

# RESOLUTION NO. 2009-531

Adopted by the Sacramento City Council

August 11, 2009

## CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE NATOMAS CROSSING PROJECT (P04-264)

### BACKGROUND

- A. On July 9, 2009, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Natomas Crossing Project.
- B. On August 11, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 16.24.097, 17.204.020(C), 17.208.020(C), 17.180.050 (D), 17.220.035, and 17.200.010(C )(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the Natomas Crossing 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 Natomas Crossing (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.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Natomas Crossing Project.

Exhibit B - Mitigation Monitoring Program

Adopted by the City of Sacramento City Council on August 11, 2009 by the following vote:

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

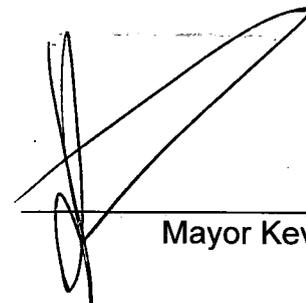
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk



Mayor Kevin Johnson

## Exhibit A

### CEQA Findings of Fact and Statement of Overriding Considerations for the Natomas Crossing Project (P04-264)

#### Description of the Project

##### A. Description of the Project

The Natomas Crossing Project (Project #P04-264) ("Project") proposes development of regional retail, office, and hospital uses, as well as future development of residential and hotel uses on a 150.4 net acres site in the North Natomas Community Plan area of the City of Sacramento. The site is a portion of the larger Natomas Crossing – Alleghany Area #3 Planned Unit Development (PUD), which consists of Quadrants A-D. The site evaluated for this Project consists of 66.8 net acres north of Arena Boulevard (referred to as Quadrant B), and 83.6 net acres south of Arena Boulevard (referred to as Quadrant C (47.2 net acres) and Quadrant D (36.4 net acres). The Project encompasses 74.9 gross acres for Quadrant B, 52.9 gross acres for Quadrant C, and 39.8 gross acres for Quadrant D for a total of 167.6 gross acres.

The Project site is currently vacant and mass-graded. The Project site does not contain trees, wetlands, or riparian areas. Arco Arena is located northeast of the Quadrant C portion of the Project site. The frontage of the Project site along East Commerce Way includes existing infrastructure improvements, such as water and sewer lines. (DEIR, p. 3-1.)

The 2030 Sacramento General Plan and North Natomas Community Plan (NNCP) land use designations for the project site is Planned Development (PD). (See DEIR, pp. 3-4 – 3-5, Figure 3-3 Existing and Proposed General Plan Designations and Figure 304, General Plan Land Use & Urban Form Diagram). The current zoning is Limited Commercial (C-1), EC-40, and EC-50 (See DEIR, p. 3-6, Figure 3-5, Existing and Proposed Zoning Designations).

#### Quadrant B

Quadrant B is not proposed for development at this time; the southern portion will be rezoned from Employment Center and Commercial to Shopping Center to allow for the future development of regional retail space within the range of 309,276 to 463,914 square feet. The northern portion of Quadrant B would not require a rezone, as the proposed land uses are generally consistent with those planned for the site in previous approvals. Future development of the northern portion of Quadrant B is anticipated to include 10 acres of residential use, five acres for a hotel and 14 acres of office space. Site plan details for this portion of the site have not been reviewed in the Draft EIR because only program-level land use entitlements are being pursued at this time, and this portion of the project has been analyzed at a programmatic level of detail in the EIR. (DEIR, p. 3-10.)

#### Quadrant C

The 47.2-acre Quadrant C portion of the Project is proposed for both retail and office development. Quadrant C will have approximately 404,580 square feet of regional retail uses

and 200,000 square feet of office uses. One large retail pad is proposed in the northern portion of Quadrant C, consisting of a 137,933 square foot large format retail pad with an attached 31,179 square foot garden center. The balance of Quadrant C would include a total of 20 medium and small sized retail pads. Primary access to this portion of the Project site would be provided via three entrances along East Commerce Way and a right-in only from Arena Boulevard (See DEIR, p. 3-10, 3-13, Figure 3-9 Quadrant C Site Plan).

#### Quadrant D

Approximately 600,000 square feet of the development on Quadrant D is proposed for hospital use, and an additional 600,000 square feet are proposed for medical office uses. The northeastern portion of the hospital building (i.e., side closest to East Commerce Way) would consist of five (5) stories, and northwestern portion of the building would consist of three (3) stories. (DEIR, p. 3-10.)

Per the current Conceptual Hospital Site Plan, two above-ground parking structures would ultimately be developed. Neither of these parking structures would be needed during the early phase(s) of the build-out of Quadrant D; therefore, it is anticipated that the structures would be completed commensurate with the phase of the Project necessitating its construction. Three Project driveways are proposed along East Commerce Way. Internal circulation will be provided primarily via a "ring road" around the inside perimeter of Quadrant D (See DEIR, 3-14, Figure 3-10, Quadrant D Site Plan).

#### **B. Project Location**

The Project site is located between Interstate 5 and East Commerce Way, within the North Natomas community of the City of Sacramento (See DEIR, p. 3-2 Figure 3-1 – Project Location Map). The Project site comprises the majority of the Natomas Crossing – Alleghany Area #3 PUD, which consists of Quadrants A-D (see Figure 2, Natomas Crossing PUD Map). The Project is further identified by Sacramento County Assessor's Parcel Numbers (APNs) 225-0070-113, 225-0070-115, 225-0140-065 & 067, 225-0150-043, 053 & 054, 225-0180-059, 225-0310-026. (DEIR3-1.)

Land uses surrounding Quadrant C include the Natomas Field residential subdivision, which is currently under construction to the east, and a retail center (Natomas Landing) currently under construction to the north of Natomas Field. East of Quadrant B, from north to south, are existing residential units, office uses and vacant lots. Vacant land is located south and west (across Interstate 5) of Quadrants B and C. The vacant land is designated for Mixed Use development in the Sacramento General Plan. A drainage channel, open space buffer, and Interstate 5 adjoin the western boundary of the entire project site. Quadrant D is located adjacent to land zoned residential and Employment Center (EC-30). (DEIR, p. 3-1.)

#### **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 the Project, the City of Sacramento's Environmental Planning Services determined, based 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 analyzes Quadrants C and D at a project level and Quadrant B at a program level. 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 November 19, 2007, and was circulated for a 30-day public comments ending December 18, 2007. On November 26, 2008, a revised NOP was released for a 30-day public review ending December 29, 2008.

b. A Notice of Completion (NOC) and copies of the Draft EIR were filed with the Office of Planning and Research on April 9, 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.

c. A forty-five (45) day public comment period for the Draft EIR commenced with the filing of the NOC. The public comment period began on April 9, 2009, and ended on May 26, 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 April 8 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, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official forty-five day (45) public review period for the Draft EIR would end on May 26, 2009.

e. A public notice was placed in the Daily Recorder on April 9, 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 City Clerk and the Sacramento County Clerk on April 9, 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 General Plan, City of Sacramento, 2030, adopted March 3, 2009.

c. Master Environmental Impact Report, City of Sacramento 2030 General Plan, City of Sacramento, 2009.

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 2030.

e. Zoning Code of the City of Sacramento, City Code Title 17

f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004

g. North Natomas Community Plan

h. Natomas Crossing Planned Unit Development ("PUD") PUD Schematic Plan and Guidelines

i. Natomas Crossing – Quad C PUD Design Guidelines

j. The Mitigation Monitoring Plan for the Project.

k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by the City Council or 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.

**1. Transportation and Circulation**

**Impact 4.2-1:**       **Intersections.** The Project would increase traffic volumes at study area intersections and would cause a *significant* impact under the baseline with Project scenario at the following intersection:

- (a) East Commerce Way and Arena Boulevard – Traffic from the Project would result LOS “F” conditions in the p.m. and Saturday peak hours. This is considered a significant impact. (DEIR, p. 4.2-52.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.2-1: East Commerce Way and Arena Boulevard.

The Project applicant shall add southbound, westbound, and eastbound exclusive right turn signal phases to this intersection. The Project applicant shall provide funding to the City Traffic Operations Center (TOC) to monitor and retune the traffic signal. This mitigation shall be implemented on or before 80 percent of development as measured by a.m. peak hour trip generation, 60 percent of development as measured by p.m. peak hour trip generation, and 65 percent of development as measured by Saturday peak hour trip generation. This mitigation measure improves intersection operating conditions to LOS “C” (21.9 seconds average delay) during the a.m. peak hour, LOS “C” (34.2 seconds average delay) during the p.m. peak hour, and LOS “C” (29.2 seconds average delay) during the Saturday peak hour.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Because the Project would cause an intersection to exceed the City’s applicable thresholds in the P.M. and Saturday peak hours, the Project would result in significant impacts to a study area intersection. With implementation of the above mitigation measures, however, the intersection operating conditions improve to LOS “C” (21.9 seconds average delay) during the a.m. peak hour, LOS “C” (34.2 seconds average delay) during the p.m. peak hour, and LOS “C” (29.2 seconds average delay) during the Saturday peak hour. Therefore, all the Project’s study intersections would operate at acceptable levels and the impact would be reduced to a *less-than-significant* level, as illustrated in Table 4.2-19 of the DEIR. (DEIR, pp. 4.2-52, 4.2-62.)

**Impact 4.2-6:**       **Pedestrian and Bicycle Circulation Impacts.** The Project would add pedestrian and bicycle demands within the Project site and to and from nearby land uses. Specific information on improvements to on- and off-site bicycle and pedestrian facilities is not available at this time. Because the Project would add demand for pedestrian and bicycle facilities that may not be available, the impact of the Project on pedestrian and bicycle circulation is *potentially significant*. (DEIR, p. 4.2-60.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce

this impact to a *less-than-significant* level:

4.2-6: Prior to the issuance of building permits, the Project applicant shall identify the necessary on and off-site pedestrian and bicycle facilities to serve the proposed development to the satisfaction of the City of Sacramento Traffic Engineering Division. These facilities shall be incorporated into the Project and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads. Sidewalks would be required as part of the frontage improvements along all new roadway construction in the Project vicinity in conformance with City design standards. Circulation and access to all proposed public spaces shall include sidewalks that meet Americans with Disabilities Act standards. (DEIR, p. 4.2-63.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Because the Project would add demand for pedestrian and bicycle facilities that may not be available, the impact of the Project on pedestrian and bicycle circulation is potentially significant. With implementation of the above mitigation measure, the Project would provide the necessary on and off-site pedestrian and bicycle facilities to serve the proposed development to the satisfaction of the City and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads. Further, sidewalks would be required as part of the frontage improvements along all new roadway construction in the Project vicinity in conformance with City design standards. Circulation and access to all proposed public spaces shall include sidewalks that meet Americans with Disabilities Act standards. Therefore, with implementation of this mitigation measure, the impact of the Project would be reduced to a *less-than-significant* level. (DEIR, pp. 4.2-60, 4.2-63.)

In addition, Appendix C to the PUD Guidelines requires that the Project incorporate bicycle lanes and routes into its street system. Class II (on-street with signing and striping) bike lanes are provided along East Commerce Way, which fronts the entirety of the project site. Bike lanes either presently exist (north of Arena Boulevard) or will be required for construction concurrent with the project (south of Arena Boulevard). In order to take advantage of existing bicycle lanes near the project site and throughout the project area, a bike plaza with lockers to encourage alternative transportation to the site will be included. Designated bike lanes will be provided through the site to create connectivity from the bike path to East Commerce Way. Bicycle parking facilities shall be easily visible and provided at locations where bicyclists can conveniently and effectively access the area. A Class I bike path also is planned within the 100' freeway landscape buffer, west and adjacent to the entirety of the project site. The project will be designed for direct accessibility by and to these facilities.

Further, Appendix C of the PUD Guidelines requires that bicycle friendly intersections be incorporated into the Project design, and that all of the intersections external/adjacent to the Project site will feature one or more of the following pedestrian safety/traffic calming design techniques:

- Marked Crosswalks;
- Count-down signal timers; Speed tables;
- Raised crosswalks; raised intersections;
- Median islands;
- Tight corner radii; and
- Roundabouts are some suggested measures.

One, all, or other suggested traffic calming measures listed above will be utilized throughout the Project. Additionally, due to the commercial nature of the Project, specific pedestrian corridors designed to safely move pedestrian and bicycle traffic throughout the project will implement similar design techniques.

**Impact 4.2-8: Parking Impacts.** The Project would increase demand for off-street parking. The number of parking spaces that would be provided is unknown at this time. Because the number of spaces is unknown, the impact of the Project on parking is *potentially significant*. (DEIR, p. 4.2-63.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.2-8: The Project shall provide parking in accordance with City zoning requirements. Table 4.2-20 on page 4.2-64 of the Draft EIR summarizes the parking requirement based upon the City zoning code.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The Project would increase demand for off-street parking. According to the Quadrant C Site Plan shown in Figure 3-9 in the Draft EIR, development on Quadrant C would require 2,243 spaces and the Site Plan shows 2,474 parking spaces will be available. (DEIR, p. 3-13.) The Project will therefore provide adequate parking for Quadrant C. Further, the Conceptual Hospital Site Plan submitted for Quadrant D shows that 2,900 parking spaces are proposed to meet City parking standards. (DEIR, p. 1-2.) The number of parking spaces that would be provided for Quadrant B is unknown at this time because site plans have not been submitted. Because the number of spaces for Quadrant B is unknown, the impact of the Project on parking is *potentially significant*. With implementation of the above mitigation measure, the Project is required to provide adequate parking in accordance with City standards. The impact would therefore be reduced to a *less-than-significant* level. (DEIR, pp. 4.2-63 to 4.2-64.)

**Impact 4.2-17: Construction.** Construction will include disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Pedestrian, bicycle, and transit access may be disrupted. Heavy vehicles will access the site and may need to be staged for construction. These activities could result in degraded roadway operating conditions. Therefore, the impacts are considered *significant*. (DEIR, 4.2-66.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.2-17: Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures.
- Time of day of arrival and departure of trucks.
- Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting.
- Provision of a truck circulation pattern.
- Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas).
- Maintain safe and efficient access routes for emergency vehicles.
- Manual traffic control when necessary.
- Proper advance warning and posted signage concerning street closures.
- Provisions for pedestrian safety.

A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways. (DEIR, p. 4.2-67.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the construction traffic management plan would ensure the safe and efficient operation of the local roadway system during construction and would reduce the Project's construction-related transportation impacts to a *less-than-significant* level. (DEIR, pp. 4.2-66 to 4.2-67.)

