

RESOLUTION NO. 2011-217

Adopted by the Sacramento City Council

April 12, 2011

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE SWANSTON STATION TRANSIT VILLAGE SPECIFIC PLAN PROJECT (M09-020)

BACKGROUND

- A. On March 10, 2011, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Swanston Station Transit Village Specific Plan project.
- B. On April 12, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a) and (c) (publication and mail, 500 feet), and received and considered evidence concerning the Swanston Station Transit Village 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 Swanston Station Transit Village 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 Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.
- Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.
- Section 8. Exhibits A and B are a part of this Resolution.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Swanston Station Transit Village Specific Plan Project.

Exhibit B - Final Environmental Impact Report and Mitigation Monitoring Program

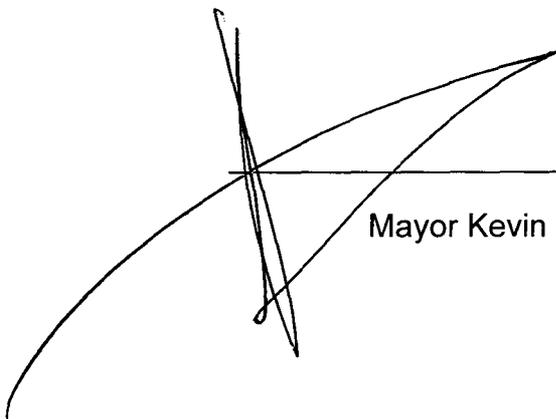
Adopted by the City of Sacramento City Council on April 12, 2011 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

**CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE SWANSTON STATION TRANSIT VILLAGE SPECIFIC
PLAN PROJECT**

Description of the Project

The Swanston TVSP project area is roughly bounded by El Camino Avenue on the north, Arden Way on the south, and the Capital City Freeway (Business 80) on the east. Beaumont and Erickson Streets define the western edge of the Swanston TVSP project area.

The project proposes adoption and implementation of the Swanston Station Transit Village Specific Plan (proposed Swanston TVSP project) and approval of related entitlements. The proposed project is a long-range urban design and implementation plan that guides public and private improvements in the Swanston TVSP project area over the next 20-25 years and beyond. At the heart of the specific plan area is the Swanston Light Rail Station along the Sacramento Regional Transit District's Northeast Corridor. The proposed Swanston TVSP project addresses land use, traffic and circulation, infrastructure, financing strategies, and implementation measures that are needed to support the vision for future development and investment in the Swanston TVSP project area. That vision includes the creation of a transit-oriented, pedestrian-friendly, mixed-use and residential development within an approximately 230-acre area.

The proposed Swanston TVSP project area is divided into two areas. The smaller area, the Strategic Plan area, is expected to develop first, with planned build out for this area occurring around 2025. The remainder of the Swanston TVSP area, the Long-Term Plan area, is expected to develop after 2025. Because this project is a specific plan, the analyses include assumptions about the level of development that could occur within these respective areas. Development within the Strategic Plan area is based on the development assumptions derived in a market analysis prepared for the Swanston Station Specific Plan.

Future development that could occur in the Strategic Plan area totals about 366 dwelling units and 70,000 gross square feet of commercial space. For the Long-Term Plan area, the assumptions are based on the proposed land uses and the amount of development that would be allowed, based on the proposed zoning. It is estimated up to 2,230 additional dwelling units and 435,515 square feet of commercial space could be developed at build out of this area.

Findings Required Under CEQA

1. Procedural Findings

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

Based on the initial study conducted for Swanston Station Transit Village Specific Plan project, SCH # 2007462130, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

- a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency on June 29, 2007 and was circulated for public comments from June 29, 2007 through July 30, 2007.
- b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on February 23, 2009 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 February 23, 2009 and ended on April 24, 2009.
- 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 February 18, 2009. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, 300 Richards Boulevard, Sacramento, CA 95811. The letter also indicated that the official 45-day public review period for the Draft EIR would end on April 6, 2009.
- e. A public notice was placed in the Daily Recorder on February 18, 2009, 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 February 18, 2009.
- 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. Arden Arcade and North Sacramento Community Plans
- h. Swanston Station Transit Village Specific Plan
- i. The Mitigation Monitoring Program for the Project
- j. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, 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 City Council 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 City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

IMPACT CATEGORY: AIR QUALITY

Impacts:

AQ-2. Development that could occur in the Strategic Plan area would generate construction-related emissions of particulate matter (PM₁₀) that could exceed SMAQMD standards. Without mitigation, this is a potentially significant impact.

AQ-5. Development that could occur under the Long-Term Plan would generate construction-related emissions of ozone precursors and particulate matter that could exceed SMAQMD standards. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

The following mitigation measure has been adopted to address these impacts:

AQ-2.1 Particulate Matter Emission Reduction. The project applicant/ developer shall implement the following reduction measures, depending on the size of the proposed development. The project applicant/developer shall ensure that these measures are conducted by requiring that they be included in all construction contracts for all phases of construction and demolition activities.

- a) If a project requires that the maximum disturbance for grading at any given time is 5 acres or less, no mitigation measures would be required unless the SMAQMD stipulates otherwise.
- b) If a project requires that the maximum disturbance for grading at any given time is between 5.1 and 8 acres, Level One mitigation is required, as specified by the prevailing SMAQMD Guide at the time a particular development project is approved.
 - During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed soil two times per day; and
 - Maintain two feet of freeboard space on haul trucks.

c) If a project requires that the maximum disturbance for grading at any given time is between 8.1 and 12 acres, Level Two mitigation is required, as specified by the prevailing SMAQMD Guide at the time a particular development project is approved.

- During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed soil three times per day;
- Soil piles shall be watered three times daily; and
- Maintain two feet of freeboard space on haul trucks.

d) If a project requires that the maximum disturbance for grading at any given time is between 12.1 and 15 acres, Level Three mitigation is required, as specified by the prevailing SMAQMD Guide at the time a particular development project is approved.

- Water all exposed soil with sufficient frequency as to maintain soil moistness;
- Maintain two feet of freeboard space on haul trucks; and
- Use emulsified diesel or diesel catalysts on applicable heavy duty diesel construction equipment.

Finding:

As development occurs in the Swanston TVSP project area, individual projects would be subject to Table B-1 of the Sacramento Metropolitan Air Quality Management District's Guide to Air Quality Assessment in Sacramento County. This table lists various acreages and applicable mitigation measures that can reduce PM10 emissions. For construction projects where the maximum ground disturbance is less than 15 acres, which would characterize most likely projects within the Swanston TVSP project area, these measures, along with the SMAQMD's Rule 403 on fugitive dust, would effectively reduce impacts of individual projects to less than significant. (Rule 403 – Fugitive Dust – requires a person to take every reasonable precaution not to cause or allow the emissions of fugitive dust from being airborne beyond the property line from which the emission originates, from construction, handling or storage activity, or any wrecking, excavation, grading, clearing of land or solid waste disposal operation.) If the maximum acreage graded is above 15 acres, a higher level of mitigation would be necessary. Implementation of Mitigation Measure AQ-2.1 would comply with the practices and measures developed by the SMAQMD to protect the public from undesirable construction-related air emissions.

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

IMPACT CATEGORY: BIOLOGICAL RESOURCES

Impact:

BIO-2. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area) would not result in substantial degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of threatened or endangered species of plant or animal. Development could, however, impact nesting birds protected under state and federal regulations. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

BIO-2.1 Preconstruction Surveys and Protection Measures for Nesting Birds. If trees are removed outside the nesting season (typically March 15 to August 30), there would be no effect on nesting birds and no mitigation is required. Construction activities shall be timed to avoid tree removal during the nesting season. If this cannot be accomplished, then a qualified biologist shall conduct a preconstruction nesting survey no more than one week prior to tree removal to determine if nesting birds are present. If nesting birds are present, an appropriate buffer zone (no construction area) shall be developed by the biologist and in consultation with CDFG, and construction activities shall be suspended in the buffer zone until future surveys indicate that the chicks have fully fledged (left the nest). Completion of preconstruction surveys and avoidance of bird nests would result in no impacts to nesting birds. Survey results shall be valid for a period of 21 days from the date of the survey. Should vegetation or building removal fail to be conducted within this time frame, a second survey shall be undertaken.

