abutting one another with limited side yard setbacks;
6. building entrances set at the sidewalk;
7. rear alleys and secondary streets providing service access to reduce the need for driveways and curb cuts on the primary street;
8. parking provided on-street as well as in...lots at the side or rear of structures;
9. transparent building frontages with pedestrian-scaled articulation and detailing;
10. moderately wide side sidewalks;
11. public streetscapes serving as the center's primary open space, complemented by outdoor seating, plazas, courtyards, and sidewalk dining areas.

These guidelines provide the staff and applicant with guidance regarding project design, and support the City's identified goal of encouraging development by providing specific and enforceable standards for development.

LU 5 Traditional Centers Goals and Policies

Policy LU 5.3.1 Development Standards. The City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility in development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

Mobility Element:

The following goals and policies are relevant to the design of the River District Specific Plan project. They primarily relate to the design of public and private streets and the desired relationships among buildings, streets and parking facilities.

Policy M 1.3.1 Grid Network. The City shall require all new residential, commercial, or mixed-use development that proposes or is required to construct or extend streets to develop a transportation network that provides for a well-connected, walkable community, preferably as a grid or modified grid.

Policy M 1.3.2 Private Complete Streets. The City shall require large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.

Policy M 2.1.3 Streetscape Design. The City shall require that pedestrian-oriented streets be designed to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, news racks, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.

Policy M 2.1.4 Cohesive Network. The City shall develop a cohesive pedestrian network of public sidewalks and street crossings that makes walking a convenient and safe way to travel.

Policy M 2.1.5 Continuous Network. The City shall provide a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles.

Policy M 2.1.6 Building Design. The City shall ensure that new buildings are designed to engage the street and encourage walking through design features such as placing the building with entrances facing the street and providing connections to sidewalks.

Policy M 2.1.7 Parking Facility Design. The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.

Policy M 2.1.8 Housing and Destination Connections. The City shall require new subdivisions and large-scale developments to include safe pedestrian walkways that provide direct links between streets and major destinations such as transit stops and stations, schools, parks, and shopping centers.

Policy M 3.1.12 Direct Access to Stations. The City shall ensure that projects located in the Central City and within ½ mile walking distance of existing and planned light rail stations provide direct pedestrian and bicycle access to the station area, to the extent feasible.

Goal M 4.3 Neighborhood Traffic. Enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques, while recognizing the City's desire to provide a grid system that creates a high level of connectivity.

Policy M 4.3.1 Neighborhood Traffic Management. The City shall continue wherever possible to design streets and approve development applications in such a manner as to reduce high traffic flows and parking problems within residential neighborhoods.

M 5.1.8 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways.

Buildings constructed as part of the project would be required to comply with current California building codes that enforce energy efficiency.

The City of Sacramento has adopted an approach that seeks to implement community development principles that encourage pedestrian-friendly, multi-use development that reduces vehicle miles travelled. The various goals and policies applicable to the project through the 2030 General Plan provides just such a framework, and are effective tools to mitigate climate change through reduction of greenhouse gas emissions. These goals and policies have accurately been described in the Master EIR as mitigation for such effects.

The City has acknowledged that the sum of greenhouse gas emissions that could be generated by development under the 2030 General Plan would be cumulatively considerable, and has identified the goals and policies under the 2030 General Plan as the primary vehicle to mitigating such impacts. This programmatic approach achieves reductions in the two main emitting categories: motor vehicle emissions and energy used in buildings. By adopting measures that are applicable community-wide, the City has implemented a reduction strategy that is fair and can be implemented with confidence that emission reductions will actually occur.

The City has identified greenhouse gas reductions goals as stated in AB 32 and other State guidance as relevant to the impact analysis. This is consistent with guidance provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD). In its CEQA Guide, December 2009, the District suggests that local agencies properly consider adopting a threshold that considers whether an individual project's GHG emissions would substantially hinder the State's ability to attain the goals identified in AB 32. (CEQA Guide, page 6-11)

The Master EIR concluded that greenhouse gas emissions that could be emitted by development that is consistent with the 2030 General Plan would be cumulatively considerable and unavoidable (Errata No. 2, Page 12). The Master EIR includes a full analysis of greenhouse gas emissions and climate change, and adequately addresses these issues.

The project is consistent with the City's goals and policies as set forth in the 2030 General Plan and Master EIR relating to reduction of greenhouse gas emissions. The project would not impede the City's efforts to comply with AB32 requirements. The project would not have any significant additional environmental effects relating to greenhouse gas emissions or climate change.