**Impact 4.2-18: Intersections (cumulative).** The Project would increase traffic volumes at study area intersections and would cause significant impacts under the cumulative with Project scenario at the following intersections:

- (a) Arena Boulevard and I-5 Northbound Ramps - Traffic from the Project would result in LOS "E" conditions in the Saturday peak hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.
- (b) East Commerce Way and Del Paso Road – Traffic from the Project would result in LOS "F" conditions in the Saturday peak

hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.

- (c) East Commerce Way and Arco Arena Main Entrance / Road B3 – Traffic from the Project would result in LOS “F” conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.
- (d) East Commerce Way and Arena Boulevard - Traffic from the Project would result in LOS “F” conditions in the a.m. peak hour with an increase in average delay of greater than 5 seconds. Traffic from the Project would result in LOS “E” conditions in the Saturday peak hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.
- (e) East Commerce Way and Natomas Crossing Drive - Traffic from the Project would result in LOS “E” conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.
- (f) East Commerce Way and Road D2 - Traffic from the Project would result in a change in level of service from “B” to “E” during the a.m. peak hour. Traffic from the Project would result in a change in level of service from “C” to “F” during the p.m. peak hour. This is considered a *significant* impact.
- (g) East Commerce Way and San Juan Road – Traffic from the Project would result in LOS “F” conditions in the a.m. and p.m. peak hours with an increase in average delay of 5 seconds or greater. This is considered a *significant* impact.
- (h) Truxel Road and Arena Boulevard – Traffic from the Project would result in LOS “F” conditions in the a.m. peak hour with an increase in average delay of greater than 5 seconds. Traffic from the Project would result in LOS “E” conditions in the Saturday peak hour with an increase in average delay of greater than 5 seconds. This is considered a *significant* impact.

(DEIR, pp. 4.2-81, 4.2-91 to 4.2-92.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

- 4.2-18(a) Arena Boulevard and I-5 Northbound Ramps – The Project applicant shall pay a fair share contribution toward future restriping of the northbound ramp approach to the intersection to provide a single left turn lane and a triple right turn lane, subject to review and approval by Caltrans. This mitigation measure improves intersection operating conditions to LOS “B” (18.1 seconds average delay) during the Saturday peak hour and would reduce the impact of the Project to a

*less-than-significant* level.

- 4.2-18(b) East Commerce Way and Del Paso Road – The Project applicant shall pay a fair share contribution toward adding a northbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "E" (73.0 seconds average delay) during the Saturday peak hour and would reduce the impact of the Project to a *less-than-significant* level.
- 4.2-18(c) East Commerce Way and Arco Arena Main Entrance / Road B3 – The Project applicant shall pay a fair share contribution toward adding a westbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "D" (48.2 seconds average delay) during the p.m. peak hour and LOS "C" (25.9 seconds average delay) during the Saturday peak hour. This would reduce the impact of the Project to a *less-than-significant* level.
- 4.2-18(d) East Commerce Way and Arena Boulevard – The Project applicant shall pay a fair share contribution toward adding exclusive right turn signal phases to all four approaches at this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves the LOS "F" intersection operating conditions (from 115.6 seconds average delay to 92.0 seconds average delay) during the a.m. peak hour and LOS "D" (38.7 seconds average delay) during the Saturday peak hour. This would reduce the impact of the Project to a *less-than-significant* level.
- 4.2-18(e) East Commerce Way and Natomas Crossing Drive – The Project applicant shall pay a fair share contribution toward adding a northbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves LOS "E" intersection operating conditions (from 77.1 seconds average delay to 75.5 seconds average delay) during the p.m. peak hour and would reduce the impact of the Project to a *less-than-significant* level.
- 4.2-18(f) East Commerce Way and Road D2 – The Project applicant shall provide an eastbound double left turn lane, pay a fair share contribution toward adding an exclusive right turn signal phase to the southbound intersection approach, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "C" (28.5 seconds average delay) during the a.m. peak hour and LOS "C" (30.5 seconds average delay) during the p.m. peak hour. This would reduce the impact of the Project to a *less-than-significant* level.
- 4.2-18(g) East Commerce Way and San Juan Road – The Project applicant shall pay a fair share contribution toward adding a westbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's

TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "D" (36.8 seconds average delay) during the a.m. peak hour and LOS "B" (14.5 seconds average delay) during the p.m. peak hour. This would reduce the impact of the Project to a less than-significant level.

- 4.2-18(h) Truxel Road and Arena Boulevard – The Project applicant shall pay a fair share contribution toward adding an eastbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "E" (72.0 seconds average delay) during the a.m. peak hour and LOS "C" (32.7 seconds average delay) during the Saturday peak hour. This would reduce the impact of the Project to a *less-than-significant* level.

(DEIR, pp. 4.2-92 to 4.2-96.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Because the Project would increase traffic volumes at study intersections, resulting in exceedance of thresholds under the cumulative with Project scenario at the intersections listed above, the Project would have a significant impact. With implementation of the above mitigation, the operations at the intersections listed above would improve to acceptable LOS. Therefore, all of the Project's study intersections would operate at acceptable levels and these impacts would be reduced to a *less-than-significant* level. (DEIR, pp. 4.2-81, 4.2-91 to 4.2-94.) Table 4.2-27 in the DEIR summarizes the intersection level of service with mitigation. (DEIR, pp. 4.2-96 to 4.2-97.)

**Impact 4.2-22: Freeway Ramp Queuing.** The Project would increase traffic volumes on the freeway ramps. At the I-5 Northbound Exit to Arena Boulevard, the right turn queue would increase and would exceed the available storage space during the Saturday peak hour. This is considered a *significant* impact. (DEIR, p. 4.2-99.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a less-than-significant level:

- 4.2-22: Implement Mitigation Measure 4.2-18(a) Arena Boulevard and I-5 Northbound Ramps

The Project applicant shall pay a fair share contribution toward future restriping of the northbound ramp approach to the intersection to provide a single left turn lane and a triple right turn lane, subject to review and approval by Caltrans. This mitigation measure would reduce the queue to 2,175 feet and would increase the available storage space for the right turn movement to 3,135 feet. (DEIR, p. 4.2-99.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project

which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The Project would increase traffic volumes, and at the I-5 Northbound Exit to Arena Boulevard, the right turn queue would exceed the available storage capacity during the Saturday peak hour. Implementation of the above mitigation measure would reduce the queue to 2,175 feet and would increase the available storage space for the right turn movement to 3,135 feet. This would reduce the impact of the Project to a *less-than-significant* level. (DEIR, pp. 4.2-99 to 4.2-101.)

## 2. Noise

**Impact 4.3-2: Loading dock and truck circulation noise impacts.** Development of Quadrant B would include approximately 319,500 to 426,000 square feet (sq. ft.) of retail space, 10 acres of residential uses consisting of approximately 180 units, five acres of hotel uses consisting of approximately 130,000 sq. ft. (or 300 rooms), and 14 acres of office uses consisting of approximately 240,000 sq. ft. Because a site plan has not been submitted for the development of Quadrant B, the distance from the nearest residential sensitive receptor to the loading docks and on-site truck circulation route associated with future Regional Commercial development on Quadrant B has yet to be determined. Therefore, noise levels associated with these activities cannot be predicted at this time. Because the noise levels created by loading docks and truck circulation associated with Quadrant B cannot be determined at this time and the noise levels could exceed the City's exterior and/or interior noise level thresholds at nearby residences, the impact would be *potentially significant*. (DEIR, p. 4.3-16.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.3-2: In conjunction with the submittal of a site plan for Quadrant B, the applicant shall retain a qualified acoustical consultant to prepare a site-specific noise analysis for Quadrant B. If the report determines that on-site operations would exceed the City of Sacramento significance thresholds, which are 45 dB Ldn for interior noise levels at residential uses and 60 dB Ldn for exterior noise levels at outdoor common areas, the report shall include recommendations to reduce noise below the City's applicable noise level standards, for the review and approval of the Development Services Department. If the report determines that on-site operations would not exceed the City of Sacramento significance thresholds, further mitigation is not required.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the above mitigation measure would require the future development of Quadrant B to adhere to the City of Sacramento significance thresholds for noise levels at residential uses, thereby reducing the impact to a *less-than-significant* level. (DEIR, p. 4.3-16.)

**Impact 4.3-3: Rooftop HVAC noise impacts.** Large commercial developments, such as the Project, include rooftop heating, ventilation, and air conditioning (HVAC) equipment, which is required for climate control and refrigeration, and may generate noise that exceeds applicable noise standards.

Quadrant B: Quadrant B is anticipated to be developed at a later date, and the potential exists for Quadrant B noise levels to exceed the City's threshold at nearby residences. Because a site plan has not been submitted for the development of Quadrant B, the determination cannot be conclusively made whether HVAC noise levels on Quadrant B would generate noise levels in exceedance of applicable City noise level thresholds, resulting in a *potentially significant* impact.

Quadrant D: Quadrant D would include a main hospital building, and the main hospital climate control is generally located within a mechanical equipment room, designated as the Central Utility Plant ("CUP") building on the Quadrant D conceptual site plan. (See DEIR p. 3-13, Figure 3-9.) The CUP building houses all heating and cooling facilities, as well as an emergency generator. The CUP building is located approximately 400 feet from the nearest residential uses. Specific types of cooling towers, heat pumps, and chillers that will reside inside the CUP building have not been determined. In addition, the type and size of the emergency generator has not been determined. Noise levels associated with these types of equipment vary substantially and, therefore, it is not possible to predict the potential noise levels associated with the equipment. In addition, construction of the CUP building will result in the need for air intake and exhaust, and those openings in the building have not been designed. Therefore, the CUP building equipment could result in the exceedance of applicable City noise level thresholds, resulting in a *potentially significant* impact.

(DEIR, pp. 4.3-17 to 4.3-18.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.3-3(a): Implement Mitigation Measure 4.3-2 for Quadrant B.

4.3-3(b): Prior to the issuance of a building permit for the Central Utility Plant (CUP) building located adjacent to the proposed parking structure on Quad D, the overall noise levels associated with the CUP building's typical operations shall not exceed 45 dB Ldn for interior noise levels and 60 dB Ldn for exterior noise levels at the nearest residence, as demonstrated by an acoustical consultant for the review and approval of the Development Services Department. Mitigation measures shall include the use of silencers or acoustical louvers on openings for air intake or exhaust, and locating openings for air intake and exhaust on the opposite sides of the building from residences to the east. In addition,

emergency generators shall be equipped with hospital grade mufflers to reduce the overall noise levels associated with their operations during periods of power failures or other emergencies. Emergency generators shall be exercised during the daytime hours for a period of no more than 30 minutes to reduce the potential for annoyance.

(DEIR, pp. 4.3-18 to 4.3-19.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the Project could result in noise levels that exceed the City of Sacramento noise standards. The above mitigation measures would require the future development of Quadrant B to adhere to the City of Sacramento significance thresholds for noise levels at residential uses and ensure that the noise levels associated with the CUP building on Quadrant D do not exceed 50 dB Leq at the nearest residence. Therefore, the impact would be reduced to a *less-than-significant* level.

**Impact 4.3-6:** **Traffic noise levels at proposed on-site residential uses.** The northern portion of Quadrant B is anticipated to include high density residential development as a part of the Project design. Because a site plan has not yet been submitted for the development of Quadrant B, the determination cannot be conclusively made whether the proposed residential portion of the site would exceed the applicable City noise level thresholds. Therefore, a *potentially significant* impact would result. (DEIR, p. 4.3-26.)

**Mitigation Measure:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.3-6: In conjunction with the submittal of a site plan for Quadrant B, the applicant shall retain a qualified acoustical consultant to prepare a site-specific noise analysis for Quadrant B. If the report determines that noise levels for the residential portion of the site would exceed the City of Sacramento significance thresholds, which are 45 dB Ldn for interior noise levels at residential uses and 60 dB Ldn for exterior noise levels at outdoor common areas, the report shall include recommendations to reduce noise below the City's applicable noise level standards, for the review and approval of the Development Services Department. If the report determines that on-site operations would not exceed the City of Sacramento significance thresholds, further mitigation is not required. (DEIR, pp. 4.3-26 to 4.3-27.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the Project could result in high-density residential development on the northern portion of Quadrant B, which could result in exceedance of City noise level thresholds. The above mitigation measure would require future development of Quadrant B to adhere to the City of Sacramento significance

thresholds for noise levels at residential uses. Therefore, the impact would be reduced to a *less-than-significant* level. (DEIR, pp. 4.3-26 to 4.3-27.)

**Impact 4.3-7:** **Traffic noise levels at the proposed hospital.** Development of Quadrant D would include a hospital. The predicted future I-5 traffic noise level at the nearest facade of the hospital is 81 dB Ldn. Typical construction techniques for a hospital include brick facades. In addition, patient rooms and offices typically include windows. A brick facade generally provides a minimum noise level transmission loss of 40 dB. However, a typical dual glazed window provides a 27 dB to 28 dB transmission loss. Therefore, interior noise levels are expected to be in excess of the 45 dB Ldn interior noise level standard, resulting in a *potentially significant* impact. (DEIR, p. 4.3-27.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.3-7: Prior to issuance of a building permit for Quadrant D, the site plan(s) shall indicate that patient rooms and offices on the west-facing facades of the hospital shall include windows with an STC rating of 40, windows on the north- and south-facing facades shall have an STC rating of 38, and windows on the east-facing facade shall have an STC rating of 35. The site plan(s) shall be submitted for the review and approval of the Development Services Department.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the Project would include development of a hospital on Quadrant D, which may be impacted by future I-5 traffic noise levels. The above mitigation measure would require development on Quadrant D to have windows with appropriate STC ratings in order to reduce interior noise levels below the City of Sacramento significance threshold. Therefore, the above impact would be reduced to a *less-than-significant* level. (DEIR, p. 4.3-27.)

### 3. Air Quality

**Impact 4.4-1:** **Short-term increases of construction-generated emissions of criteria air pollutants.** Construction-generated emissions are short-term and of temporary duration, lasting only as long as construction activities occur, but possess the potential to represent a significant air quality impact. The construction and development of the proposed land uses would result in the temporary generation of emissions resulting from site grading and excavation, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces.

Estimated daily construction-generated emissions associated with the development of the Project phases (i.e., Quadrants B, C1-4, and D) are

summarized in Table 4.4-7 of the Draft EIR. (DEIR, pp. 4.4-19 to 4.4-20.) As depicted in Table 4.4-7, construction-generated emissions of NOx attributable to the individual Project phases would range from approximately 35 to 82 lbs/day, depending on the specific activities being conducted. However, development of some Project phases could occur simultaneously. Maximum daily construction-generated emissions of NOx, assuming multiple Project phases being constructed simultaneously, are summarized in Table 4.4-8 of the Draft EIR in comparison to the SMAQMD's significance threshold of 85 lbs/day. (DEIR, p. 4.4-21.) As depicted, predicted maximum daily emissions of NOx, assuming multiple Project phases under simultaneous construction, could reach levels of approximately 125 lbs/day.