A report shall be submitted to the City of Sacramento, following the completion of the bird nesting survey that includes, at a minimum, the following information:

- A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted.
- A map showing the location(s) of any bird nests observed on the Swanston TVSP project area.

Finding:

Mitigation Measure BIO-2.1 is intended restrict construction activities and tree removal to outside of the nesting season, which would avoid disturbance to any nesting birds. If, however, construction activities or tree removal is necessary during the nesting season, the mitigation specifies the steps that must be followed in order to avoid impacts to nesting birds. The first step is an appropriately timed survey prior to construction to

determine whether nesting birds are present. If any nesting birds are identified, compliance with this mitigation measure would ensure that the birds would not be disturbed during the nesting season. The mitigation measure calls for the creation of a buffer zone (no construction area) that is anticipated to protect the nest site such that there would be no take and no violation of California Department of Fish and Game Code regulations governing birds (Sections 3503 and 3513) and/or the Migratory Bird Treaty Act.

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

Impact:

BIO-3. Development that could occur in the Strategic Plan area would have no effect on species of special concern. However, development that could occur in the Long-Term Plan area could affect the purple martin. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

BIO-3.1 Construction Limits Around the Purple Martin Nests. Although purple martins are tolerant of human activities, if active nests are present, no construction shall be conducted within 120 feet of the edge of the purple martin colony (determined by the closest active nest hole to the construction activity) during the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent destruction or disturbance of the nest(s) or until it is no longer active, as determined by a biologist experienced in working with purple martins. In addition, no equipment taller than 9 feet in height shall be parked or stored beneath the El Camino Avenue or Arden Way overcrossings within 100 horizontal feet of nest holes from April 15 to July 31.

Finding:

Mitigation Measure BIO-3.1 is intended to allow construction activities and tree removal outside the nesting season of the purple martin, which would avoid disturbance to any nesting birds. If, however, construction activities or tree removal is necessary during the nesting season, the mitigation specifies the steps that must be followed in order to avoid impacts to nesting purple martins. The first step is an appropriately timed survey prior to construction to determine whether nesting purple martins are present. If any nesting birds are identified, compliance with this mitigation measure would ensure that the birds would not be disturbed during the nesting season. The mitigation measure calls for the creation of a buffer zone (no construction area) that is expected to protect the nest site such that there would be no take and no violation of California Department of Fish and Game Code regulations governing birds (Sections 3503 and 3513) and/or the Migratory Bird Treaty Act. If purple martins are nesting under the El Camino Avenue or Arden Way overpasses, compliance with this mitigation measure would also

ensure that the birds' access to nesting materials would not be disturbed during the nesting season.

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

Impact:

BIO-4. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area) could affect wetlands, waters of the US, or waters of the State. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

BIO-4.1 Avoidance of Wetlands. The City of Sacramento shall ensure no-net loss of the function or value of all jurisdictional wetlands. This can be achieved through avoidance measures to avoid direct impacts on preserved wetland habitat or other jurisdictional "waters of the U.S." These measures shall include, but are not limited to, the following:

- A four-foot-tall, brightly colored (usually orange or yellow) synthetic mesh material fence (or an approved equivalent) shall be installed a minimum of 50 feet outside the edge of any wetland habitats in the immediate vicinity of proposed construction areas. In addition to the orange construction fencing, silt fencing shall be placed next to the orange fence to further protect the wetland from runoff or other potential pollutants. Prior to initiation of construction activities, a qualified biologist shall inspect the protective fencing to ensure that all wetland features have been appropriately fenced. During construction, no encroachment into fenced areas shall be permitted and the fence shall remain in place until all construction activities have been completed.
- Staging areas shall be located a minimum of 100 feet away from wetland habitats. Temporary stockpiling of excavated or imported material shall occur only in project approved construction staging areas. Excess excavated soil shall be disposed of at a regional landfill or at another approved and/or properly permitted location. Stockpiles that are to remain on the site throughout the wet season shall be protected to prevent erosion.
- The wetlands not directly affected by construction activities shall be protected using Best Management Practices erosion control techniques.

Finding:

Before construction occurs within portions of the Swanston TVSP project area that

could support potentially jurisdictional wetlands and other waters of the U.S. (i.e., the drainage ditch on the undeveloped parcel at the northwest corner of Green Street and Calvados Avenue and topographic depressions identified along the UP tracks within the UP right-of-way), a wetland delineation shall be conducted and verified by the Corps. Implementation of Mitigation Measure BIO-4.1 would ensure that no net loss of the function or value of wetlands would occur. Compliance with this measure would mitigate potential impacts on wetland habitats or other waters of the U.S. If avoidance is not possible, then the conditions and mitigation requirements established by the Corps 404 permit shall apply and be implemented by the project applicant seeking to fill the wetland or other waters of the U.S.

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

Impact:

BIO-6. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area), in combination with other development, could result in a cumulative loss of biological resources. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

- BIO-2.1 Preconstruction Surveys and Protection Measures for Nesting Birds.
- BIO-3.1 Construction Limits Around the Purple Martin Nests.
- BIO-4.1 Avoidance of Wetlands.

Finding:

Implementation of Mitigation Measures BIO-2.1 and BIO-3.1 would reduce potential direct effects on migratory bird species by identifying occupied nests, delaying construction if necessary, and providing a buffer zone (no construction area) around occupied nests to ensure that no take or destruction of nests or eggs occurs. Because these mitigation measures reduce impacts to nesting birds, their young and eggs, the proposed Swanston TVSP project would not contribute to other losses locally or regionally; therefore, the impact of the proposed Swanston TVSP project would not be cumulatively considerable. In addition, protection of migratory bird species is required by state and federal laws, so that other projects in the City and region would also have to implement measures to reduce their individual impacts.

Implementation of Mitigation Measure BIO-4.1 would reduce the impacts of the Swanston TVSP project on potential wetlands and other waters of the U.S. and also reduce the contribution of the proposed Swanston TVSP project to the cumulative impact on biological resources to a level that is less than considerable. Section 404 of the Clean Water Act would similarly apply to other projects that could disturb wetlands, so that cumulative impacts on wetlands and other waters of the U.S. would be less than

significant. Under the Nationwide and Individual Permits issued pursuant to Section 404, project applicants are required to mitigate for wetland loss; mitigation can be required to replace wetland acreage at greater than a 1 to 1 ratio, meaning that more wetland acreage can be created than is lost. The net result is a no net loss of wetland habitat.

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

IMPACT CATEGORY: CULTURAL RESOURCES

Impact:

CR-2. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area) would not be expected to cause a substantial change in the significance of an archeological or paleontological resource because such development would be subject to the City's Historic Preservation Ordinance. Nevertheless there may be unknown resources encountered that could be adversely affected by future development. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP) :

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

CR-2.1 Treatment of Unexpected Archaeological Resources. In the event that any prehistoric or historic-period subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/ construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City of Sacramento Development Services Department and the City's Preservation Director shall be notified within 24 hours. The project applicant shall retain an archeologist who meets the Secretary of the Interior's professional qualifications for Archeology. The City Preservation Director shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archeological Documentation.

If Native American archeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted.

When historic archeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.

CR-2.2 Cessation of Construction if Human Remains Encountered. If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Sacramento Development Services Department shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

CR-2.3 Treatment of Unexpected Paleontological Resources. Should paleontological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Sacramento Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Sacramento Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Finding:

Mitigation Measures CR-2.1, CR-2.2, and CR-2.3 above provide discovery and evaluation procedures for any previously unknown archeological or paleontological resources in the Swanston TVSP project area and require that a professional employ data recovery or other methods that meet the Secretary of the Interior's Standards to

reduce impacts on unique archeological and paleontological resources. The Secretary of the Interior's Standards are the nationwide basis for determining whether surveys, restoration, and rehabilitation efforts maintain the integrity of the resource, and compliance with these standards will be protective of the resources. All development is required to comply with the standards; therefore, the cumulative impact is less than significant.

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

Impact:

CR-3. The proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area), in combination with other development in the Central Valley, could cause a substantial change in the significance of a historical or archeological resource as defined in CEQA Guidelines Section 15064.5. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

CR-2.1 Treatment of Unexpected Archaeological Resources.

CR-2.2 Cessation of Construction if Human Remains Encountered.