F. Project Alternatives.

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

Alternatives Considered and Dismissed from Further Consideration

Alternative Site

Section 15126.6(f)(2)(B) of the CEQA Guidelines states, "If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reason in the EIR." A feasible alternative location for the proposed project that would result in substantially reduced impacts does not exist.

The CEQA Guidelines (Section 15126.6[b]) requires that only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. The Off-Site Alternative would involve the construction of the proposed project on an alternative location. The Off-Site Alternative could have the same type and intensity of uses as the proposed project. Although other vacant properties are located in the City of Sacramento, infill parcels of substantial size like the project site are limited. It should also be noted that, by definition, CEQA states that an alternative should avoid or substantially lessen one or more of the environmental effects of the project. Alternative locations within the City would generally contain similar characteristics as the project site, and the development of greenfield sites located outside the City would likely result in greater impacts than the proposed project. Therefore, development of the project on an alternative location would be expected to result in at least the same level of impacts as the proposed project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the proposed project, does not exist.

No Project/No Development Alternative

This alternative assumes that the Project would not be implemented and that there would not be any new development within the RDSP area. The project area is composed of approximately 400 parcels, under the ownership of approximately 200 entities. It is not feasible to consider an alternative that assumes no owners would want to develop their properties.

Summary of Alternatives Considered

No Project/Existing Zoning 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 Build Alternative is defined in this section as the continuation of the existing condition of the project site. Development would be consistent with the currently allowed land uses, zoning, and development alternative. The No Project/No Development Alternative would allow the project site to continue in the existing state.

Currently the RDSP area is a mix of underutilized and underdeveloped parcels and parcels with incompatible adjacent land uses.

Facts in Support of Finding of Infeasibility

This alternative would result in a continuation of the current mix of underutilized and underdeveloped parcels and parcels with incompatible adjacent uses and would not meet any of the project objectives to redevelop and revitalize the area.

Existing Street Pattern/Historic Preservation Alternative

This alternative assumes that there would be a River District Specific Plan to guide the development and redevelopment of the area and that no new streets would be developed. As with the Project, this alternative assumes that the density of development allowed within the Specific Plan area would be less than allowed by the Zoning Code, due to the proposed Specific Plan and the Design Guidelines. Parcel sizes would remain the same as the current configuration, which is large in some areas than would occur with the Project's street grid. This could result in different types of development than envisioned by the Project and could result in less residential development. It is assumed that the amount of office and commercial development would remain the same as the Project.

This alternative would develop the same footprint as the Project; and therefore, the impacts related to the location of development, such as potential loss of biological and archeological resources, exposure to hazards and hazardous materials, and changes to local hydrology would be the same.

Assuming less residential development, this alternative could result in less impacts to public services. However, the need for expanded or new facilities would result from development of either the Project or this alternative.

The impacts to residents on Bannon Street due to increased noise from traffic could be less under this alternative because the street grid would not be extended. Traffic on Bannon Street would not be anticipated to increase enough to result in significantly increased noise for the residents. However, without the gridded street pattern, it is anticipated that more cars would travel on Richards Boulevard than with the Project, thereby resulting in greater traffic noise to the existing residential development on Dos Rios Street.

The impacts to public utilities would be slightly less because less residential development is assumed with this alternative.

It is anticipated that operational air impacts would be greater because there would not be the gridded street pattern to expand the circulation system and provide drivers with more choices.

This alternative would not require the demolition of the State Printing Plant, which is eligible for listing as a historic resource. The demolition of this building is considered a Significant and Unavoidable impact of the Project. This alternative would not result in this impact and would not result in significant impacts to historic resources.

Facts in Support of Finding of Infeasibility

This alternative would meet some of the objectives established for the Project; however, the objectives of making the River District area an integral part of the circulation system with the areas to the east and south would not be met.

G. Statement of Overriding Considerations:

Pursuant to Guidelines section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.1 through 5.10. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

The project would establish the planning and development standards for redevelopment of an underutilized area. The goal of the Project is to master plan the district as a transit-oriented, urban neighborhood that supports a mix of uses with parcels ready for development. The Project would provide the policy and implementation framework for the evolution of the Project area from a primarily light-industrial, low intensity district to a cohesive district with a mix of residential, commercial, industrial, public and open space uses.

The City Council adopts the mitigation measures in the final Mitigation and Monitoring Program, incorporated by reference into these Findings (see Exhibit B), and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this Statement in accordance with section 10593 of the CEQA Guidelines in supporting approval of the project.