Estimated maximum daily emissions of NOx would exceed the SMAQMD's significance threshold of 85 lbs/day. Therefore, short-term construction-generated emissions of NOx would result in a *potentially significant* impact. (DEIR, pp. 4.4-18 to 4.4-22.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

- 4.4-1(a): Prior to the issuance of any grading permit, the Project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction Project, including owned, leased, and subcontractor vehicles, will achieve a Project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.
- 4.4-1(b): Prior to the issuance of any grading permit, the Project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the Project. The inventory shall be updated and submitted monthly throughout the duration of the Project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the Project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the Project manager and on-site foreman.
- 4.4-1(c): During construction, the Project applicant/developer shall ensure that emissions from off-road, diesel-powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an on-site qualified inspector trained in visual emissions assessment. Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant

equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction Project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.

4.4-1(d): The Project applicant shall pay a mitigation fee to the SMAQMD to offset any remaining construction-generated daily NOx emissions in excess of the SMAQMD's significance threshold of 85 lbs/day. SMAQMD mitigation fees shall be calculated and paid in coordination with SMAQMD prior to issuance of building or grading permits. Based on the currently proposed construction schedule, the simultaneous development of Quadrant B, Quadrant C-Phase IV, and Quadrant D would generate 14.64 lbs/day of NOx in excess of SMAQMD's significance threshold. Based on this estimate and the SMAQMD's current mitigation fee (\$16,000/ton), the Project proponent shall pay a fee of \$123 to mitigate excess NOx emissions. In the event that the Project phasing schedule would differ from the schedule used for this analysis (See Table 4.4-5), the Project proponent shall notify SMAQMD and recalculate construction-related emissions and mitigation fees, if applicable, in accordance with the most current SMAQMD-recommended methodologies. Verification of payment of the mitigation fee shall be provided to the City prior to issuance of any grading permits.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Mitigated construction-generated emissions of NOx and associated mitigation fees are summarized in Table 4.4-9. Implementation of SMAQMD's standard construction mitigation measures would reduce NOx emissions by approximately 20 percent. (DEIR, p. 4.4-23.) As depicted, implementation of SMAQMD's standard mitigation measures would be sufficient to reduce maximum daily emissions to below SMAQMD's NOx significance threshold of 85 lbs/day, with the exception of a single day during which construction activities associated with Quadrant B, Quadrant D, and Quadrant C-Phase IV are projected to overlap (i.e., March 15, 2014). On this day, mitigation emissions of NOx would total approximately 99.64 lbs; 14.64 lbs over the SMAQMD's significance threshold of 85 lbs/day. Based on the current mitigation fee (\$16,000/ton), a fee of \$123 shall be paid to SMAQMD to offset mitigated NOx emissions in excess of the threshold. The Project shall adhere to the phasing schedule provided for this Project, which is the basis for the emissions calculations and mitigation fee. In the event that changes to the construction schedules occur, emissions of NOx and associated mitigation fees shall be recalculated based on the mitigation fee in place at the time fees are to be paid. Therefore, implementation of the above mitigation measures would reduce the impact to a *less-than-significant* level. (DEIR, pp. 4.4-18 to 4.4-24.)

**Impact 4.4-2: Short-term increases in fugitive dust.** Construction Projects that require grading or other earth-moving activities generate large amounts

of particulate matter. While construction related emissions produce only temporary impacts, these short-term impacts contribute to the emission inventory. Under certain conditions, the increased pollution load can exceed State and National Ambient Air Quality Standards.

As depicted in Table 4.4-6 of the Draft EIR, development of each of the proposed phases would generate maximum unmitigated daily emissions of up to approximately 328 lbs/day of PM10 and 72 lbs/day of PM2.5. (DEIR, p. 4.4-16.) A majority of total particulate emissions would be fugitive dust generated during initial site preparation. Assuming that multiple phases would be constructed simultaneously, the Project would generate a combined total of approximately 593 lbs/day of PM10 and 131 lbs/day of PM2.5 (See DEIR, Table 4.4-7, pp. 4.4-19 to 4.4-20.)

To assist in the evaluation of fugitive dust-related impacts, SMAQMD staff has developed screening criteria for construction Projects (See Table 4.4-6). As previously discussed, these screening levels are based on the maximum actively disturbed area of the Project site. Based on construction data provided by the Project applicant, initial grading associated with each of the proposed development phases would range from approximately four to nine acres per day of active ground disturbance. However, multiple phases could be under construction simultaneously on any given day. The highest potential for ground disturbance would occur in the year 2013 associated with the simultaneous development of Quadrant B, Quadrant C-Phase IV, and Quadrant D. Assuming that one-quarter of the Project areas were to be actively disturbed on any given day, the simultaneous development of Quadrant B, Quadrant C-Phase IV, and Quadrant D would result in a combined area of daily disturbance of approximately 29 acres. However, Quadrants B and D are separated by a distance of approximately 2,400 feet. As a result, the combined contribution to localized concentrations of PM at nearby individual receptor locations due to the simultaneous development of these areas would be somewhat diminished. Nonetheless, given that the Project does not include measures for reducing fugitive dust emissions, as recommended by the SMAQMD, this impact would be considered *potentially significant*. (DEIR, pp. 4.4-16, 4.4-19 to 4.4-20, 4.4-25.)

#### **Mitigation Measures:**

- 4.4-2: Prior to the approval of any grading permit, the Project proponent shall submit a dust-control plan to the City of Sacramento Development Services Department. The dust-control plan shall stipulate grading schedules associated with the Project phase (i.e., Quadrants B, C1-4, and D), as well as the dust-control measures to be implemented. Grading of Project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the Project development. The dust-control plan shall, at a minimum, incorporate the following measures:

- Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;
- Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;
- Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;
- Limit or expeditiously remove the accumulation of Project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and
- Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.

(DEIR, pp. 4.4-25 to 4.4-26.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Implementation of the above mitigation measures would reduce fugitive dust emissions by approximately 44 to 84 percent. Based on the URBEMIS modeling conducted and assuming that multiple Project phases could be constructed simultaneously, implementation of the mitigation measures would reduce maximum daily emissions to approximately 56 lbs/day of PM10 and 17 lbs/day of PM2.5. For Projects resulting in less than 15 acres of disturbance/day, the SMAQMD considers implementation of recommended mitigation measures for the control of fugitive dust to be sufficient to reduce Project-generated emissions of fugitive dust to a less than significant level; therefore, implementation of the following mitigation would reduce short-term increases of construction-generated PM to a *less-than-significant* level. (DEIR, pp. 4.4-25 to 4.4-26.)

**Impact 4.4-5: ~~Exposure of sensitive receptors to toxic air contaminants.~~**

Implementation of the Project could result in the exposure of sensitive receptors toxic air contaminants (TACs). Implementation of the Project includes the development of sensitive land uses in the vicinity of Interstate 5 (I-5). Diesel-fueled trucks traveling on I-5 would be considered a major source of diesel-exhaust PM that could adversely affect nearby sensitive land uses. As part of the Project, development of Quadrant D would include the construction of a proposed medical center. Based on the Quadrant D conceptual site plan, the nearest building façade of the proposed medical center would be located approximately 200 feet from the nearest travel lane of I-5. Future development of the northern portion of Quadrant B would include sensitive land uses, including 180 residential townhouse/condominium units. However, Quadrant B is not proposed for development at this time and the location of these land uses has not yet been identified.

Based on the traffic analysis prepared for this Project, traffic volumes on I-5 (adjacent to Quadrant D) total 11,006 vehicles during the a.m. peak

hour and 11,928 vehicles during the p.m. peak hour. Based on these traffic volumes and taking into account the orientation of the Project site to I-5 (i.e., east and downwind), sensitive land uses should not be located nearer than approximately 200 feet of I-5.

The nearest exterior facade of the proposed medical center would be located approximately 200 feet east of I-5. Based on this distance and orientation to I-5, the SMAQMD's screening methodology estimates that the predicted cancer risk at the proposed medical center would be 223 in one million. Predicted cancer risks would not exceed the SMAQMD's screening criterion of 296 in one million and, therefore, a more detailed health risk assessment would not be required for the proposed medical center. However, given that the site plan for the proposed medical center is conceptual, it is possible that the site plan could change. In the event that the proposed medical center buildings were to be moved closer to I-5 (less than 200 feet), predicted cancer risks could exceed SMAQMD's screening criteria of 296 in one million. In addition, given that the location of residential development proposed as part of Quadrant B is currently unknown, it is conceivable that predicted cancer risks at proposed residential land uses could also be located within 200 feet of I-5 and thus would exceed SMAQMD's screening criteria of 296 in one million. For these reasons, exposure of proposed on-site sensitive land uses to TACs from vehicles traveling along I-5 would be considered a *potentially significant* impact.

(DEIR, pp. 4.4-30 to 4.4-33.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* level:

4.4-5(a): Sensitive land (i.e., the proposed medical center and residential dwelling units) uses shall not be located in an area that exceeds the SMAQMD screening criteria for cancer risks associated with toxic air contaminants. Based on SMAQMD's current screening methodology, if proposed sensitive receptors are located within 200 feet of Interstate 5, a more detailed assessment of potential health risks shall be required. If sensitive land uses are proposed within 200 feet of the near-travel-lane of Interstate 5, the Project applicant shall coordinate with the SMAQMD and the City of Sacramento Development Services Department to conduct a health-risk analysis. The health-risk analysis shall be prepared in accordance with SMAQMD's Recommended Protocol For Evaluating The Location Of Sensitive Land Uses Adjacent To Major Roadways prior to the approval of a site plan.

4.4-5(b) The Project applicant shall plant vegetation (e.g., trees) between proposed on-site sensitive land uses and the I-5 corridor, the type and location to be determined in consultation with SMAQMD.

(DEIR, p. 4.4-33.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Because the site plan for the proposed medical center is conceptual and that the location of residential development as part of Quadrant B is currently unknown, it is possible that their location could expose sensitive receptors to a cancer risk that exceeds SMAQMD's screening criteria. The above mitigation measures require that sensitive land uses not be located in an area that would exceed the SMAQMD screening criteria and requires planting of vegetation to further screen sensitive land uses from mobile source TACs. Therefore, implementation of the above mitigation measure would reduce the impact to a *less-than-significant* level. (DEIR, pp. 4.4-30 to 4.4-33.)

#### 4. Hydrology, Water Quality and Drainage

**Impact 4.5-1: Exposure of people and structures to flood hazards on the Project site.** The Project area is protected by a comprehensive reservoir, dam, levee and bypass system designed to protect the region from the floodwaters of the American River and the Sacramento River. The USACE released a report in January 2008 that found that some portions of the Natomas Basin do not have 30-year flood protection. As a result, FEMA designated the Basin under the AE special hazard flood zone designation in December 2008. SAFCA is working with State and federal agencies to improve the Natomas Basin levee system to reach 100-year flood protection in 2012, and reach 200-year protection for the Natomas Basin in 2013.

Following construction of the improvements and recertification by SAFCA and issuance of a Letter of Map Revision by FEMA, the Natomas Basin could be removed from the 100-year floodplain. The City plans to apply for an A99 FEMA designation, which does not have development requirements, in early 2011. As the applicant did not obtain building permits before December 8, 2008, implementation of the Project would occur after improvements have been made and would not be expected to result in an adverse flooding-related impact. However, should conditions change such that the applicant decides to pursue the development of the Project prior to recertification of the levees, a *potentially significant* impact would occur. (DEIR, pp. 4.5-16 to 4.5-17.)

**Mitigation Measures:** Implementation of the following mitigation measures would reduce this impact to a *less-than-significant* impact:

4.5-1(a): Construction and operation of the Natomas Crossing Project shall not commence prior to recertification of the Natomas levees by the SAFCA and FEMA, and the subsequent removal of Natomas Basin from the 100-year floodplain and associated flood zone redesignation; or until FEMA redesignates the Natomas Basin with a flood zone designation that would permit development of the Project.

4.5-1(b): The Project applicant shall participate in a funding mechanism such as an

assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection including the North Natomas Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Project site provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate; (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Ordinance shall be satisfied prior to the issuance of building permits for the Project. Any future homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.

The above measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers.

(DEIR, p. 4.5-17.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** Because it is not known whether implementation of the Project as proposed would occur after improvements have been made and the levees recertified, the Draft EIR identified a potentially significant flooding-related impact. The above mitigation measures would prohibit construction and operation of the Project prior to recertification of the levees or re-designation of the Natomas Basin to allow development and requires participation in funding mechanism designed to address flooding impacts. Therefore, the impact would be reduced to a *less-than-significant* level. (DEIR, pp. 4.5-16 to 4.5-17.)

## 5. Seismicity, Soils and Geology

**Impact IS-3.b:** The Project site contains expansive soils, would likely experience subsidence, and could be subject to liquefaction. Therefore, development of the Project could result in a *potentially significant* impact related to geology and soils.

**Mitigation Measures:** Implementation of the following mitigation measures identified in the Initial Study would reduce this impact to a *less-than-significant* level:

IS MM-1: Prior to issuance of grading permits, final foundation investigations shall be performed for each commercial lot, in order to evaluate specific soil conditions at each structure location and to analyze support conditions based on anticipated structural loads and configurations. The final foundation investigations shall provide information about specific site preparation, including chemical treatment types and procedures, and foundation, floor support and pavement section recommendations. The final foundation investigations shall be submitted for the review and approval of the City Engineer to ensure that the Project implements all recommendations in the investigations.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the Initial Study and EIR.

**Facts in Support of Finding:** The preliminary soil investigation prepared for the Initial Study indicates that the strength and compressibility properties of the on-site soils are favorable for support of the construction associated with the Project. The surface soils, to depths of approximately 12 inches, are loose, having been previously disturbed by cultivation, but can be recompacted during normal site grading procedures. Undisturbed surface soils below a depth of 12 inches have sufficient strength to support light to moderate loads such as the loads imposed by one- and two-story buildings on conventional spread foundations with negligible settlement. Stiff clays and medium dense to dense sands that are capable of contributing to support of heavily loaded deep foundations with negligible settlement are present below depths of five to 12 feet.