Finding:

Implementation of Mitigation Measures CR-2.1 and CR-2.2 provides for the treatment and protection of previously unknown archaeological resources discovered during the course of construction and would therefore reduce the project's contribution to the cumulative loss of archeological resources to a less-than-significant level. The Secretary of the Interior's Standards are the nationwide basis for determining whether surveys, restoration, and rehabilitation efforts maintain the integrity of the resource, and compliance with these standards will be protective of the resources. All development is required to comply with the standards; therefore, the cumulative impact is less than significant.

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

Impact:

CR-4. The proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area), in combination with other development in the Central Valley, could cause a substantial change in the significance of a paleontological resource or site or unique geologic feature. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

The following mitigation measure (description is presented above) has been adopted to address this cumulative impact:

CR-2.3 Treatment of Unexpected Paleontological Resources.

Finding:

Implementation of Mitigation Measure CR-2.3 provides for the treatment and protection of previously unknown paleontological resources discovered during the course of construction and would therefore reduce the project's contribution to the cumulative loss of paleontological resources to a less-than-significant level. The Secretary of the Interior's Standards are the nationwide basis for determining whether surveys, restoration, and rehabilitation efforts maintain the integrity of the resource, and compliance with these standards will be protective of the resources. All development is required to comply with the standards; therefore, the cumulative impact is less than significant.

There are no unique geologic features within the Swanston Station Transit Village Specific Plan boundaries. Therefore, the project would not contribute to a cumulative loss of such features.

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

IMPACT CATEGORY: HAZARDOUS MATERIALS

Impact:

HM-1. Construction and development that could occur within the Swanston TVSP project area (Strategic Plan area and Long-Term Plan area) could expose people to previously unidentified sources of potential health hazards, such as soil or groundwater contamination, from historic on or off-site uses. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

HM-1.1 Remediation Plan for Contaminated Soils or Groundwater and Site Health and Safety Plan. In the event that previously unidentified underground storage tanks or other features or materials that could present a threat to human health or the environment are discovered during excavation and grading, construction in that immediate area shall cease immediately, a State Registered Environmental Assessor shall evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including if necessary, the preparation of a site remediation plan.

In the event that site inspections find evidence of contamination, waste discharges, underground storage tanks, abandoned drums, or other environmental impairments, the Sacramento County Environmental Management Department (SCEMD) shall be notified. A site remediation plan shall be prepared that (1) specifies measures to be taken to protect workers and the public from exposure to potential site hazards, and (2) certifies that the proposed remediation measures would clean up the contaminants, dispose of the wastes, and protect public health in accordance with federal, state, and local requirements. In the event contaminated groundwater is identified, any discharges to the sewer shall be in accordance with the City Department of Utilities Engineering Services Policy No. 0001, adopted as Resolution No. 92-439 by the Sacramento City Council.

In addition, a site health and safety plan, which meets the intent of OSHA hazardous materials worker requirements (CCR Title 8), shall be prepared by a qualified professional and in place prior to commencement of site-disturbing activities associated with the investigation and/or remediation. The project applicant, through the project contractor, shall ensure proper implementation of the health and safety plan.

Commencement of work in the areas of potential hazards shall not proceed until all identified hazards are managed to the satisfaction of the City and SCEMD and the SCEMD allows work to commence.

Finding:

Implementation of Mitigation Measure HM-1.1 for the Swanston TVSP project would reduce impacts related to exposure to contaminated soils or groundwater. The mitigation outlines a specific set of tasks to be followed to ensure acceptable risks to construction workers, the public, and the environment from exposure to environmental contamination. If such contamination is encountered during construction, activities in the area would be halted immediately, and a State Registered Environmental Assessor would evaluate the type and extent of the hazardous materials contamination. If hazardous materials are identified, then other regulatory agencies would be notified and the State Registered Environmental Assessor would prepare a site remediation plan that identifies the appropriate measures to clean up the site in accordance with local, state, and federal requirements. Resumption of construction activities in the vicinity of the environmental contamination would not be allowed until the City and the SCEMD deem such activities to be safe.

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

Impact:

HM-2. Construction and/or operation of development that could occur within the Swanston TVSP project area (Strategic Plan area and Long-Term Plan area) could expose workers, the public, and the environment to potential health hazards from lead-based paint, asbestos, and/or PCBs. Without mitigation, this is a potentially significant

impact.

Mitigation Measure (from MMP) :

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

HM-2.1 Investigation of Buildings for Lead, ACM, or PCBs. Prior to demolition of any structure in the Swanston TVSP project area, the project applicant shall ensure that each structure to be demolished has been investigated for the presence of lead-based paint, ACM, or PCBs. If the investigation finds lead-based paint, ACM, or PCBs at unacceptable levels as set by local and state standards, the project applicant shall ensure that all recommendations for the removal of these hazardous building materials are carried out prior to demolition in accordance with applicable regulations and standards, and by suitable contractors certified by the California Department of Health Services. Once all abatement measures have been implemented, the project applicant shall provide written documentation to the City that lead-based paint, ACM, and PCB testing, abatement, and/or removal has been completed in accordance with state and local laws and regulations.

Finding:

Implementation of Mitigation Measure HM-2.1 for the Swanston TVSP project would reduce impacts related to exposure to hazardous building components. The mitigation outlines a specific set of tasks to be followed to ensure acceptable risks to construction workers, the public, and the environment from exposure to hazardous building materials and components. If such materials or components are encountered in the investigation that must be conducted prior to demolition or renovation, a State certified contractor must perform the removal and disposal of the hazardous materials. Written documentation is required to prove that the abatement measures have been implemented.

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

IMPACT CATEGORY: HYDROLOGY AND WATER QUALITY

Impact:

HY-5. Development that could occur under the proposed Swanston TVSP project (Strategic Plan and Long-Term Plan areas) would generate stormwater that would exceed the capacity of the stormwater system. Provisions of the proposed Swanston TVSP project would encourage stormwater control and treatment, but would not ensure that adequate stormwater capacity exists to serve future development. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

Implementation of either of the following mitigation measures would ensure that adequate stormwater detention is provided by new development prior to occupancy.

HY-5.1 Construction of Recommended Stormwater Detention Basins. The City shall identify a mechanism to fund the construction of the required detention basins by requiring individual project applicants to pay their fair share towards the improvement. Funds from this mechanism shall be used to pay for the drainage improvements identified in the Swanston Station Specific Plan. Funding mechanisms identified for consideration in the Swanston Station Specific Plan include impact fees, utility user fees, and regional and federal grants(the improvements would be implemented at a schedule to be determined by the City.

or

HY-5.2 On-site Stormwater Detention. Project applicants shall provide on-site stormwater detention to ensure that peak runoff from the project site will not exceed existing runoff volumes, until the required detention basins are constructed.

Finding:

Implementation of either Mitigation Measure HY-5.1 or Mitigation Measure HY-5.2 for the Swanston TVSP project would ensure that adequate stormwater detention is provided by new development prior to occupancy. The stormwater drainage and detention facilities would be constructed in accordance applicable codes, City ordinances, and City standards. The recommended improvements to accommodate the stormwater flows are contained in a "West Yost & Associates Report" prepared for the City. The Swanston TVSP also contains alternatives to some of the facilities identified in the West Yost & Associates Report, where the sites for the proposed facilities are no longer available. Implementation and extension of the recommended utility infrastructure would be constructed prior to occupancy, which would avoid development occurring with inadequate stormwater conveyance and detention capacity.

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

IMPACT CATEGORY: NOISE

Impacts:

NO-4. Development that could occur within the Strategic Plan area could permanently expose sensitive receptors to increased noise produced by on-site stationary sources. Without mitigation, this is a potentially significant impact.

NO-7. Development that could occur within the Long-Term Plan area could permanently expose sensitive receptors to increased noise produced by on-site stationary sources. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

The following mitigation measures have been adopted to address these impacts:

NO-4.1 HVAC Noise Control. Prior to the issuance of building permits, development applicants shall submit engineering and acoustical specification for a project's mechanical HVAC equipment to the Planning Director demonstrating that the equipment will control its noise emissions to the degree specified under the appropriate provision of the Sacramento General Plan or Municipal Code.

NO-4.2 Garbage Disposal and Loading Dock Noise Reduction. Garbage storage areas and building loading docks shall be sited to allow adequate separation or shielding to protect adjacent noise-sensitive uses from noise emissions associated with truck pickup and delivery activity. Prior to the issuance of building permits, the project applicants shall submit acoustical studies to the Planning Director demonstrating that noise emissions from truck activities will be controlled to the degree specified by the appropriate provisions of the Sacramento General Plan or Municipal Code.

NO-4.3 Other Stationary Source Noise Reduction. Noise generating stationary equipment associated with proposed commercial uses, including portable generators, compressors, trash compactors, etc. shall be enclosed or acoustically shielded to reduce noise-related impacts to nearby noise-sensitive uses. Prior to the issuance of building permits, the project applicants shall submit acoustical studies to the Planning Director demonstrating that noise emissions from all significant on-site stationary sources of noise will be controlled to the degree specified by the appropriate provisions of the Sacramento General Plan or Municipal Code.

Finding:

Implementation of Mitigation Measures NO-4.1, NO-4.2, and NO-4.3, where specified by each individual project's CEQA review or as established through project review prior to the issuance of a building permit, would substantially reduce predicted noise levels at noise sensitive receptors by requiring appropriate noise attenuation devices and/or placement of noise-emitting equipment to ensure that operational stationary noise levels would not exceed the requirements of the appropriate provisions of the Sacramento General Plan or Municipal Code. These mitigation measures identify the desired level of noise attenuation, possible methods for achieving the noise reduction, and the role of the City's Planning Director for reviewing the noise mitigation and incorporating them into project design prior to issuance of a building permit. As such, the measures would collectively reduce noise exposure levels at nearby sensitive receptors to those considered acceptable by the City's General Plan or Municipal Code.

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

Impact:

NO-6. Development that could occur within the Long-Term Plan area could expose sensitive receptors to increased noise levels. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

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

NO-6.1 Residential Construction and Uses near I-80 Business Loop. Proposed new residential construction and uses within 500 feet of the I-80 Business Loop (based on Traffic Noise Model estimates for receptors with an unobstructed line-of-sight to the freeway) shall incorporate special construction measures as determined by acoustic study to ensure that interior noise levels from project and other anticipated noise sources are within the City's General Plan standards.

NO-6.2 Residential Construction and Uses near Rail Operations. Proposed new residential uses within 350 feet of the LRT tracks or within 750 feet of the Union Pacific tracks (based on FTA screening distances without intervening structures) shall incorporate special construction measures as determined by acoustic study to ensure that interior noise levels from project and other anticipated noise sources are within the City's General Plan standards.

Finding:

Implementation of the Mitigation Measures NO-6.1 and NO-6.2, where specified by each individual project's CEQA review or as established through project review prior to the issuance of a building permit, would substantially reduce predicted noise levels at noise sensitive receptors by requiring appropriate special construction measures to ensure that noise levels would not exceed the Sacramento General Plan standards. These mitigation measures identify the need for a specific acoustic study, the purpose of which will be to define methods for achieving the noise reduction to the applicable City General Plan noise standard. As such, the measures would collectively reduce noise exposure levels at future sensitive receptors in proposed residential areas to those considered acceptable by the City's General Plan.

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

Impact:

NO-8. Development that could occur within the Long-Term Plan area could expose sensitive receptors to excessive vibration levels. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

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

NO-8.1 Buffer Zones or Structural Measures to Reduce Vibration Levels. The City shall exclude proposed residential uses within 150 feet and 200 feet of the LRT and UPRR tracks, respectively; or prior to issuance of building permits for residential structures within 150 feet and 200 feet of the LRT and UPRR tracks, respectively, the

project applicants shall submit to the City for approval a report specifying the vibration reduction measures that will be incorporated into their structural design to reduce vibration impacts to acceptable levels.

Finding:

Implementation of the Mitigation Measure NO-8.1, where specified by each individual project's CEQA review or as established through project review prior to the issuance of a building permit, would substantially reduce predicted vibration levels at sensitive receptors by requiring appropriate buffer distances from the operating rail lines or special construction measures to ensure that vibration levels would be attenuated to acceptable levels. This mitigation measure identifies the need for a specific acoustic study, the purpose of which will be to define methods for achieving the vibration reduction considered acceptable by the City. As such, the measure establishes a logical process for assessing the magnitude of the impact and incorporating appropriate reduction measures into the structural design of future buildings, prior to issuance of a building permit.

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

IMPACT CATEGORY: UTILITIES

Impacts:

UT-2. Development that could occur within the Strategic Plan area would result in the generation and discharge of additional wastewater. While the projected increase in wastewater flows would not require modifications at the SRWTP, the projected increase in wastewater flows would require improvements to the wastewater conveyance system. Without mitigation, this is a potentially significant impact.

UT-7. Development that could occur within the Long-Term Plan area would generate additional wastewater flow in the City of Sacramento and SASD service areas. While the projected increase in wastewater flows would not require modifications at the SRWTP, the projected increase in wastewater flows would require improvements to the wastewater conveyance system. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

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

UT-2.1 Sewer Study and Necessary Improvements. Prior to occupancy of new development, project applicants shall perform individual sewer studies to confirm that wastewater lines that serve the project as well as downstream would operate acceptably in accordance with Section 9 of the City Design Standards. If the sewer study determines that a project would result in capacity deficiencies that would not comply with the City's standards, then a corrective program shall be required. The

program shall include participation by the project applicant and result in improvements that enable the wastewater collection system to satisfy the City's design standards.

Finding:

Implementation of the Mitigation Measure UT-2.1 would reduce downstream impacts to the wastewater collection system. This mitigation measure identifies the need for specific sewer studies, the purpose of which will be to determine whether the projected wastewater flows would be handled in a manner complying with the City standards. If not, then a corrective program shall be required to enable the wastewater collection system to satisfy City standards. As such, the measure establishes a logical process for assessing the magnitude of the impact and incorporating appropriate improvements to the wastewater collection system, prior to occupancy of new development.

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

Impact:

UT-8. Development that could occur within the Long-Term Plan area would not exceed available sources of water supply. While the projected increase in water demand would not require modifications to water supply deliveries or the City's water treatment plants, improvements to the wastewater conveyance system would be necessary. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

UT-3.1 Hydraulic Modeling and Necessary Improvements. Prior to occupancy of new development, project applicants shall perform hydraulic modeling to confirm that water main sizes are adequate to meet the following City standards:

- A maximum velocity of 10 feet per second
- Fire flow demands of:
 1. 1,500 gallons per minute for single-family
 2. 2,000 gallons per minute for multi-family
 3. 3,000 gallons per minute for commercial/industrial

The hydraulic modeling shall be submitted to the City's Department of Utilities for confirmation and approval. If the hydraulic modeling indicates that improvements to the water distribution system are needed, these improvements will become conditions of project approval. As appropriate, major improvements that benefit a number of property owners may be funded through the City's Capital Improvement Program; otherwise, the Department of Utilities might require project applicants to improve the system on their own.

Finding:

Implementation of the Mitigation Measure UT-3.1 would reduce impacts to the water distribution system. The City has sufficient treatment capacity to serve development that could occur within the Long-Term Plan area. On-site water conveyance and delivery improvements are included in the project design and would be approved by the Department of Utilities prior to installation. However, hydraulic modeling is recommended to be performed for the study area to confirm that the main sizes would be adequate to meet City standards. This mitigation measure identifies the necessary hydraulic modeling, the purpose of which will be to determine whether the projected potable water demand and fireflows would be handled in a manner complying with the City standards. If not, then a corrective program shall be required to enable the water distribution system to satisfy City standards. The study will be subject to approval by the City's Department of Utilities. As such, the measure establishes a logical process for assessing the magnitude of the impact and incorporating appropriate improvements to the water distribution system, as conditions of project approval, and implementing necessary upgrades, prior to occupancy of new development.

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

Impact:

UT-13. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area), in combination with other development within the City's service area, would contribute to cumulative demand on water supply treatment and distribution facilities throughout the City that exceeds the estimated capacity of the water treatment plants and sustainable withdrawal from the groundwater. Without mitigation, this is a potentially significant impact.

Mitigation Measures (from MMP):

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

UT-13.1 Maximum Day Demand Conservation in the Proposed Swanston TVSP Project. The City's 2006 UWMP presents three future demand projection scenarios spread over a 25-year planning horizon, they include a "no conservation" scenario, a 7.5 percent conservation scenario, and a 25.6 percent conservation scenario.