The report further indicates that street pavement subgrades should be prepared and compacted in accordance with City of Sacramento standards and materials, and construction within the structural pavement section shall conform to City standards. In addition, in terms of expansive soil, the geotechnical report determined that the surface clays present on most of the site, to depths of at least two feet, are of moderate to high plasticity and could develop significant swelling pressures with variations in moisture content. Therefore, the report recommends compaction of in place soils, as well as engineered and treated fills to 90 percent of the maximum dry density, to provide adequate support for floor slabs and building foundations. In addition, chemical treatment of building pads with five percent high calcium or dolomitic quicklime by dry weight to a depth of 12 inches is recommended for reduction of the expansive tendencies of the soils.

The preliminary soil investigation also indicates that the low densities of the near-surface soils over most of the Project site would, under the recommended compaction procedures, result in moderate subsidence of the native subgrades, as well as shrinkage of soils placed as engineered fill. Subgrades could subside an average of approximately three inches and excavated soils could shrink 15 to 20 percent when compacted as engineered fill.

Liquefaction is a phenomenon in which loose and saturated soils are subject to a temporary but essentially total loss of shear strength because of pore pressure build-up under the reversing cyclic shear stresses associated with earthquakes. The weight of structures on such liquefied material can precipitate structural damage. The North Natomas basin is at risk for earthquake-related liquefaction. According to the Preliminary Soil Investigation for Natomas Crossing Freeway Commercial Properties (geotechnical report), due to the poor drainage characteristics of the surface and near-surface clayey soils on the Project site, the surface could become saturated and unstable during the wet season. Therefore, the Project site could be adversely impacted by potential liquefaction. Implementation of the above mitigation measure would reduce the potential expansive soil and subsidence impact to a *less-than-significant* level.

## 6. Biological Resources

**Impact IS 7a: Impacts to Special Status Species. Special-Status Plants: Seven**

special-status plant species occur within the NBHCP. Of the listed plants, the Delta Tule Pea (*Lathyrus jepsonii* var. *jepsonii*), Sanford's Arrowhead (*Sagittaria sanfordii*), Boggs Lake Hedge-Hyssop (*Gratiola heterosepala*), and Legenere (*Legenere limosa*) could occur within the Project site. However, all of the plants are riparian or wetland species and would occur within drainage features. The only drainage feature located on the Project site is the North Natomas Drainage Channel, for which development is not proposed.

**Special-Status Animals:** The NBHCP listed 18 special-status species. The following species may use the Project site for nesting habitat or foraging: Tricolored Blackbird (*Agelaius tricolor*), Aleutian Canada Goose (*Branta Canadensis leucopareia*), White-faced Ibis (*Plegadis chihi*), American Peregrine Falcon (*Falco Peregrinus anatum*), Loggerhead Shrike (*Lanius ludovicianus*), Greater Sandhill Crane (*Grus canadensis tabida*), Burrowing Owl (*Athene cunicularia*), Bank Swallow (*Riparia riparia*), Northwestern Pond Turtle (*Clemmys marmorata marmorata*), California Tiger Salamander (*Ambystoma hammondi*), and Western Spadefoot Toad (*Scaphiopus hammondi*). In addition, the Federally-listed Giant Garter Snake (*Thamnophis gigas*) and the State-listed Swainson's hawk (*Buteo swainsoni*) may be found on-site. All impacts to special-status species could be reduced to a less than significant level through participation in the Habitat Conservation Plan (HCP).

The Project could result in a *potentially significant* impact to these plant and animal species.

**Mitigation Measures:** Implementation of the following mitigation measures identified in the Initial Study would reduce this impact to a *less-than-significant* level:

IS MM-2: Prior to and within 14 days of site disturbance, pre-construction surveys for special-status species shall be conducted by a qualified biologist retained by the Project applicant and approved by the Development Services Department. Should any special-status species be identified, appropriate measures shall be implemented in compliance with the NBHCP (including implementation of Incidental Take Minimization Measures) for the review and approval of the Planning Director.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the Initial Study and EIR.

**Facts in Support of Finding:** The Project site is currently vacant, undeveloped land that was previously mass-graded in September 2002. A biological survey was conducted prior to grading activities, and the survey did not detect the presence of any special-status species. In addition, prior to grading, the applicant paid the appropriate Natomas Basin Habitat Community Plan (NBHCP) mitigation fees. The NNCP EIR found that impacts to special-status species could be reduced to a less than significant level through participation in the Habitat Conservation Plan (HCP). The Project site has been designated for urban

development within the Sacramento 2030 General Plan, and the Project proponent has previously paid the required NBHCP mitigation fees. However, should specific protected species be found on-site, additional mitigation would be required under the NBHCP. Implementation of the above mitigation measures would reduce the above impact to a *less-than-significant* level.

## 7. Cultural Resources

**Impact IS 14a-d:** The site is located within an area known for previous Native American habitation, the disruption of undiscovered human remains and archaeological resources on the Project site could occur during construction (e.g., excavation of trenches for installation of utilities). Therefore, implementation of the Project would result in a *potentially significant* impact.

**Mitigation Measures:** Implementation of the following mitigation measures identified in the Initial Study would reduce this impact to a *less-than-significant* level:

IS MM-3: In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction related earth-moving activities, all work within 100 feet of the resource shall be halted, and the City shall consult with a qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

IS MM-4: If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

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

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

IS MM-5: If a human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the find, and the County Coroner shall be

contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the Initial Study and the EIR.

**Facts in Support of Finding:** The Project site does not currently contain any structures. However, the site is identified as a Primary Impact Area in the Sacramento 2030 General Plan. In addition, the Cultural Resources Inventory and Evaluation performed for the site uncovered one prehistoric archaeological resource within the Project area. (It should be noted that the prehistoric resource was not discovered within the boundaries of the Project site.) In January 1987, Peak and Associates performed a systematic excavation of the area in which the prehistoric resource was found. According to the IS/MND that was previously prepared for the Project site, the investigation determined that the area represented a surface manifestation of fill material and did not contain an in situ cultural deposit. However, due to the size of the recorded area and the limited number of units excavated at that time, Peak and Associates recommended that a qualified archaeologist be present during surface and subsurface modifications to the site during future Projects. Implementation of the above mitigation measures would reduce the above impact to a *less-than-significant* level.

## **B. Significant and Unavoidable Impacts.**

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

### **1. Transportation and Circulation**

**Impact 4.2-20: Freeway Mainline.** The Project would increase traffic volumes on the freeway mainline. During the p.m. peak hour, LOS "F" operating conditions would degrade on the northbound I-5 segment from Arena Boulevard to Del Paso Road. This is considered a *significant* impact.

#### **Mitigation Measures:**

4.2-20: The Project applicant shall pay development fees for infrastructure Projects as outlined in the North Natomas Financing Plan ("NNFP") as its required share of all freeway-related improvements. In addition to payment for freeway related improvements, ramps and interchanges, the North Natomas Finance Plan includes a share of the Downtown Natomas Airport Light Rail Extension (DNA) Project costs. The DNA Project provides future congestion relief for both the I-

80 and I-5 freeways and is included in the Metropolitan Transportation Plan.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect. No mitigation is available to render the effects less than significant.

**Facts in Support of Finding:** In conjunction with the North Natomas Community Plan ("NNCP") and the NNFP, in 1994 the City of Sacramento prepared the North Natomas Freeway-Related Improvements Study (the "Kittleson Report"), which analyzed freeway-related impacts associated with development of the NNCP. The Kittleson Report recommended various improvements to the freeway mainlines, auxiliary lanes and interchanges and estimated that 43 percent of the cost for the proposed improvements are attributable to North Natomas. The Kittleson Report was discussed in further detail in the NNFP, which, in order to implement the Kittleson Report, provides that a portion of the PFF will be earmarked for the freeway-related improvements identified in the Kittleson Report.

To partially offset the Project's impacts to the freeway mainline, the applicant will pay its required share of freeway-related improvements by paying the PFF. Payment of the PFF fees cannot assure that impacts at the freeway ramp junctions will be reduced to a less than significant level. Given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061:1), the impacts of the Project on the freeway mainline would remain *significant and unavoidable*.

**Impact 4.2-21: Freeway Ramp Junctions.** The Project would increase traffic volumes at freeway ramp junctions that will already operate at unacceptable levels in the cumulative setting. Specifically, the Project would add traffic volume at the following locations:

- (a) I-5 Northbound – I-80 Exit Ramp - During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a *significant* impact.
- (b) I-5 Northbound – I-80 Entrance Ramp - During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a *significant* impact.
- (c) I-5 Northbound – Del Paso Road Exit Ramp - During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a *significant* impact.

- (d) I-5 Southbound – Arena Boulevard Exit Ramp - During the a.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS “F.” This is considered a *significant* impact.
- (e) I-5 Southbound – Arena Boulevard Westbound Entrance Ramp – During the a.m. and p.m. peak hours, traffic from the Project would add volume to a ramp junction already operating at LOS “F.” This is considered a *significant* impact.
- (f) I-80 Eastbound – I-5 Southbound Entrance Ramp - During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS “F.” This is considered a *significant* impact.

**Mitigation Measures:**

4.2-21: Implement Mitigation Measure 4.2-20.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect. No mitigation is available to render the effects less than significant.

**Facts in Support of Finding:** The ramp junctions listed above all operate at LOS “F” under cumulative no project conditions. At one ramp junction (I-5 Northbound – Del Paso Road Exit Ramp), this will be exacerbated by the addition of project traffic, and the DEIR therefore concluded that a significant impact would occur.

For all other ramp junctions, the ramp volume will remain the same or will be reduced slightly, but operations will remain at LOS “F”. Even though the Project’s incremental contribution did not exacerbate conditions at these ramp junctions, the Draft EIR took a conservative approach and determined that these cumulative project impacts were significant.

The applicant will pay its required share of freeway-related improvements by paying the PFF. Payment of the PFF fees, however, cannot assure that impacts at the freeway ramp junctions will be reduced to a less than significant level. Given the uncertainty regarding the timing and completion of the proposed freeway improvements and because CEQA defines “feasible” for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the Project on the freeway ramp junctions would remain *significant and unavoidable*.

**2. Air Quality**

**Impact 4.4-3: Long-term increases of criteria air pollutants.** The Project would include a mix of land uses, which would generate emissions of ozone-precursor pollutants (i.e., ROG and NOx). Predicted maximum daily emissions of ROG and NOx attributable to the Project would exceed

SMAQMD's recommended significance threshold of 65 lbs/pollutant/day. Because the Project's maximum daily emissions of ROG and NOx would exceed SMAQMD's significance threshold, the impact would be *significant*.

### **Mitigation Measures:**

4.4-3: Prior to Project approval, the Project applicant shall obtain written endorsement from the SMAQMD for an Air Quality Mitigation Plan (AQMP) for the Project. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to Project implementation. In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the Project's anticipated operational emissions of NOx and ROG. Measures anticipated to be applicable to the Project and currently recommended by the SMAQMD include, but are not limited to, the following:

- a. Provide on-site short-term and long-term bicycle parking.
- b. Provide "end-of-trip" bicycle facilities including showers, lockers, and changing space.
- c. Provide bicycle network that includes linkage to existing Class I or Class II bike lanes.
- d. Provide pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the Project site.
- e. Incorporate on-site transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service.
- f. Provide pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements that reduce motor vehicle speeds and encourage pedestrian and bicycle trips.
- g. Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.
- h. Provide a mix of onsite land uses proximate to existing or planned transit facilities.
- i. Install Energy-Star rated roofing materials.
- j. Provide shade (within fifteen years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.
- k. Incorporate landscaping and/or sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months.

The Project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and the City prior to the issuance of occupancy permits.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect. No mitigation is available to render the effects less than significant.

**Facts in Support of Finding:** Long-term increases in area- and mobile-source emissions associated with the proposed land uses were estimated using the CARB-approved URBEMIS2007 computer program, which is designed to model emissions for land use development Projects. The default settings for Sacramento County contained in the model were used for this analysis. In accordance with SMAQMD recommendations, predicted operational emissions were calculated for both summer and winter conditions. Predicted operational emissions for interim and buildout conditions are summarized in Table 4.4-10 on page 4.4-27 of the Draft EIR. During the summer ozone season, operation of the Project would generate maximum daily emissions of approximately 367 lbs/day of ROG and 376 lbs/day of NOx. During the winter months, the Project would generate maximum daily emissions of approximately 367 lbs/day of ROG and 552 lbs/day of NOx.

Predicted maximum daily emissions of ROG and NOx attributable to the Project would exceed SMAQMD's recommended significance threshold of 65 lbs/pollutant/day. Because the Project's maximum daily emissions of ROG and NOx would exceed SMAQMD's significance threshold, the impact would be significant.

In accordance with SMAQMD recommendations, implementation of Mitigation Measure 4.4-3 would reduce long-term operational emissions attributable to the Project by a minimum of approximately 15 percent. Assuming an overall minimum emissions reduction of 15 percent, maximum daily operational emissions at buildout would total approximately 312 lbs/day of ROG and 469 lbs/day of NOx.

Since preparation of the Draft EIR, the Project applicant developed an AQMP in accordance with SMAQMD's *Recommended Guidance for Land Use Emission Reductions* and Mitigation Measure 4.4-3 and submitted the AQMP to SMAQMD on March 11, 2009. On April 27, 2009, SMAQMD issued a letter endorsing the AQMP, stating that implementation of the mitigation measures described in the AQMP is anticipated to lead to a 15.79 percent or greater reduction in operational emissions from the Project. The AQMP and SMAQMD's endorsement letter are attached to the Final EIR as Appendices A and B.

With implementation of recommended emission-reduction measures, predicted maximum daily operational emissions at buildout of ROG and NOx would be reduced by 15.79 percent, or to 309 lbs/day of ROG and 465 lbs/day of NOx. While the emissions would be reduced, they are still anticipated to exceed SMAQMD's corresponding significance threshold of 65 lbs/pollutant/day. As a result, this impact would be considered *significant and unavoidable*.

**Impact 4.4-9: Cumulative contribution to regional air quality conditions (Construction and Operation).** The Project would result in significant air quality impacts associated with short-term construction and long-term operational emissions of ozone-precursor pollutants (ROG and NOx), and airborne particulate matter (PM10 and PM2.5). Project-generated increases in emissions could conflict with emissions inventories contained in regional air quality attainment plans and could contribute, on

a cumulative basis, to the region's non-attainment status. This is considered a *significant* impact.

**Mitigation Measures:**

- 4.4-9(a) Prior to the issuance of each grading permit, the City of Sacramento shall coordinate with the SMAQMD and SACOG to ensure that increases or decreases in VMT attributable to the Project are accounted for in the VMT calculations used for the development of regional emissions inventories.
- 4.4-9(b) Implement Mitigation Measures 4.4-1(a-d), 4.4-2, and 4.4-3.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect. No mitigation is available to render the effects less than significant.