Assuming that as a mitigation measure the Strategic Plan area could achieve 7.5 percent conservation in average day demands, this would roughly save approximately an annual average of 7,189 gpd and reduce average annual demands to 99.44 AFA down from the calculated demand of 107.9 AFA for a savings of 8.06 AFA. The conservation savings achieved in the Swanston TVSP project area would not reduce the maximum day demands enough to overcome the 2020 citywide capacity deficit; therefore, this ultimately is a citywide issue and the City would be need to the address future potential maximum day demand deficit on a larger scale to reduce the

potentially significant cumulative impact to a less-than-significant level.

UT-13.2 Diversion and WTP as Cost-sharing Partner in Sacramento River Water Reliability Study. The City is a partner on the Sacramento River Water Reliability Study, which is investigating alternatives for an additional 365 cfs (235 MGD) diversion on the Sacramento River and an associated water treatment facility. The City would have access to 145 MGD of the available 235 MGD. The 145 MGD diversion and WTP alternative included in the SRWRS would avoid any future capacity deficits. Upon implementation of this new diversion and WTP plant project, the potentially significant cumulative impact would be reduced to a less-than-significant cumulative impact.

UT-13.3 City of Sacramento Only Sacramento River Diversion and WTP. Another mitigation option would be for the City to be the sole operator of the second Sacramento River diversion and Elverta Road WTP project. Under this option, the diversion and WTP would be scaled down to provide the additional capacity needed to meet only the City's maximum day demands when diversion limitations apply at FWTP under the City WFA PSA. As presented in the SRWRS, the City would most likely construct capacity to divert roughly 235 cfs and could treat up to 145 MGD at the new WTP. This new diversion and WTP would avoid any future maximum day capacity deficits through 2030 and beyond. This was presented as one of the alternatives in the SRWRS; therefore, it is reasonable to assume this as a feasible mitigation measure. Upon implementation of this diversion and WTP project, the potentially significant cumulative impact would be reduced to a less-than-significant cumulative impact.

UT-13.4 Increased Groundwater Pumping. The City maintains 32 wells for potable use; 23 wells are actively used to supply drinking water. The total capacity of the wells is approximately 22 MGD and producing up to 24,000 AFA. In 2000 - 2005 the City's annual average groundwater pumping was 22,992 acre-ft.

The average annual demand of development that could occur within the Strategic Plan area is estimated at 0.05 MGD. In comparison to citywide demands of 325 MGD in 2020 and up to 402 MGD in 2030 above-Hodge conditions, the proposed Swanston TVSP project's demand contribution is less than considerable. Nonetheless, under a dry year scenario, the project would increase demand on the City's water system infrastructure. In an effort to minimize the project's demand, the project could add new wells to the City's groundwater system paid for through developer or other water connection fees. Assuming a new groundwater well could pump roughly 1,000 gpm or 1.44 MGD, one new well would be needed to meet the project's peak day demands and offset the demand placed on the City's water system. Furthermore, each new project would have to pay their fair share to fund new groundwater wells to offset project-specific demands.

The City's water supply infrastructure is designed to serve the entire citywide service area and new infrastructure ties into the existing system to meet both average and maximum day demands. The City supplements the surface water capacity by pumping groundwater to meet the maximum day demands. If no surface water diversion and treatment capacity is added by 2025, the City would need to more than double the peak day pumping rate to meet customer demands. This could not be achieved with the

current well capacities and new wells would have to be installed.

Upon implementation of this mitigation measure, the potentially significant cumulative impact would be reduced to a less-than-significant cumulative impact. This analysis assumes that additional wells would be installed in the SGA groundwater area.

IMPACT CATEGORY: TRANSPORTATION

Impact:

TR-13. Development that could occur within the Long-Term Plan area would have a potentially significant impact on study intersections in the Swanston TVSP project area. Without mitigation, this is a potentially significant impact.

Mitigation Measure (from MMP):

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

TR-13.1 The City through its development and environmental review processes will continue to evaluate the conformance of future development applications with the proposed Swanston TVSP project, identify the potential impacts stemming from the proposed development, and impose fees, mitigation measures, or other conditions of project approval, as necessary, to reduce the traffic impacts of future development.

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

Finding:

The vision for the study area, over the 50 year planning horizon, is to transition from a typical low-density, auto oriented suburb to something more akin to the development surrounding the mid-town Sacramento area. The area around the light rail station would become more developed, with higher density development, and more of a mixture of land uses in close proximity to each other. The components of the transit-oriented development, the individual pieces that would make it work, would also come with time. These pieces include improved sidewalks, bike infrastructure, amenities such as street lighting and shade trees, and shower facilities in offices. Gradually, it would become more feasible to use alternative modes, such as walking, biking, and public transit, instead of the automobile for every trip. There would be more people living and working in the same amount of space. At some point it would become easier to walk across the street for lunch, than to get in a car and drive somewhere. At that point, it is estimated that the majority of trips made by those living and working within the Swanston TVSP project area would be by alternative modes. Although the level of development may increase with time, the number of auto trips per unit of development, whether per household or per square foot of commercial development, would be significantly reduced.

By the same token, the level of through auto traffic on the surrounding roadway

network, especially El Camino Avenue, Arden Way, and Del Paso Boulevard, is expected to continue to rise. However, the study area's contribution to traffic levels on these roadways and their intersections is expected to remain steady, or decline.

It is recognized that the future baseline conditions against which the actual impacts of development that could occur within the Long-Term Plan area may be different than the conditions and patterns that exist as forecast throughout the Strategic Plan area. Accordingly, significant intersection impacts may occur. The tools available to the City to identify and reduce these effects may be different in the future; however, at this point, it is reasonable to anticipate that the City will continue to review development applications and impose conditions of project approval, mitigation measures, and impact fees that would reduce the project's effects. As described above, the gradual transformation of the area to a transit-oriented development that emphasizes alternative modes and reduce vehicle trips would further reduce the potential effects of Swanston TVSP land uses on intersection congestion. For these reasons, the potentially significant cumulative impact would be reduced to a less-than-significant cumulative impact.

B. Significant or Potentially Significant Impacts for which Mitigation is Outside the City's Responsibility and/or Jurisdiction.

There are no significant or potentially significant environmental effects of the Project for which mitigation relies on entities outside the City's responsibility and/or jurisdiction.

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

There are no significant or potentially significant environmental effects of the Project for which mitigation is determined to be infeasible.

D. Significant and Unavoidable Impacts.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section G, the statement of overriding considerations.

IMPACT CATEGORY: AIR QUALITY

Impacts:

AQ-6. Development that could occur under the Long-Term Plan would generate operational emissions of ozone precursors that may exceed SMAQMD standards.

Without mitigation, this is a significant impact.

AQ-8. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area) would make a cumulatively considerable contribution to regional ozone precursor emissions and so in combination with emissions from other developments would have a significant cumulative impact on regional ozone levels. Without mitigation, this is a significant impact.

Mitigation Measures (From MMP):

The following mitigation measures have been identified to address this project and cumulative impact:

As individual projects are considered pursuant to the Long-Term Plan, they would be required to comply with the SMAQMD Guide in order to reduce the reactive organic gases (ROG) and nitrous oxides (NOx) emissions by 15-percent. The SMAQMD prepared a list of measures and corresponding reduction credits that can be applied to meet the required reduction. The measures identified in SMAQMD's Guide in Table E-2 represent strategies for reducing operational emissions. It is noteworthy that the Swanston TVSP project contains specific policies and guidelines that would implement a number of these measures (italicized measures below are already proposed by the proposed Swanston TVSP project) and would therefore reduce many of the potential operational air quality impacts that might otherwise occur. As future individual development projects occur, they could include other measures from this list, or new ones that may be identified in future updates to the SMAQMD's Guide.