**Facts in Support of Finding:** For the evaluation of cumulative ozone and PM impacts, the SMAQMD recommends that the project-level significance thresholds be relied upon for determination of cumulative air quality impacts. Accordingly, if project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NOx) or PM10 would exceed the short-term or long-term thresholds, then the project would be considered to have a cumulatively considerable incremental contribution to a significant cumulative impact. Furthermore, the air emissions inventories and projections that are used for regional air quality attainment and maintenance planning are based, in part, on projected growth levels identified in local planning documents. Therefore, a project that would result in a change in land use that would result in increased emissions, in comparison to existing land use designations, would be considered to have a cumulatively considerable contribution to a significant cumulative impact.

As discussed in Impacts 4.4-1 through 4.4-4 in the Draft EIR (pp. 4.4-18 – 4.4-30), the Project's short-term increase in construction-generated emissions of criteria air pollutants, as well as the short-term increase in fugitive dust, and the Project's long-term increases of criteria air pollutants are expected to exceed SMAQMD significance thresholds. In addition, implementation of the Project would result in a change in existing land use on the site.

In comparison to existing zoning, implementation of the Project would result in net increases of approximately 367 lbs/day of ROG. Emissions of NOx would increase by approximately 212 lbs/day during the summer months and approximately 316 lbs/day during the winter months. Emissions of PM10 would increase by approximately 476 lbs/day during the summer months and approximately 501 lbs/day during the winter months. A majority of the estimated net increases in emissions would be attributable to increases in vehicle miles traveled (VMT) associated with the proposed land uses. Compared to development under existing zoning for the site, the Project would result in an estimated net increase of 38,083 trips/day (DKS 2008).

Implementation of MM 4.4-1 and MM 4.4-2 would reduce and/or offset short-term construction-generated emissions to a less-than-significant level. Implementation of MM 4.4-3 would result in reductions of onsite emissions associated with energy usage and would include various measures to promote public transit, pedestrian access, and alternative means

of transportation. However, because a majority of the emissions would be associated with offsite vehicle travel associated with projected increases in VMT attributable to the Project, implementation of the proposed mitigation measures would not reduce operational emissions to a less-than-significant level. Net increases in emissions attributable to the Project would not be reduced to below levels estimated for existing zoning conditions. Implementation of the Project would, therefore, result in an increase in regional criteria air pollutants that would conflict with the emissions inventories used for regional air quality attainment and maintenance planning. For this reason, and the fact that the Project's operational emissions would exceed the air district's long-term emissions threshold, the Project's cumulative contribution to regional air quality conditions would be considered *significant and unavoidable*.

### C. 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.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such Projects[.]" (Pub. Resources Code, § 21002, italics added.) The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects." (*Ibid.*, italics added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such Project alternatives or such mitigation measures, individual Projects may be approved in spite of one or more significant effects." (*Ibid.*)

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: "legal" considerations. (CEQA Guidelines, § 15364; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a Project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; *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 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the Project lies with some other agency. (CEQA Guidelines, § 15091, subds. (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 the Project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated 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, supra*, 52 Cal.3d at p. 576.)

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of 'reasonable alternatives' to the proposed project . . . the statutory requirements for consideration of alternatives must be judged against a rule of reason." (*Ibid.*, quoting *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) "Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*Id.*, at p. 1029.) The requirement has been fulfilled here; the Draft EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project.

The preceding discussion regarding Project impacts reveals that nearly every significant effect identified in the EIR has been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. Thus, as a legal matter, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any

alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the Draft EIR, the City may approve the Project as mitigated, after adopting a statement of overriding considerations.

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**

CEQA requires that the lead agency identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying the infeasibility determination. (CEQA Guidelines, § 15126.6[c].) Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is failure to meet most of the basic Project objectives, infeasibility, or inability to avoid significant environmental impacts. The Draft EIR included the following alternatives that were considered, but dismissed from further consideration. (DEIR, p. 6-4.)

#### **1. Off-Site Alternative**

In many EIRs, an off-site alternative is evaluated to provide a greater range of possible alternatives to consider in the decision-making process. The key question is whether an off-site alternative is available that would feasibly attain most of the basic objectives of the Project, and would also avoid or substantially lessen any of the environmental effects of the Project. (CEQA Guidelines, § 15126.6[a], [b].)

The Off-Site Alternative would involve the construction of the Project on an alternative location and, more specifically, on other lands located within the Natomas Crossing Planned Unit Development (PUD) that are owned by the Project applicant. According to CEQA Guidelines section 15126.6 (f)(1), one factor that may be taken into account to determine the feasibility of an off-site alternative is whether the Project proponent already owns, or could reasonably acquire, off-site lands that would accommodate the Project. Among the land owned by the Project proponent that is of sufficient size to accommodate the majority of the Project are Quadrant E and Quadrant F located west of Interstate 5 (I-5), east of Duckhorn Drive, and south of Arena Boulevard, within the Natomas Crossing PUD. Development of Quadrant E and Quadrant F would include the development of fewer acres than the Project. Therefore, because the Off-Site Alternative location consists of fewer acres than the Project site, the Off-Site Alternative could not accommodate the entirety of uses associated with the Project.

In addition, CEQA Guidelines section 15126.6, subdivisions (b) and (c) state that an alternative should avoid or substantially lessen one or more of the environmental effects of

the Project. Alternative locations within North Natomas, including Quadrant E and Quadrant F, generally contain characteristics similar to the Project site. For example, Quadrant E and Quadrant F would be accessed by the same I-5 ramps as the Project site and significant impacts related to transportation and circulation would be expected to be the same under the Off-Site Alternative, as compared to the Project. Furthermore, like portions of Quadrant C for the Project, residential uses are located directly adjacent to Quadrant E and Quadrant F and the Off-Site Alternative's impacts related to air quality and noise would be similar to, if not greater than, the Project's impacts on surrounding sensitive receptors. Therefore, development of the Project on an alternative location in North Natomas would be expected to result in the same significant impacts as the Project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the Project, does not exist.

### **Alternatives Considered in the EIR**

The EIR evaluated the following alternatives to the Project:

- No Project – No Build Alternative
- No Project – Existing Zoning Alternative
- Reduced Intensity Alternative

CEQA requires the evaluation of the comparative impacts of a "No Project" alternative. (CEQA Guidelines, § 15126.6, subd. (e).) The purpose of describing and analyzing the "no Project" alternative "is to allow decision-makers to compare the impact of approving the Project with the impacts of not approving the Project. (CEQA Guidelines, § 15126.6, subd. (e)(1).) Analysis of the no Project Alternative "shall discuss existing conditions at the time the notice of preparation is published" as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved. (*Id.*, subd. [e][2].) According to section 15126, subdivision (e)(3)(B), "the 'no Project' alternative is the circumstance under which the Project does not proceed." In that case, "the discussion would compare the environmental effects of the property remaining in the property's existing state versus ~~environmental effects that would occur if the Project were approved.~~" ~~The No Project – No Build Alternative~~ therefore analyzes the impacts that would occur if the Project site remained vacant, undeveloped land, as it currently exists.

CEQA Guidelines section 15126.6 also provides that, if "disapproval of the Project under consideration would result in predictable actions by others, such as the proposal of some other Project, this 'no Project' consequence should be discussed." In other words, "where failure to proceed with the Project would not result in preservation of existing environmental conditions, the analysis should identify the practical result of the Project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (*Id.*, subd. [e][3][B].) Here, because the Project site is entitled to develop with urban uses based on the existing land use designations, denial of the Project would likely result in the proposal of another Project. Therefore, under the **No Project – Existing Zoning Alternative**, full development of the Project site pursuant to the existing zoning designations is evaluated.

In addition, the City evaluated a **Reduced Intensity Alternative**, which would include the development of 50 percent fewer square feet (sq. ft.) with the same mixture of retail, residential, office, and hotel uses. The intensity of hospital uses would not be reduced in this Alternative.

For impacts associated with noise, hydrology, water quality and drainage, hazards, aesthetics, and public services, the Draft EIR determined that the Project would not result in any significant impact in those areas. These Findings therefore do not include evaluation of the alternative as compared to the Project for those impacts because the impacts related to the alternatives would be similar.

According to the Noise chapter of the Draft EIR (pp. 4.3-1 to 4.3-31), the Project impacts associated with construction noise, construction-induced vibrations, Project-related increases in existing traffic noise levels at off-site residential uses, noise levels associated with the proposed helistop, and the cumulative increase in noise levels in the Project vicinity would be less than significant. Stationary noise impacts from truck circulation, loading docks, and rooftop HVAC equipment, traffic noise levels at proposed on-site residential uses, and traffic noise levels at the proposed hospital could exceed the applicable noise level standard at existing and proposed residential uses would be reduced to less than significant levels with the implementation of mitigation measures identified in the chapter.

According to the Hydrology, Water Quality, and Drainage chapter of the Draft EIR (pp. 4.5-1 to 4.5-22), the Project would not result in significant impacts to surface water quality because, prior to construction, the Project would be required to prepare a Storm Water Pollution Prevention Plan that includes Best Management Practices (BMPs), as well as comply with the City's Stormwater Management and Discharge Control Ordinance and the Grading, Erosion, and Sediment Control Ordinance. In addition, the Project would not result in significant impacts to existing drainage facilities because the Project would be required to construct on-site internal drainage infrastructure and pay fees associated with the development and maintenance of the existing drainage infrastructure. Furthermore, the Project would not result in the exposure of people to flood hazards because the Project cannot be feasibly built out until Natomas levees are recertified by the Federal Emergency Management Agency ("FEMA") or until FEMA redesignates the Natomas Basin with a flood zone designation that permits feasible development of the Project.

According to the analysis in the Hazards chapter of the Draft EIR (pp. 4.6-1 to 4.6-12), impacts related to routine transport, use, and disposal of hazardous materials would not be significant because the use and transportation of hazardous materials are subject to stringent local, State, and federal regulations, the intent of which is to minimize the public's risk of exposure. In addition, because the Project would include the completion of a Hazardous Materials and Waste Management Plan, impacts related to the storage of hazardous materials associated with the proposed hospital would not be significant. Furthermore, impacts related to potential hazards associated with the proposed on-site helistop would not be significant because the specific design and placement of the helistop would be subject to review by Caltrans, Division of Aeronautics, and pilots and flight crew involved with the proposed air medical helicopter operations would be required to maintain FAA certification.

According to the Aesthetics chapter of the Draft EIR (pp. 4.7-1 to 4.7-17), impacts related to alteration or degradation of the existing visual character and quality of the Project site and the

site's surroundings, and impacts related to light and glare, would not be significant because the Project would be required to be consistent with the Sacramento 2030 General Plan goals and policies related to aesthetics, as well as obtain approval of a Planning Director Plan Review in order to be in conformance with the PUD Development Guidelines and the North Natomas Development Guidelines, which would ensure compatibility with existing and proposed development in the Project area.

According to the Public Services chapter of the Draft EIR (pp. 4.8-1 to 4.8-11), impacts related to increased demands on existing police and fire facilities and services would not be significant because the Project applicant would be required by the City of Sacramento to pay development impact fees for the Project's increased demand for police and fire services.

### **1. No Project – No Build Alternative**

The No Project – No Build Alternative is defined as the continuation of the existing condition of the Project site, which is currently vacant and mass-graded. Under the No Project – No Build Alternative, the site would continue in its existing state.

#### Comparative Environmental Effects

##### Significant and Unavoidable Impact That Would No Longer Occur

##### Traffic

As compared with the Project, the No Project – No Build Alternative would not further contribute towards the cumulative need to construct regional roadway improvements, such as freeway ramp modifications. In addition, this Alternative would eliminate the need for the modification of various existing traffic signals to accommodate new vehicle trips resulting from buildout of the Project site. Therefore, the No Project – No Build Alternative would result in no impacts to transportation and circulation, as compared to the Project.

##### Air Quality

Under the No Project – No Build Alternative, air quality conditions would remain the same as existing air quality conditions. Because the site is currently vacant and is not being farmed, pollution emissions are not currently generated on-site. In contrast, the Project would create increased levels of emissions generated during construction of the Project and operation of the future uses on the site, as well as increased traffic in the vicinity of the site. Therefore, the No Project – No Build Alternative would result in fewer impacts to air quality, as compared to the Project.

##### Feasibility/Relationship of Alternative to Project Objectives

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a Project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

This Alternative maintains the *status quo*. The No Project – No Build Alternative will avoid the significant and unavoidable impacts associated with the Project, provided the existing physical conditions on the site continue to exist. Despite the fact that the significant impacts associated with implementation of the Project would be reduced in significance under the No Project – No Build Alternative, the implementation of this Alternative would not meet any of the Project's objectives, including those related to development of retail and regional commercial land uses, creation of a development that will foster economic and employment opportunities; provision of essential healthcare and emergency room service options and developing a Project that will ultimately provide a mix of uses, including residential, hotel, office, medical and retail. (DEIR, p. 3-8.)

“'[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) The No Project – No Build Alternative would preclude any development at the Project site, thereby eliminating the benefits associated with the Project, including elimination of potential jobs and revenue-creating development.

Further, the No Project – No Build Alternative would not have the traffic reducing benefits of the Project. Specifically, the Project will significantly reduce commute time and vehicle miles traveled for patients and residents of North Natomas who currently access medical services in other areas of the City. Currently, residents who reside in and near North Natomas access most in- and out-patient services at hospitals located at 2801 L Street and 1650 Response Road, which are located greater than five miles, generally south of the Project site (See Figure 3-6). The most direct route from the North Natomas area to the hospital at 2801 L Street is via I-5. The most direct route to the hospital on 1650 Response Road is via I-5 and I-80. The development of a hospital is anticipated to reduce travel distance for residents living in and near Natomas who currently access services in downtown, which would reduce traffic on regional routes such as I-5 and I-80. (DEIR, p. 3-8.) With the No Project – No Build Alternative, these reductions would not occur.

The No Project – No Build Alternative's desirability is not on balance with the Project in terms of its economic, environmental, social and technological elements. The Project is the more desirable choice for the community and the region. Therefore, the No Project – No Build Alternative is rejected as infeasible.

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

Under the No Project – Existing Zoning Alternative, development under the existing land uses designations for each quadrant of the Project site is assumed. The existing land use designations are as follows:

### **Quadrant B**

- 353,580 to 1,219,070 sq. ft. of office
- 19,215 to 99,856 sq. ft. of retail
- 47,850 to 75,400 sq. ft. of hotel

(although specific assumptions are not listed for residential uses here, such uses could be allowed in certain areas of Quadrant B upon subsequent schematic plan amendment approvals, given the provisions in the NNCP Employment Center land use designation)

#### Quadrant C

- 198,800 to 500,639 sq. ft. of office
- 25,295 to 117,600 sq. ft. of retail
- 97,350 to 153,400 sq. ft. of hotel
- 7,000 to 16,800 sq. ft. of daycare

#### Quadrant D

- 253,600-584,700 sq. ft. of office

#### Comparative Environmental Effects

#### Impacts That Would Be Reduced But Remain Significant and Unavoidable

##### Traffic

The No Project – Existing Zoning Alternative would result in a reduction in total external traffic trips; the Natomas Crossing Traffic Study (January, 2009) determined that trips would be reduced by 38,083 trips per day as compared to baseline conditions. Also, under this Alternative, levels of service (LOS) would not exceed the significance threshold at study intersections, whereas for the Project, one study intersection, East Commerce Way / Arena Boulevard, would be significantly impacted; however, mitigation has been identified to reduce this impact to a less-than-significant level for the Project. (See DEIR, pp. 4.2-45 to 4.2-48, 4.2-52; Impact 4.2-.1)

The traffic analysis does, however, identify several potentially significant impacts resulting from this Alternative, which would also result from the Project; these potentially significant impacts include impacts to pedestrian and bicycle circulation, as well as traffic impacts related to construction of the Project. The DEIR identified the following impacts for the Existing Zoning Alternative:

**Impact 4.2-14: Pedestrian and Bicycle Circulation Impacts.** The Existing Zoning Alternative would add pedestrian and bicycle demands within the site and to and from nearby land uses. Specific information on improvements to on- and off-site bicycle and pedestrian facilities is not available at this time. Because the alternative would add demand for pedestrian and bicycle facilities that may not be available, the impact of the Existing Zoning Alternative on pedestrian and bicycle circulation is *potentially significant*. (DEIR, p. 4.2-14.)

#### **Mitigation Measures:**

4.2-14: Implement Mitigation Measure 4.2-6. Prior to the issuance of building permits, the Project applicant shall identify the necessary on and off-site pedestrian and

bicycle facilities to serve the proposed development to the satisfaction of the City of Sacramento Traffic Engineering Division. These facilities shall be incorporated into the Existing Zoning Alternative and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads. Sidewalks would be required as part of the frontage improvements along all new roadway construction in the vicinity in conformance with City design standards. Circulation and access to any proposed public spaces shall include sidewalks that meet Americans with Disabilities Act standards. (DEIR, pp. 4.2-63, 4.2-65.)

Because the Existing Zoning Alternative would add demand for pedestrian and bicycle facilities that may not be available, the impact on pedestrian and bicycle circulation is potentially significant. With implementation of the above mitigation measure, development under the Existing Zoning Alternative would provide the necessary on and off-site pedestrian and bicycle facilities to serve the proposed development to the satisfaction of the City and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads. Further, sidewalks would be required as part of the frontage improvements along all new roadway construction in the vicinity in conformance with City design standards. Circulation and access to any proposed public spaces shall include sidewalks that meet Americans with Disabilities Act standards. Therefore, with implementation of this mitigation measure, the impact of the Existing Zoning Alternative would be reduced to a *less-than-significant* level. (DEIR, pp. 4.2-60, 4.2-63, 4.2-65.)

**Impact 4.2-16: Parking Impacts.** The Existing Zoning Alternative would increase demand for off-street parking. The number of parking spaces that would be provided is unknown at this time. Because the number of spaces is unknown, the impact of the alternative on parking is *potentially significant*. (DEIR, p. 4.2-66.)

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#### **Mitigation Measures:**

4.2-16: Implement Mitigation Measure 4.2-8. Development under the Existing Zoning Alternative shall provide parking in accordance with City zoning requirements. Table 4.2-20 on page 4.2-64 of the Draft EIR summarizes the parking requirement based upon the City zoning code.

Development under the Existing Zoning Alternative would increase demand for off-street parking, however, the number of parking spaces that would be provided is unknown at this time. Because the number of spaces is unknown, the impact of the Existing Zoning Alternative on parking is potentially significant. With implementation of the above mitigation measure, development under the Existing Zoning Alternative would be required to provide adequate parking in accordance with City standards. The impact would therefore be reduced to a *less-than-significant* level. (DEIR, pp. 4.2-63 to 4.2-64, 4.2-66.)

Therefore, while the No Project – Existing Zoning Alternative would have similar impacts with respect to pedestrian and bicycle circulation and construction related impacts as the Project,

this Alternative would also result in fewer trips per day, and no potentially significant impact to the East Commerce Way / Arena Boulevard intersection under the Baseline scenario, compared to the Project. This Alternative would therefore have fewer traffic impacts.

### Air Quality

As stated above, under the No Project – Existing Zoning Alternative, vehicle trips would be reduced. The reduction of vehicle trips would result in fewer air pollutants being emitted by traffic associated with the site. In addition, by not altering the land use designations for the site, the emissions generated by this Alternative would be in substantial conformance with the amounts projected for the site in existing air quality attainment plans.

Detailed construction information is not available for buildout under existing zoning. However, emissions of NO<sub>x</sub> generated during construction would be anticipated to be greatest during the initial grading phases, due to the increased amount of off-highway equipment required. Modeling of emissions conducted for the grading phases is based on the assumption that roughly 25 percent of the Project area would be actively disturbed on any given day. Assuming that the level of development would proceed in a manner similar to that of the Project, resultant maximum daily emissions of NO<sub>x</sub> under this Alternative would be similar to the Project emissions. However, the Project includes construction of Quadrant C in four separate phases, followed by construction of Quadrant B and Quadrant D. In the event that construction of Quadrant C, Quadrant B, and Quadrant D were to occur simultaneously under the Alternative, predicted maximum daily emissions of NO<sub>x</sub> could conceivably be greater than that of the Project, and could exceed SMAQMD's threshold of 85 lbs/day.

Emissions of particulate matter generated during construction would be anticipated to be greatest during the initial grading phases. Modeling of emissions conducted for the grading phases is based on the assumption that roughly 25 percent of the site would be actively disturbed on any given day. Assuming that development in accordance with existing zoning were to proceed in a manner similar to that of the Project, resultant maximum daily emissions of particulate matter would be similar. However, the Project includes construction of Quadrant C in four separate phases, followed by construction of Quadrant B and Quadrant D. Assuming that development of Quadrant B, Quadrant C, and Quadrant D were to occur simultaneously under the Alternative, predicted maximum daily emissions of particulate matter could conceivably be greater than that of the Project.

During the summer ozone season, development in accordance with existing zoning would generate maximum daily emissions of approximately 169 lbs/day of ROG, 164 lbs/day of NO<sub>x</sub>, and 349 lbs/day of PM<sub>10</sub>. During the winter months, emissions of ROG would decrease to approximately 154 lbs/day; whereas, emissions of NO<sub>x</sub> would increase to approximately 237 lbs/day. Unmitigated maximum daily emissions during both summer and winter operational conditions would exceed SMAQMD's recommended significance threshold of 65 lbs/pollutant/day.

Development consistent with existing zoning would result in predicted 1-hour and 8-hour local mobile-source CO concentrations of approximately 9.1 ppm and 6.4 ppm, respectively. Predicted CO concentrations would not be anticipated to exceed the 1-hour or 8-hour CAAQS; therefore the impact under existing zoning would also not be considered significant.

Assuming that construction proceeds in six phases (four phases for Quad C), consistent with the assumptions made for the Project air quality analysis, the resultant maximum daily emissions of criteria air pollutants, as well as particulate matter, would be similar to the emissions created by construction of the Project. (See DEIR, p. 4.4-16, Table 4.4-6.) However, if construction of Quadrants B, C, and D were to occur simultaneously under this Alternative, predicted maximum daily emissions of criteria air pollutants and particulate matter could conceivably be greater than that of the Project.

For long-term criteria air pollutants, the Project and the No Project – Existing Zoning Alternative would have similar impacts – both would exceed the Sacramento Air Quality Management District's threshold and result in significant and unavoidable impacts. (See DEIR, p. 6-10, Table 6-1.)

Furthermore, cumulative impacts to regional air quality would be considered significant under both scenarios. Therefore, under the No Project – Existing Zoning Alternative, impacts associated with air quality would be similar to those created by the Project.

#### Feasibility/Relationship of the Alternative to Project Objectives

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a Project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The No Project – Existing Zoning Alternative would meet some, but not all of the Project objectives. The majority of the Alternative (1.6 million square feet or 84 percent) would be dedicated to office uses, with the remainder consisting of retail and hotel uses. The Existing Zoning Alternative therefore would not achieve the objectives of developing retail and regional commercial uses to the extent that the Project would, and further, would not foster economic development to the same extent as the Project, as discussed in more detail below. In addition, the Project objectives related to the provision of essential healthcare and emergency room service options would not be met under this Alternative. Finally, while the Alternative would provide a mix of uses, it would not include all of the uses identified in the Project objectives, which include residential and medical uses, in addition to office, hotel and retail. (DEIR, p. 3-8.)

"[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The No Project – Existing Zoning Alternative would develop the same amount of acreage as the Project, but would provide more employment opportunities, less commercial/retail, and no hospital development. Specifically, this Alternative could include commercial/retail uses ranging from 44,510 sq. ft. to 217,456 sq. ft., and employment uses ranging from 777,600 sq. ft. to 2,248,559 sq. ft. In comparison, at full buildout, the Project would include up to 180 residential units and significantly increased retail space (857,000 sq. ft.), including regional and community serving retail, as well as a 600,000 sq. ft. hospital facility, 600,000 sq. ft. of medical office, and reduced office space (440,000 sq. ft.).

The No Project – Existing Zoning Alternative would not have the traffic reducing benefits of the Project. Specifically, the Project will significantly reduce commute time and vehicle miles traveled for patients and residents of North Natomás who currently access medical services in other areas of the City. Currently, residents who reside in and near North Natomas access most in- and out-patient services at hospitals located at 2801 L Street and 1650 Response Road, which are located greater than five miles, generally south of the Project site (See Figure 3-6). The most direct route from the North Natomas area to the hospital at 2801 L Street is via I-5. The most direct route to the hospital on 1650 Response Road is via I-5 and I-80. The development of a hospital is anticipated to reduce travel distance for residents living in and near Natomas who currently access services in downtown, which would reduce traffic on regional routes such as I-5 and I-80. (DEIR, p. 3-8.) With the No Project – Existing Zoning Alternative, these reductions would not occur.

In addition, the Existing Zoning Alternative is anticipated to complete development over a significantly longer time period. A study from Gruen Gruen and Associates prepared in 2005 examined the existing supply and expected demand of office space in Natomas and determined that development according to the Existing Zoning Alternative could absorb a maximum of approximately 56,-000 sq. ft. of office use on an annual basis. At that rate, development under the Existing Zoning Alternative would take 28 years to complete buildout. The retail and hotel uses, however, would be expected to be fully developed within the first 12 years, while only 672,000 sq. ft., or 42 percent, of the planned office would be expected to be developed by Year 12.

According to the April, 2009 *Natomas Crossing Economic Analysis* prepared by Economic & Planning Systems, Inc., given market demographics and the past development history of the North Natomas area, it is expected that the retail, hotel and general office under the Project would develop within a 12-year time frame. The hospital and medical office uses would also be expected to develop within the 12-year period. The *Natomas Crossing Economic Analysis* further anticipates that the Natomas area will be able to easily accommodate a major hospital complex, given that the area is not currently served by a hospital complex.

Based on the following considerations, the *Natomas Crossing Economic Analysis* concludes that the Project is projected to generate significantly greater economic benefits than would be possible under the Existing Zoning Alternative.

#### *Short-Term Economic Considerations (Construction)*

During the 12-year construction period, the Project is expected to generate a total of 11,200 job years; 9,600 more job years than would be generated under the Existing Zoning Alternative. This translates to an average annual construction-related employment rate of 930 jobs under the Project, as compared to 140 jobs under the Existing Zoning Alternative. (See *Natomas Crossing Economic Feasibility*, p. 6, Table 2.)

The Project would also generate about \$1.3 billion more in total economic output, which includes \$480 million more in total wages and benefits for construction-related employment. The construction of a hospital and an additional 735,000 sq. ft. of retail uses account for the significantly higher economic benefits during the construction phase for the Project.

Construction spending under the Project is estimated to total approximately \$1.2 billion and \$173 million under the Existing Zoning Alternative over the first 12 years. Under the Existing Zoning Alternative, additional construction beyond Year 12 would cost approximately \$151 million, for a total of \$324 million at buildout. Thus, on a buildout basis, construction spending under the Project would surpass spending under the Existing Zoning Alternative by \$800 million. (See *Natomas Crossing Economic Feasibility*, Appendix B, Tables B-1 to B-4.)

#### *Ongoing Economic Considerations (Employment)*

The Project is also projected to have a larger economic benefit than the Existing Zoning Alternative from the ongoing business operations of employment uses. Under the Project, approximately 12,400 jobs would be supported, compared to 4,600 jobs under the Existing Zoning Alternative by Year 12. The Project would also generate \$960 million more in total economic output, which includes \$491 million more in total wages and benefits for new employment. (See *Natomas Crossing Economic Feasibility*, p. 6, Table 2.)

Although the Existing Zoning Alternative would generate additional benefits beyond Year 12, total benefits at buildout will still be significantly less than under the Project because more building square feet will be developed and consequently, more workers will be employed under the Project. (See *Natomas Crossing Economic Feasibility*, Appendix B, Tables B-5 to B-8.)

#### *City Tax Revenues*

According to the *Natomas Crossing Economic Feasibility* report, the Project is projected to generate more than twice as much of the total City tax revenue over the first 12 years than estimated for the Existing Zoning Alternative (an increase of \$28.6 million). The Project will generate an estimated \$48.9 million, while the Existing Zoning Alternative would generate an estimated 20.3 million by Year 12. The increase in tax revenue is primarily attributable to the increased retail included in the Project, which generates approximately \$19.9 million in sales tax revenue, or 41 percent of the Project's increased tax revenues for the City. (See *Natomas Crossing Economic Feasibility*, Fig. 5, and Table C-1.)

#### *City Fee Revenues*

In addition, the *Natomas Crossing Economic Feasibility* study reports that, while total buildout fees would ultimately be similar for the Project and under the Alternative because of the structure of the North Natomas Financing Plan which bases the fees on land designation and not on Project design, the Project generates approximately \$13.4 million more in fee revenue by Year 12 than the Existing Zoning Alternative, with most of that attributable to the Public Facility Fee required under the North Natomas Financing Plan. The Existing Zoning Alternative would take more than twice as long to build out and would produce \$1.3 million less in fee revenue. (See *Natomas Crossing Economic Feasibility*, Fig. 6; Appendix C, Tables C-11, C-12.)