Bicycle/Pedestrian/Transit Measures

1. Non-residential projects provide bicycle lockers and/or racks
2. Non-residential projects provide personal showers and lockers
3. Bicycle storage (Class I) at apartment complexes or condos without garages
4. *Entire project is located within ½ mile of an existing Class I or Class II bike lane and provides a comparable bikeway connection to that existing facility*
5. *The project provides for major pedestrian facilities and improvements such as overpasses and wider sidewalks*
6. Bus service provides headways of 15 minutes or less for stops within ¼ mile; project provides essential bus stop improvements (i.e., shelters, route, information, benches, and lighting)
7. *High density residential, mixed, or retail/commercial uses within ¼ mile of light existing transit, linking with activity centers and other planned infrastructure*

Parking Measures

8. Employee and/or customer paid parking system (no validations)
9. Provide minimum amount of parking required
10. Provide parking reduction: Office 25%, Medical office 8%, Commercial 5%, Industrial 10%. Additional 10-20% if located along transit station (special review of parking is required).
11. Provide grass paving or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard paving by 10% or more
12. Increase parking lot shading by 20% over code
13. Provide electric vehicle charging facilities
14. *Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances*

Commercial Building Design Measures

15. Office floor area ratio is 0.75 or greater within ¼ mile of an existing transit stop.
16. Setback distance is minimized between development and existing transit, bicycle, or pedestrian corridor
17. Setback distance is minimized between development and planned transit, bicycle, or pedestrian corridor

Residential Development Measures

18. *Average residence density 7 d.u. per acre or greater*
19. *Multiple and direct street routing (grid style)*
20. Granny Flats – Have ancillary “granny units” (requires Special Development Permit but no Accessory Structure Use Permit)

Mixed Use Measures

21. *Development of projects predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site. A “single site” may include contiguous properties.*
22. *Separate, safe, and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses.*
23. *The project provides a development pattern that eliminates physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential*

uses that impede bicycle or pedestrian circulation.

Building Component Measures

24. Install only natural gas fireplaces
25. Install Energy Star or ground source heat pumps.
26. Install ozone destruction catalyst on air conditioning systems in consultation with SMAQMD or local district
27. Install Energy Star labeled roof materials.
28. Install roof photovoltaic energy systems as a standard feature on new homes.
29. Exceed Title 24 energy standards for cooling energy by 25% or comply with SMUD Advantage (Tier II) energy standards.
30. Exceed Title 24 energy standards for cooling energy by 50%, or comply with SMUD Advantage Plus (Tier III) or EPA/DOE Energy Star Home energy standards.
31. Orient 75 or more percent of homes and/or buildings to face either north or south (within 30 degrees of N/S), and include shading master plan.

TDM and Miscellaneous Measures

32. Include permanent TMA membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other nonrevocable funding mechanism.
33. Make physical development consistent with requirements for neighborhood electric vehicles.
34. Implement Clean Air Business Practices such as using low-emission delivery vehicles, contract with alternative-fuel waste hauling companies, etc., in consultation with SMAQMD.
35. Provide electric shuttle to transit stops.
36. Provide a complimentary cordless electric lawnmower to each residential buyer.
37. Transit pass subsidy (100%) and/or commute alternative allowance.

Innovative Strategies

38. Other proposed strategies in consultation with SMAQMD.

Finding:

Even with the inclusion of site planning, alternative travel modes, and design features recommended by the SMAQMD, the Swanston TVSP project would generate considerable ROG and NO_x emissions. Other foreseeable development in the SVAB would be expected to also comply with the SMAQMD recommendations; however, even if the 15 percent operational emissions reduction is achieved, the threshold of 65 pounds per day may still be exceeded. While the above measures can substantially reduce air emissions, their effectiveness at reducing emissions for a particular project that would occur far in the future is somewhat speculative. Furthermore, it is not possible to anticipate the size, scope, and intensity of a particular development project that may occur in the Long-Term Plan area or elsewhere in the City, and, thus, the ability to control ozone precursors to a less-than-significant level remains undetermined. The City has taken a conservative position on this effect and determined that the mitigation measures may not be sufficient to reduce air emission levels to less than significant.

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

Impact:

NO-2. Development that could occur under the proposed Swanston TVSP project (Strategic Plan area and Long-Term Plan area) would temporarily increase levels of ground-borne vibration as a result of construction activities associated with the development. Without mitigation, this is a significant impact.

Mitigation Measure (from the MMP):

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

NO-2.1 Vibration Reduction Practices for Pile Driving. For pile driving within 100 feet of an existing building, project applicants shall implement vibration reduction practices, such as drilling pilot holes for piles, to the extent feasible, prior to commencement of impact pile driving. Prior to issuance of a building permit, project applicants shall submit to the City for approval a report specifying the vibration reduction practices that will be implemented and the estimated vibration reduction potential of such practices.

Finding:

Even with the inclusion of site planning, alternative construction techniques, and notification of nearby land uses, construction that could occur in the Swanston TVSP project area could expose nearby uses to excessive vibration levels, especially if pile driving were to be required for installation of foundations. While alternative construction techniques can substantially reduce vibration levels, the proximity of uses in the project area may mean that building occupants may still be significantly annoyed and building damage could occur. The City has taken a conservative position on this effect and determined that the mitigation measures may not be sufficient to reduce vibration levels to less than significant.

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

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

Based on the EIR and the entire record before the City Council, the City Council I 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:

Finding:

The proposed land uses that would occupy the Swanston TVSP project area would have the following long-term implications:

- Development that could occur in accordance with the proposed Swanston TVSP project would result in the commitment of the Swanston Station Transit Village Specific Plan area (Swanston TVSP project area) to more transit-oriented development, thereby precluding any other uses for the lifespan of the project. Restoration of the Swanston TVSP project area to a less developed condition would not be feasible given the degree of disturbance, the urbanization of the area, and the level of capital investment.
- While the proposed Swanston TVSP project could result in the use, transport, storage, and disposal of hazardous wastes, as described in Section 6.6, Hazards and Hazardous Materials, these activities would comply with applicable state and federal laws related to hazardous materials, which significantly reduce the likelihood and severity of accidents that could result in irreversible environmental damage. Furthermore, the types of uses envisioned by the proposed Swanston TVSP project are residential and commercial uses that do not use, handle, store, or dispose of large volumes of hazardous materials. These uses involve typical household-type hazardous materials, and are not considered acutely hazardous.
- Development that could occur in accordance with the proposed Swanston TVSP project would result in the long-term commitment of resources to urban development, which is no different than current proposals under the existing General Plan. The most notable significant irreversible impacts are increased generation of pollutants, and the short-term commitment of non-renewable and/or slowly renewable natural and energy resources, such as water used during construction activities. Operations associated with future uses would also consume natural gas and electrical energy.
- Resources that would be permanently and continually consumed by development that could occur in accordance with the proposed Swanston TVSP project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or

wasteful use of resources. With respect to operational activities, compliance with applicable building codes, planning policies, and standard conservation features would ensure that natural resources are conserved to the maximum extent possible.

- Construction activities associated with development that could occur in accordance with the proposed Swanston TVSP project would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment.

Finding:

One of the important premises of a transit-oriented development plan is the promotion of a pedestrian friendly environment and a land use pattern that is supportive of transit accessibility and ridership. The higher intensity land use pattern promoted by the proposed Swanston TVSP project should help reduce use of fossil fuels that would otherwise be consumed by automobile trips. It is also possible that new technologies or systems will emerge, or will become more cost-effective or user-friendly, to further reduce the reliance upon nonrenewable natural resources.

The following objectives, achieved in implementing the Swanston TVSP project, are considered to result in the maintenance and enhancement of long-term productivity of the environment:

1. Create transit-oriented, pedestrian-friendly, mixed-use and residential development adjacent to the Sacramento Regional Transit light rail line and Swanston and Royal Oaks light rail stations;
2. Guide future development and revitalization within the area towards land uses that support transit ridership, and provide needed housing, employment opportunities, and neighborhood supporting retail uses;
3. Develop recommendations and guidelines for design and development of land use and infrastructure development within the Swanston Station Transit Village Specific Plan area;
4. Incorporate meaningful community input into every stage of the process by exchanging, sharing ideas and collaborating with interested groups, property owners, individuals, and other agencies active in the Swanston area;
5. Identify the infrastructure needs, cost estimates, phasing, and implementation programs to realize the vision of the Swanston Station Transit Village Specific Plan;
6. Provide transit and neighborhood and community retail near residential development to shorten or reduce the number of vehicle trips;
7. Improve the pedestrian, bicycle, and automobile circulation and access of the Swanston Light Rail Station Area and vicinity;

8. Incorporate urban parks, plazas and open space into the project design in a manner that provides community connectivity;
9. Develop and approve the Swanston Station Transit Village Specific Plan consistent with the City of Sacramento's Smart Growth Principles, the Regional Transit Master Plan, the Transit for Livable Communities Recommendations, the SACOG Blueprint Study, the North Sacramento Redevelopment Plan, and the goals of the North Sacramento 2005-2009 Redevelopment Implementation Plan;
10. Increase office and retail job opportunities in the City and the residential component that accompanies such jobs;
11. Create a safe and comfortable transit village, defined by a mix of uses, responsive to current market conditions, and a bicycle and pedestrian friendly environment;
12. In keeping with the City and the Sacramento region's goals to promote public transit ridership, provide higher-density infill residential development, small neighborhood-serving retail, small- to medium-scale professional office uses, and public open space – all within convenient walking distances of the light rail station;
13. Enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels; and
14. Bolster/support private investment through investment in public realm.