In sum, the Project will make greater financial contributions to the community than the Existing Zoning Alternative, and, because the Project accelerates buildout, the benefits of the Project will be accelerated. Based on all of the above factors, the No Project – Existing

Zoning Alternative's desirability is not on balance with the Project in terms of its economic, environmental, social and technological elements. The Project is the more desirable choice for the community and the region. Therefore, the No Project – Existing Zoning Alternative is rejected as infeasible.

### 3. Reduced Intensity Alternative

The Reduced Intensity Alternative would retain the same mix of retail, support retail, and restaurant uses as the Project, and would utilize the same access points; however, the Reduced Intensity Alternative would include a 50 percent reduction in square footage associated with the Project.

Specifically, under the Reduced Intensity Alternative, Quadrant C would be reduced from 404,580 sq. ft. of retail uses and 200,000 sq. ft. of office uses to approximately 202,290 sq. ft. of retail uses and 100,000 sq. ft. of office uses.

The southern portion of Quadrant B, development of which is not proposed at this time, would be reduced from a range of 309,276 to 463,914 sq. ft. of retail uses to a range of 154,638 to 231,957 sq. ft. of retail uses.

The northern portion of Quadrant B, would be reduced from 180 residential units, 130,000 sq. ft. of hotel uses, and 240,000 sq. ft. of office uses to 90 residential units, 65,000 sq. ft. of hotel uses, and 120,000 sq. ft. of office uses.

The development of Quadrant D would be reduced from 600,000 to 300,000 sq. ft. of medical office uses. However, the development of hospital uses on Quadrant D would not be reduced in this Alternative. Development of the Reduced Intensity Alternative would result in less intense development and fewer impacts than the Existing Zoning Alternative.

#### Comparative Environmental Effects

##### Impacts That Would Be Reduced but Remain Significant and Unavoidable

#### Traffic

Under the Reduced Intensity Alternative, the reduction in retail square footage would result in a significant decrease in the total number of Project-related vehicle trips. Using the data contained in the traffic study, the number of new vehicle trips associated with buildout of this Alternative can be calculated as approximately 31,394 (i.e., 50 percent of the 62,788 new vehicle trips generated by the Project). In comparison, the traffic study determined that the Existing Zoning Alternative would generate 31,074 trips. Given that the Reduced Intensity Alternative would be expected to generate approximately the same number of vehicle trips as the Existing Zoning Alternative (e.g., the Reduced Intensity Alternative would only generate 320 more trips than the Existing Zoning Alternative), similar to the Existing Zoning Alternative there would be no impacts to study intersections under the Baseline scenario with the Reduced Intensity Alternative.

Under the Project, one study intersection, East Commerce Way / Arena Boulevard, would be significantly impacted under the Baseline scenario. (See DEIR, pp. 4.2-45, 4.2-52.) Under the

Baseline Plus Project scenario, all of the transportation and circulation impacts associated with the Project would be mitigated to a less than significant level. However, under the Cumulative No Project scenario, six ramp junctions would operate at LOS F. Under the Cumulative Plus Project scenario, the already unacceptable operations at one ramp junction (I-5 Northbound – Del Paso Road Exit Ramp) will be exacerbated by the addition of project traffic. For the remaining ramp junctions, the ramp volume will remain the same or will be reduced slightly, but operations will remain at LOS F. Even though the Project's incremental contribution did not exacerbate conditions at these ramp junctions, the Draft EIR took a conservative approach and determined that these cumulative project impacts were significant and unavoidable.

Although vehicle trips would be reduced under the Reduced Intensity Alternative as discussed above, the impact to freeway ramp junctions would be expected to remain significant and unavoidable because new vehicle trips would still be added to ramp junctions that are already operating at LOS F and payment of fees would not ensure that impacts would be reduced. Therefore, the Reduced Intensity Alternative would result in slightly reduced impacts to transportation and circulation, as compared to the Project, but the Alternative's incremental contribution to the impact on freeway ramp junctions would also be significant.

#### Air Quality

Under the Reduced Intensity Alternative, the reduction in retail square footage would result in a significant decrease in the total number of Project-related vehicle trips. As a result, emissions of criteria pollutants from commercial uses and automobiles would be reduced. Using the URBEMIS computer modeling program, the total operational emissions for the Reduced Intensity Alternative were projected to be approximately 320 lbs/day of ROG; and 300.1 lbs/day of NOx. Emissions of ROG and NOx associated with the Project were determined to be approximately 367 lbs/day of ROG and 354 lbs/day of NOx, reduced to 309 lbs/day of ROG and 465 lbs/day of NOx with implementation of the AQMP endorsed by SMAQMD on April 27, 2009.

The Reduced Intensity Alternative would result in lower levels of ROG and NOx emissions than the Project; however, both the emissions estimates for the Project and this Alternative would exceed the SMAQMD's 65 lbs/day significance threshold for ROG and NOx, causing the impact to remain significant and unavoidable. As a result, the Reduced Intensity Alternative would result in slightly reduced impacts to air quality, as compared to the Project, but a significant and unavoidable impact would remain.

#### Feasibility/Relationship of Alternative to Project Objectives

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a Project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) The Reduced Intensity Alternative would meet Project objectives, but to a lesser extent than the Project. Because only half as much development would occur under the Reduced Intensity Alternative, objectives related to development of retail and regional commercial land uses, creation of a development that will foster economic and employment opportunities; and

developing a Project that will ultimately provide a mix of uses, including residential, hotel, office, medical and retail will be met, but to a lesser extent than under the Project. (DEIR, p. 3-8.) In addition, the objectives relating to the provision of essential healthcare and emergency room service options will be met under the Alternative inasmuch as the same amount of hospital use will be provided; however, only half as much medical office use would be developed.

“‘[F]easibility’ under CEQA also encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

Further, the Reduced Intensity Alternative would reduce the number of potential jobs and revenue-creating development. Specifically, while the proposed Project would generate over \$1.4 billion in construction output and \$5.6 million in construction employee income, this would be significantly reduced under the Reduced Intensity Alternative, given that all construction except for associated with the hospital would be reduced by half. In addition, the \$1.4 billion in ongoing annual output and \$7 million in annual employee income expected under the Project would be significantly reduced under the Reduced Intensity Alternative.

Further, revenues to the City will be reduced under the Reduced Intensity Alternative. Property tax revenues of the Project, projected to be nearly \$18 million will be reduced by half under the Reduced Intensity Alternative because all uses other than the hospital will be reduced by half and the hospital is expected to operate as a non-profit and therefore will not be subject to property taxes. (*Natomas Crossing Economic Analysis*, p. 18.) Further, the sales tax revenues of nearly \$20 million will be reduced by half under the Reduced Intensity Alternative.

The Reduced Intensity Alternative’s desirability is not on balance with the Project in terms of its economic, environmental, social and technological elements. The Project is the more desirable choice for the community and the region. Therefore, the Reduced Intensity Alternative is rejected as infeasible.

### **Environmentally Superior Alternative**

In addition to the discussion and comparison of impacts of the alternatives to the Project, CEQA requires that an “environmentally superior” alternative be selected from among the range of reasonable alternatives, and the reasons for such selection disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. However, CEQA Guidelines section 15126(e)(2) requires that, if the environmentally superior alternative is the ‘no Project’ alternative, another alternative be identified as the environmentally superior alternative.

Based on the comparison of the Project with the Alternatives presented above, the No Project – Existing Zoning Alternative would be the environmentally superior alternative. However, the Reduced Intensity Alternative was selected as the environmentally superior alternative because CEQA does not permit selection of a “no Project” alternative.

The Reduced Intensity Alternative would be the environmentally superior alternative to the Project because the Reduced Intensity Alternative would result in the addition of fewer vehicle trips to the freeways and roads serving the Project area and air quality impacts would be reduced due to the reduction of vehicle trips. While impacts would be reduced, however, significant and unavoidable impacts related to transportation and circulation and air quality would be expected to remain under the Reduced Intensity Alternative.

While CEQA requires identifying an environmentally superior alternative, the purpose is to assist decision makers in considering project approval. CEQA does not require an agency to select the environmentally superior alternative for approval. For the reasons discussed above, the Reduced Intensity Alternative has been rejected as infeasible.

#### **D. Consistency with Plans**

The EIR evaluated the Project to determine whether it is consistent with applicable plans, policies, and regulations. The relevant plans, policies, and regulations are summarized below. The Project is generally consistent with, and promotes, the City's adopted planning and land use goals.

##### 2030 General Plan

The 2030 General Plan designates the Project site as Planned Development. Policy 10.1.4 of the 2030 General Plan states "[t]he City shall require areas designated Planned Development on the Land Use and Urban Form Diagram be developed consistent with the General Plan's Vision and Guiding Principles and obtain a General Plan Amendment to designate the area consistent with the Project using the appropriate designations contained in the Land Use and Urban Design Element." (Emphasis added.) The Project is seeking a General Plan Amendment from PD to Regional Center (RC) for Quadrant B (40.8 gross acres), from PD to RC for Quadrant C (52.9 gross acres), and from PC to Employment Center-Mid Rise (EC-MR) for Quadrant D (39.8 gross acres).

Several of the goals and policies in the General Plan provide for the intensification, redevelopment, and revitalization of Sacramento's uniquely identifiable centers that are defined by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting as places for commerce, employment, entertainment, culture, and living. Pedestrian-oriented activities are encouraged with plazas, cafes, bookstores, and restaurants that draw a variety of people and offer a welcome setting. Policies accommodate development of property exclusively for commercial and employment uses (without housing) and/or mixed-use Projects that integrate housing with retail, office, community facilities, and other uses within the same structure or on the same site.

It should be noted that, in addition to being consistent with 2030 General Plan goals and policies related to smart growth, the Project applicant is seeking certification under the in the "Leadership in Energy and Environmental Design" (LEED) Green Building Rating System, which is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. The LEED Rating System is the most comprehensive program available to help design teams implement sustainable development practices. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings,

energy efficiency, materials selection, and indoor environmental quality. The Green Building Council, which administers the Green Building Rating System, has reviewed Project plans and made suggested changes to the Project. Based on incorporation of these suggested changes into Project design, the Project has received pre-certification for a "Silver" LEED rating for Buildings 15 through 20 on Quadrant C. Certification under the LEED Green Building Rating System will occur once the Project has been built and use of the approved sustainable development practices can be confirmed.

#### *General Plan Regional Commercial Designation*

General Plan Goal 5.4 applies to Regional Centers, and establishes an overall goal to "establish major mixed-use activity centers through development and reinvestment in existing regional commercial centers that are vibrant, regionally accessible destinations where people live, work, shop, and congregate in a mix of retail, employment, entertainment, and residential uses." The Project would meet this goal by establishing in Quadrants B and C a regional commercial center that would provide a mix of retail, commercial, restaurant and employment uses, including a large format retail pad for a home improvement center.

The Project as a whole introduces both housing and employment uses, and establishes pedestrian-oriented shopping areas and public spaces, consistent with Policy 5.4.1. The Project's retail component has been designed to evoke a "Main Street" feel coupled with a modern influence, and the Design Guidelines for the Project establish a public plaza space that encourages outdoor dining, provides access for bicyclists, proximity to transit, easy access to surrounding freeways and roadways, and a pleasant walking experience for pedestrians.

As discussed in the PUD Guidelines, the Project achieves consistency with Policy 5.4.3 by providing pedestrian and bicycle connections between surrounding uses. An off-street bike path within the freeway buffer, which is part of the regional bikeway system, provides community connectivity. The Project site offers a bike plaza with lockers to encourage alternate transportation to the site. Designated bike lanes through the site provide connectivity from the bike path to East Commerce Way. In addition, the site is connected for pedestrian use through meandering walkways, and connections have been located to connect the major tenants to the shops and restaurant pads. The pedestrian connectivity has been designed to link all buildings to each other, as well as to the public sidewalks, bus stops, parking areas, and adjacent developments. The Project would also be positioned in close proximity to local bus service (future bus stops will be located along East Commerce Way) and the future Downtown-Natomas-Airport rail line's planned Natomas Marketplace and Arena Boulevard Stations.

#### *General Plan Employment Center Mid-Rise Designation*

The EC designation provides for large mixed-use office/employment centers that include the following: mid-rise office complexes; support retail and service uses, such as restaurants, dry-cleaners, gym/fitness centers, markets, hotels, and office services (e.g., printing/copying/shipping); landscaped gathering places that include support uses; residential uses as a supportive mixed use or adjacent to large employment center; and compatible public, quasi-public, and special uses. The EC-Mid Rise designation allows a density of 18 to 60 du/acre and an FAR of 0.35 to 2.0. The Project includes development of a 600,000

square foot medical office campus and a 600,000 square foot hospital, consistent with the General Plan designation for public and quasi-public uses.

Employment Center Mid Rise areas are specifically discussed in the General Plan as playing a critical role in accommodating new businesses and creating new jobs. The combination of high-density buildings and low site coverage in existing employment centers provides the opportunity for new infill development in these areas with complementary uses that transform the existing single-use areas into more self-sufficient mixed-use areas with reduced dependence on automobile transportation.

The Project includes employment intensive uses including medical office buildings and a hospital in Quadrant D, consistent with the General Plan's policies encouraging medical offices and "campus environments." Accessory support uses such as regional and community retailers are located in adjacent Quadrant C. The Project as a whole will also provide a housing component near to the employment centers, with the 180 residential units proposed for future development in Quadrant B.

The Project's urban design, consistent with policy 7.1.4, is focused on interconnectivity, walkability, and a campus environment. In addition, development of the proposed hospital and medical campus is consistent with the General Plan goals and policies focused on reducing vehicle miles traveled and commute times and decreasing greenhouse gas emissions (e.g., policies LU 1.1.1, LU 5.1.2, LU 5.4.1, and LU 7.1.2). Currently, residents who reside in and near North Natomas access most in- and out-patient services at hospitals located at 2801 L Street and 1650 Response Road, which are located greater than five miles, generally south of the Project site (see Figure 3-6). The most direct route from the North Natomas area to the hospital at 2801 L Street is via I-5. The most direct route to the hospital on 1650 Response Road is via I-5 and I-80. The development of a hospital is anticipated to reduce travel distance for residents living in and near Natomas who currently access medical services at Response Road and L Street facilities, which would reduce traffic on regional routes such as I-5 and I-80.

General Plan Policy ED 2.1.4 states that "the City shall work to improve the quality of life in the city to retain existing skilled workers and attract skilled workers from beyond the region." Policy ED 1.1.7 states that "the City shall attract and retain long-term, economically sustainable businesses." The Project's proposed hospital and medical campus will achieve both of these important goals by drawing skilled medical professionals to Sacramento and providing a long-term sustainable hospital and related medical uses. (DEIR, pp. 4.1-16 to 4.1-18.)