F. 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 Swanston TVSP 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 Swanston TVSP 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 Swanston TVSP project 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 Swanston TVSP project site included a mix of 549 attached and detached dwelling units and 200,000 square feet of commercial development.

The proposed Swanston TVSP 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 Swanston TVSP 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 Swanston TVSP 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.

G. 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 TO AVOID OR SUBSTANTIALLY REDUCE AIR EMISSIONS IMPACT

Finding:

The following facts support the rejection of this alternative as infeasible:

1. Ozone precursor emissions are primarily a function of the automobile trips that would be generated by the development that could occur in response to the proposed Swanston TVSP project. New development that could occur in the Swanston TVSP project area would result in about 370 pounds per day of reactive organic gases and about 190 pounds per day of nitrogen oxides, the two key ozone precursor pollutants. The SMAQMD has established a significance threshold of 65 pounds per day for each pollutant.

2. In order to attain the significance threshold, the full development potential of the Swanston TVSP project would need to be limited to about 460 units and 90,000 square feet of commercial space. This level of development would be approximately an 80 percent reduction to the development potential identified for the Swanston TVSP project area and would not achieve the project objectives of creating a vibrant, mixed use, higher intensity community that would be supportive of transit.
3. The resulting residential density would be less than 4 dwelling units per acre, which would be characteristic of a single family subdivision and not a higher density transit-oriented development.
4. The SMAQMD's Guide to Air Quality Assessment requires that projects that exceed the emissions standards for ozone precursors prepare an Air Quality Management Plan that seeks to attain a 15 percent reduction in emissions. Assuming a 15 percent reduction would be considered a "substantial lessening" of the significant and unavoidable air quality impact of the proposed Swanston TVSP project, an alternative that reduced the development potential of the proposed Swanston TVSP project by 15 percent would be a reasonable alternative under CEQA.
5. This reduced sized alternative would consist of about 2,200 new dwelling units and 430,000 square feet of commercial space. The resulting residential density would be about 18 dwelling units per acre, which would be similar to the recently built higher density projects in the Strategic Plan area.
6. However, a goal of the Specific Plan is to revitalize the Swanston TVSP project area into an active, mixed use transit village, and the Specific Plan seeks to achieve this, in part, by redesignating the project area with the Residential Mixed Use and Mixed Use land use designations. Both of these land use designations specify a minimum residential density of 22 dwelling units per net acre. This alternative that would substantially reduce the significant air quality impacts would thus fail to achieve the City's goal of creating a transit village at the desired densities. In fact, the proposed Swanston TVSP project was formulated after extensive community workshops to attain the minimum residential density for a transit village using the proposed land use designations.
7. As a result, this reduced size alternative was considered but rejected because it would not meet the project objectives, and would not be consistent with the lengthy community meetings and discussions that led to the proposed Swanston TVSP project.

ALTERNATIVE TO AVOID OR SUBSTANTIALLY REDUCE CONSTRUCTION VIBRATION IMPACT

Finding:

The following facts support the rejection of this alternative as infeasible:

- The need to pile drive is a function of a site's soil conditions, the underlying soil and

groundwater conditions, and the size of the building. The ground-borne vibration impacts would be temporary and could occur with new development under any other plan alternative – even one involving substantially less development potential.

- Crafting an alternative to substantially lessen a short-term construction impact would involve considering other construction techniques and might make sense for a specific development project, but for a project that serves as a long-term road map for revitalizing and transforming a community, such alternatives would not be appropriate.

Alternatives Studied During the Planning Process

Finding:

The following facts support the rejection of this group of alternatives as infeasible:

- A series of community meetings and visioning workshops were held to solicit public involvement in the design of the Swanston TVSP project area. At these meetings, members of the community participated in a hands-on design charette and discussed the merits of different land uses and development intensities that would be supportive of the above goals. The planning team formulated several alternative land use concept plans to test the advantages and disadvantages of each.
- These alternatives were evaluated for their consistency with pending or foreseeable development applications before the City, their circulation and environmental effects, their ability to support the community's vision for the area, and their responsiveness to anticipated market conditions. Based on these assessments, the community identified a preferred land use scheme and the City directed MIG to develop the supporting policies and implementation strategies to revitalize the Swanston TVSP project area.
- Specifically, two land use schemes, the "Medium Intensity Alternative" and the "Higher Intensity Alternative" were developed based on the general ideas and land use designations from the design charette and community workshops. These alternatives are similar to the proposed Swanston TVSP project in that the basic land use pattern, open space and circulation improvements, utility upgrades, and design guidelines were virtually the same under all future scenarios.
- However, the alternatives studied during the planning process are different than the proposed Swanston TVSP project in their proposed land use densities and scale of development. Both the Medium Intensity Alternative and the Higher Intensity Alternative result in greater population and employment than identified for the proposed Specific Plan. As such, neither of these alternatives would substantially reduce the significant impacts identified for the proposed Swanston TVSP.

Summary of Alternatives Considered

The EIR analyzed only one alternative, the No Project alternative. During the planning process to arrive at the proposed Project, a number of other alternatives were reviewed to provide the community with options regarding development in the project area. Those alternatives were evaluated in technical background reports for potential environmental issues, as well as potential policy conflicts. Based on the evaluations, those alternatives were rejected. Two land use schemes were developed during this process; however, they would result in greater population and employment than identified for the Project. As such, neither alternative would substantially reduce the significant impacts identified for the Project, and therefore, would not qualify as CEQA alternatives.

No Project/No Development Alternative

The “No Project” Alternative is defined by a continuation of the General Plan land use designations and recommendations that were in effect at the time that the Swanston TVSP project was initiated. The City has since updated its General Plan (adopted March 2009). The prior plan that was used to formulate the No Project Alternatives anticipated buildout of the land use designations by 2025. The project area is currently designated for a mix of commercial, office, industrial, residential, and parks/open space land uses. The existing-General Plan land use designations for the Swanston TVSP project area anticipate that the area would be developed largely for employment-based uses, primarily heavy commercial and warehousing west of the tracks and regional commercial and offices east of the tracks. According to the existing land use designations, the theoretical maximum development that could occur in the project area would result in 2,275 dwelling units and nearly 2.3 million square feet of commercial and industrial floor area. This total is a theoretical calculation based on the current land use designations and assumptions about the potential floor area ratios that would apply.¹

FACTS IN SUPPORT OF FINDING OF INFEASIBILITY

Finding:

The following facts support the rejection of this alternative as having greater impacts than the proposed project and being less supportive of the project objectives:

- *Aesthetics.* The proposed Swanston TVSP project includes Design Guidelines to guide future development. The No Project Alternative would not include these aesthetic guidelines; however, a portion of the Swanston TVSP project area west of the UP tracks is located within the North Sacramento Design Review District. While the City's design review districts ensure that new development and redevelopment blend appropriately with the existing neighborhood, the No Project Alternative would not benefit from the additional guidelines and standards articulated in the proposed Design Guidelines of the Swanston TVSP project. These guidelines would create a new image for the project area. This new direction would not occur under the No Project Alternative.

¹ This theoretical buildout assumes that all land within the plan area is developed or redeveloped to the maximum density allowed by the General Plan and does not take into consideration existing uses.

- *Air Quality.* The Swanston TVSP project is a transit-oriented development plan aimed at reducing traffic and thus air emissions. Development that could occur under the proposed Swanston TVSP would affect about 71 percent of the parcels in the Swanston TVSP project area. The No Project Alternative would retain existing zoning districts and thus would not result in the revitalization and changes envisioned by the Swanston TVSP project. Under both alternatives, the Sacramento Metropolitan Air Quality Management District's recommended mitigation measures to address particulate matter would be applicable and reduce impacts to less than significant.

With respect to long-term operational air quality impacts, the No Project Alternative would not include traffic reduction measures like the Swanston TVSP project, which includes traffic-calming measures on project area streets and emphasis on pedestrian and bicycle circulation and linkages to the Swanston Light Rail Station. In addition, the No Project Alternative would not take advantage of the regional mobility afforded by the Swanston Light Rail Station nor would it provide the neighborhood-serving retail uses that can further reduce trips on the local roadways (and, hence, air emissions). As a result, future traffic volumes at representative locations throughout the Swanston TVSP project area would be greater under the No Project Alternative than under the proposed Swanston TVSP project. Accordingly, the No Project Alternative would result in greater air emissions than the Swanston TVSP project; this would be a significant and unavoidable impact for emissions of ozone precursors.

- *Hazardous Materials.* The proposed Swanston TVSP project would allow the conversion of industrial land uses in the project area to residential and commercial uses. These new land uses would be expected to use less hazardous materials than the existing industrial uses. As a result, the potential for accidental releases of hazardous materials would be expected to diminish under the proposed Swanston TVSP project, compared to the No Project Alternative, which would continue the current industrial land use pattern. Since industrial uses are more likely to involve the handling of hazardous materials, the No Project Alternative would result in a greater potential for routine or accidental exposure to hazardous materials. As described in Section 6.6, Hazardous Materials, a number of local, state, and federal regulations are in place to control, monitor, and respond to hazardous materials incidents. As a result, even though the No Project Alternative would involve more industrial activity within the project area than the proposed Swanston TVSP project, the potential for significant hazardous materials would still be considered less than significant because of the regulatory framework.
- *Hydrology and Water Quality.* The proposed Swanston TVSP project designates more acreage for open space than the No Project Alternative. Since the No Project Alternative would have less open space and, thus, more impervious surfaces than the proposed Swanston TVSP project, the No Project Alternative would be expected to have greater stormwater runoff volumes. As noted in Section 6.10, Utilities, localized flooding occurs during major storm events because of undersized storm drains in the Swanston TVSP project area and in downstream areas. The City is aware of these capacity problems and proposed upgrades would be equally

applicable under both the No Project Alternative and the proposed Swanston TVSP project. Under both alternatives, the improvements, including a City-recommended stormwater detention basin or on-site detention facilities, would be funded through the City's Capital Improvement Program, special financing mechanisms, or developers, if required by the City.

While storm drainage and capacity constraints would be corrected, the stormwater pollutant characteristics would gradually change under the proposed Swanston TVSP project from industrial to residential and commercial uses. Under the No Project Alternative, constituents in the stormwater would continue to exhibit higher concentrations of metals, solids, oils, and grease, compared to the proposed Swanston TVSP project. The pollutants associated with industrial land uses can pose a potential for greater degradation of receiving water quality than for residential and commercial land uses. However, both alternatives would be required to follow applicable federal, state, and local regulations to implement best management practices to avoid adverse effects on receiving waters and result in less-than-significant water quality impacts.

- *Noise.* The proposed Swanston TVSP project is a transit-oriented development plan which reduces vehicular traffic and associated noise impacts. As shown in Section 6.8, Noise, of the Draft EIR, future traffic volumes and noise levels at representative locations throughout the Swanston TVSP project area would be less under the proposed Swanston TVSP project than under the No Project Alternative. Under both alternatives, however, the noise impacts from vehicular traffic associated with future land uses would be less than significant. The No Project Alternative retains more industrial land uses than the proposed Swanston TVSP project. Thus, development under the No Project Alternative would be expected to have higher noise levels due to truck activity and loading/unloading activities than the residential and commercial development that could occur under the proposed Specific Plan. Within areas that are predominantly industrial or commercial in character, these types of activities would not be expected to result in a noise impact; however, if such uses are near existing or proposed residential uses, there could be adverse but mitigable noise impacts. Project-specific review as development in accordance with the No Project Alternative occurs would ensure land use noise compatibility and compliance with the City's Municipal Code noise standards and General Plan noise policies should reduce such impacts to less than significant.
- *Transportation.* The proposed project is a transit-oriented development plan which could reduce vehicular traffic throughout the Swanston TVSP project area. As described in Section 6.11, Transportation, of the Draft EIR, the total number of vehicular trips would be less under the proposed Swanston TVSP project than under the No Project Alternative. The future No Project conditions, described as the "baseline conditions" in the Year 2025 show four intersections, three roadway segments, and nine freeway on- or off-ramps that would operate at unacceptable levels. Thus, the No Project Alternative would be expected to result in significant traffic impacts, unless mitigated. Notably, the No Project Alternative would not promote use of the Swanston and Royal Oaks Light Rail Stations, would not foster a walkable, pedestrian-oriented community around the light rail stations, and would not

encourage bicycle circulation through the Swanston TVSP project area and beyond. By contrast, the proposed Swanston TVSP project would have beneficial effects on pedestrian and bicycle circulation in the project area.

- *Project Objectives.* The opportunities to create a new image for the area and to promote revitalization of the area as a mixed use, transit village would not be possible under a scenario with the existing General Plan land use designations and zoning.

H. Statement of Overriding Considerations:

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

Statement of Overriding Considerations:

The Swanston Station Transit Village Specific Plan satisfies citywide and regional goals:

- The Specific Plan would be consistent with, and help implement, the City's Smart Growth Principles, the Regional Transit Master Plan, the Transit for Livable Communities Recommendations, the SACOG Blueprint Study, the North Sacramento Redevelopment Plan, and the North Sacramento 2005-2009 Redevelopment Implementation Plan.
- The Specific Plan fulfills the City and the Sacramento region's goals to promote public transit ridership, provide higher-density infill residential development, small neighborhood-serving retail, small- to medium-scale professional office uses, and public open space – all within convenient walking distances of the light rail station.

The Swanston Station Transit Village Specific Plan reflects the desires of the local community:

- The Specific Plan has incorporated meaningful community input into every stage of the process by exchanging, sharing ideas, and collaborating with interested groups, property owners, individuals, and other agencies active in the Swanston area.
- The Specific Plan is based on a series of community meetings and visioning workshops that were held to solicit public involvement in the design of the Swanston TVSP project area. At these meetings, members of the community participated in a

hands-on design charette and discussed the merits of different land uses and development intensities that would be supportive of the identified goals. The plan reflects the preferred land use scheme selected by the community to revitalize the Swanston TVSP project area.

The Swanston Station Transit Village Specific Plan creates an integrated, sustainable community:

- The Specific Plan creates a transit-oriented, pedestrian-friendly, mixed use and residential development adjacent to the Sacramento Regional Transit light rail line and Swanston and Royal Oaks light rail stations.
- The Specific Plan guides future development and revitalization within the area towards land uses that support transit ridership, and provide needed housing, employment opportunities, and neighborhood supporting retail uses.
- The Specific Plan incorporates urban parks, plazas and open space into the project in a manner that provides community connectivity.

The Swanston Station Transit Village Specific Plan supports economic revitalization of the community:

- The Specific Plan bolsters/supports private investment through investment in the public realm.
- The Specific Plan creates a transit village, defined by a mix of uses that is responsive to current market conditions.
- The Specific Plan increases office and retail job opportunities in the City and the residential component that accompanies such jobs.
- The Specific Plan enhances the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels.
- The Specific Plan identifies the infrastructure needs, cost estimates, phasing, and implementation programs to realize the plan's vision.

The Swanston Station Transit Village Specific Plan supports alternative modes of travel:

- The Specific Plan promotes transit-oriented development adjacent to the Swanston and Royal Oaks light rail stations.
- The Specific Plan guides future development and revitalization within the area towards land uses that support transit ridership.
- The Specific Plan provides transit and neighborhood and community retail near residential development to shorten or reduce the number of vehicle trips.

- The Specific Plan improves the pedestrian, bicycle, and automobile circulation and access of the Swanston Light Rail Station area and vicinity.