#### *Analysis of Greenhouse Gas Emissions*

On April 13, 2009, the Governor's Office of Planning and Research submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97. Once formally adopted by the Natural Resources Agency, these proposed CEQA Guideline amendments would provide guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. While not yet finalized, the proposed regulations provide, among other things, that lead agencies may analyze and mitigate the effects of greenhouse gas emissions at a programmatic level, such as in a general plan, and

later project-specific environmental documents may tier and/or incorporate by reference that existing programmatic review. (Proposed CEQA Guidelines, § 15183.5.)

While the Project EIR did not expressly tier off of the 2030 General Plan analysis of greenhouse gas emissions because it was drafted prior to release of the proposed CEQA Guidelines, the 2030 General Plan does include a programmatic analysis of the effects of greenhouse gas emissions and the Project EIR is consistent with the 2030 General Plan analysis. General Plan 2030 includes goals and policies to reduce greenhouse gas emissions in the Environmental Resources, Air Quality, Mobility, Land Use and Urban Design, Economic Development, Public Health and Safety, Utilities, Education, Recreation and Culture Elements of the General Plan. Policies specific to air quality and climate change are contained in Policies ER 6.1.1 through 6.1.6, 6.1.8, 6.1.12 and 6.1.16. (See DEIR, pp. 4.4-12 – 4.4-13.) These policies are intended to support the State's efforts to significantly reduce its contribution to global climate change and associated impacts pursuant to Executive Order S-3-05 and AB 32.

As discussed in the Draft EIR prepared for the Project, several state and local agencies have been considering methods to reduce the impacts associated with global climate change. These statewide emission reduction strategies and measures would result in a substantial decrease in statewide emissions to levels far below current background levels. Of the approximately 228 strategies and measures that would ensure a statewide reduction in GHG emissions that are currently under consideration by the California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board (CARB), and California Attorney General, 24 strategies and measures would apply to the proposed project. The other policies are not applicable to the proposed project because they are directed at State entities (e.g., CARB), are planning-level measures (e.g., for general plans, like the 2030 General Plan), or apply to particular industries (e.g., auto repair). Table 4.4-14 of the Draft EIR lists the measures from the California Attorney General's office that are applicable to the Project and indicates whether, and how, the project would conform to the measures. (DEIR, pp. 4.4-37 – 4.4-38.) As shown in Table 4.4-14, the Project would be in compliance with each of the 24 applicable State climate change strategies.

The Project incorporates numerous land use, conservation, renewable energy, and transportation measures designed to reduce contributions to global warming, consistent with the most current recommendations by the Attorney General. For example, Mitigation Measure 4.4.3, developed in consultation with the Air District as part of the Project's Air Quality Management Plan, requires energy efficient building design, and cool roofs; Measure 4.4-9 requires various water conservation and efficiency measures such as water efficient landscapes and irrigation systems; Measure 4.4-1 limits idling time for construction vehicles; and Measure 4.4-3 requires bicycle parking areas in commercial Projects. The Project design and Project PUD Guidelines ensure development of a mixed-use Project that will support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods – all of which help reduce greenhouse gas emissions.

In addition, the Project is consistent with the General Plan policies that address climate change that are applicable to the Project. (See General Plan Policies LU 2.1.3, 2.1.4, 2.1.5, 2.3, 2.3.1, 2.5.1, 2.5.2, 2.6.1, 2.6.3, 2.6.6, 2.7.7, 2.7.6, 4.1.1, 4.1.3, 4.2.1, 4.4.6, 4.5.3, 5.1.1, 5.1.2, 5.2.3, 5.4.3, 6.1.8, 6.1.10, 6.1.12, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 9.1.1, 9.1.4, 10.1; ED 1.1.7, 3.1.1; M 1.3.1, 1.3.2, 1.4.2, 1.4.3, 1.4.4, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.7, 2.1.10, 3.1.15,

3.1.16, 4.1.6, 4.2.1, 4.2.2, 4.2.3, 5.1.2, 5.1.4, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.1.10, 5.1.11; U 5.1.7, 6.1.7, 6.1.12; ERC 2.1.2; ER 3.1.2, 3.1.6, 3.1.7, 4.2.2, 6.1.1, 6.1.2, 6.1.5, 6.1.6, 6.1.9, 6.1.12.) The Project is therefore consistent with the City of Sacramento General Plan 2030 policies and goals related to the reduction of greenhouse gas emissions that are applicable at a project-level. (Compare DEIR, pp. 4.4-37 – 4.4-38 and Sacramento 2030 General Plan EIR, pp. 91-150.)

Again, it should also be noted that the Project has received pre-certification for a "Silver" LEED rating for Buildings 15 through 20 on Quadrant C. Certification under the LEED Green Building Rating System will occur once the Project has been built and use of the approved sustainable development practices can be confirmed.

#### North Natomas Community Plan

The Project is also consistent with the North Natomas Community Plan. Pursuant to General Plan Policy CP 1.1.5, "The City shall not prepare or adopt a separate community plan land use diagram as part of the community planning process. Community plans shall refer to and be consistent with the General Plan Land Use and Urban Form Diagram. As community plans are prepared, updated, or amended, the City shall review the citywide Land Use and Urban Form Diagram and shall amend the diagram as appropriate using the designations in the citywide Land Use and Urban Design Element to reflect community issues related to infill, redevelopment, reuse, and new growth." Consistent with this policy, the 2030 North Natomas Community Plan (NNCP) designation for the Project site is PD. As discussed above, the Project is seeking a General Plan Amendment from PD to RC and to EC-MR. The Project is consistent with these North Natomas Community Plan policies. (DEIR, p. 4.1-18.)

#### Zoning Code

In addition, the Project is consistent with the City of Sacramento Zoning Ordinance. The Project proposes a rezone to accommodate the proposed regional commercial center. Specifically, the applicant is requesting that 83.4 acres of the Project site in Quadrants B and C be rezoned to Shopping Center (SC) (74.7), and 8.7 acres in Quadrant C zoned from EC-40 to EC-50, and 36.4 acres in Quadrant D from EC-40 to EC-50. The proposed zoning changes would bring the Project into consistency with the 2030 General Plan designation and anticipated commercial uses of the Project. (DEIR, p. 4.1-18.)

#### **E. Statement of Overriding Considerations.**

Pursuant to CEQA 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 A through D. 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 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 Project Incorporates Smart Growth Principles, Including Those Of Sacramento Area Council Of Government's Blueprint Plan.**

The Sacramento Area Council of Governments (SACOG) adopted the Sacramento Region Blueprint Transportation and Land Use Study Preferred Blueprint Scenario (Blueprint) in December, 2004. The Blueprint is a vision for long-term land uses within the Sacramento region that promotes compact, mixed use development over the type of lower density, sprawling land uses emblematic of past regional growth and development. The overall goal of the Blueprint is to advocate more efficient land use planning that reduces vehicle miles travelled.

The Blueprint designates that the Project site should be developed as medium density, mixed use center or corridor. The Project's mix of regional retail uses, residential units, and medical office and hospital facilities, is consistent with the Blueprint's mixed use designation. The Project would be consistent with the smart growth principles identified in the Blueprint by focusing on compact development to maximize use of existing land; offering a range of mixed land uses; using existing assets by infilling or intensifying the use of parcels in urbanized areas; encouraging a distinctive, attractive community with high quality design through the PUD Guidelines; and providing transportation choices to encourage people to walk, ride bicycles, ride the bus, ride light rail, take the train, or car pool.

The Project exemplifies Smart Growth Blueprint design by providing mixed uses (i.e., residential, retail, medical office, commercial and hospital land uses) on the Project site. As designed, the Project will provide for housing proximate to existing employment centers and adjacent to the Project's planned large format retail pad, supporting commercial and retail uses, and a 600,000 square foot medical office campus and 600,000 square foot hospital. Importantly, the Project is expected to reduce vehicle miles travelled, which is a cornerstone of the Blueprint principles. The site will also be easily accessed by the I-5 traveler, and by providing local health services in North Natomas, the Project will reduce the need of residents of Natomas and north County communities to travel greater than five miles. (See DEIR, pp. 3-8; 4.1-15 to 4.1-16.) It should also be noted that the Project has received pre-certification for a "Silver" LEED rating for Buildings 15 through 20 on Quadrant C.

An additional benefit of the Blueprint's goal of more compact, smart growth patterns is a reduction in greenhouse gas emissions which will assist the region in achieving emerging targets and goals under AB32 and SB 375, which were adopted after the Blueprint. As described above under Section D, the Project is consistent with this goal.

The Project would also provide a variety of transit opportunities including walking and bicycling, and would be positioned in close proximity to local bus service (future bus stops will be located along East Commerce Way) and the future Downtown-Natomas-Airport rail line's planned Natomas Marketplace and Arena Boulevard Stations. By mixing the needs of the local community and regional shoppers through a mix of retail, residential and commercial uses, and reducing overall vehicle miles traveled, the Project is consistent with Blueprint principles. (See DEIR, pp. 4.1-15 to 4.1-16.)

## **The Project Will Provide Revenue To The City.**

The Project will provide revenue to the City from sales taxes generated by the commercial portions of the Project, as well as increased property tax revenues to fund public services and facilities. According to the *Natomas Crossing Economic Analysis*, the Project will generate nearly \$20 million in sales tax revenue and nearly \$18 million in property tax revenue. In addition, the Project will generate \$2.5 million in utility tax revenue and \$8.6 million in transient occupancy tax. (See *Natomas Crossing Economic Analysis*, p. 14.)

The Project will also generate revenues to the City through payment of building fees and development impact fees. The Project is expected to generate \$26.6 million in impact fees at buildout. (See *Natomas Crossing Economic Analysis*, p. 16.)

Further, the creation of temporary construction jobs and permanent office and retail jobs will also financially benefit the City:

#### Permanent Jobs

Development of the Project would increase economic and employment activity in the North Natomas area of Sacramento. The Project would include 857,000 sq. ft. of regional and community serving retail, which would directly increase employment opportunities, along with 600,000 sq. ft. of medical office and 600,000 sq. ft. of hospital use. This is expected to generate 12,360 permanent jobs at buildout, which represents \$7 million in annual permanent employee income. (See *Natomas Crossing Economic Analysis*, p. 6.)

#### Construction Jobs

The Project is also expected to create a number of secondary jobs, as implementation of the Project would require construction jobs for the development of the buildings and associated site improvements. Such jobs will provide income and work experience for City residents and other workers and their families. Specifically, the Project is expected to create an average annual employment rate for construction of 930 jobs, which represents \$5.6 million in construction employee income.

~~The revenue generated as a result of the Project will benefit the City and other governmental agencies, and their residents and constituencies by providing needed revenue for provision of required services and amenities.~~

#### **The Project Is Consistent With And Supportive Of Existing Adjacent Land Uses.**

Approval of the Project would result in the development of a shopping center where Employment Center and Community Commercial uses are currently planned, and are needed in the community. Although many retail centers exist in the North Natomas area, the majority are community or neighborhood serving spaces including the Park Place shopping center which includes Raley's and Kohl's, and neighborhood serving drug stores, grocery stores and restaurants. The proposed Natomas Crossing Project will be a community shopping center. On a regional level, the Natomas Marketplace shopping center along Truxel Road contains Wal-Mart, Home Depot, Ross, Michael's, and other retail stores similar in demographic with stores planned for Natomas Crossing. The Project's retail component, combined with these existing and planned uses, will provide needed retail uses that meet demand and create a market synergy within the community and the region. In addition, the Project's retail uses will provide shopping and dining opportunities for the anticipated employees working at the

proposed medical office campus and hospital. This influx of new workers would be expected to frequent the shopping center and serve as a base consumer group for the proposed retail and commercial uses.

The area to the east across East Commerce Way is the Natomas Field residential development. The Project is anticipated to be compatible with nearby residential uses, as convenient, smaller retail uses of the Project would front East Commerce Way while the larger retail pads of the Project would be located closest to the freeway, furthest away from the Natomas Field residential development. The area to the south of the Project is currently undeveloped and is anticipated for Employment Center uses. The southern portion of the Project site (Quadrant D) would be developed with a hospital and medical offices. Currently, there are not any hospitals in North Natomas, and residents seeking the nearest facility must travel greater than five miles. Locating a 600,000 square foot hospital and 600,000 square foot medical office campus on the Project site provides much needed services to residents of Natomas, surrounding communities and the region at large.

As an added benefit, providing medical services in a currently under-serviced area will reduce vehicle miles traveled by patients that would otherwise have to travel to distant hospitals and medical facilities. (DEIR, p. 3-8.) The overall reduction in trips would reduce freeway congestion and diesel particulate emissions. In addition, the Project would include the construction of traffic infrastructure to reduce potential traffic and safety hazards to less than significant levels. Traffic infrastructure would include the installation of right-turn signals along East Commerce Way and improvements to the intersection of Truxel Road and Arena Boulevard. Furthermore, East Commerce Way separates the Project site and the Natomas Field subdivision with a four-lane roadway that is planned to be widened to six lanes, thus the Project would be in excess of 100 feet from the nearest residential building. (DEIR, pp. 4.1-19 to 4.1-20.)

### **The Project Will Provide An Opportunity For Development Of Essential Healthcare And Emergency Room Services To The City.**

~~The Project applicant recognizes that the region's growing population will require accessible health facilities, and has included 600,000 sq. ft. for a hospital, as well as 600,000 sq. ft. for medical office uses in the proposed Project. The Conceptual Hospital Site Plan also includes a heli-stop adjacent to the hospital building, which would provide life-saving transport services for critically ill patients from across Northern California.~~

### **The Project Will Reduce Vehicle Miles Traveled.**

The Project will significantly reduce commute time and vehicle miles traveled for patients and residents of North Natomas who currently access medical services in other areas of the City. Currently, residents who reside in and near North Natomas access most in- and out-patient services at hospitals located at 2801 L Street and 1650 Response Road, which are located greater than five miles, generally south of the Project site (See Figure 3-6). The most direct route from the North Natomas area to the hospital at 2801 L Street is via I-5. The most direct route to the hospital on 1650 Response Road is via I-5 and I-80. The development of a hospital is anticipated to reduce travel distance for residents living in and near Natomas who currently access services in downtown, which would reduce traffic on regional routes such as I-5 and I-80. (DEIR, p. 3-8.)

**MITIGATION MONITORING PROGRAM  
NATOMAS CROSSING**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Signoff
<b>4.2 Transportation and Circulation</b>					
4.2-1	Intersections.	<p>4.2-1 <i>East Commerce Way and Arena Boulevard – The project applicant shall add southbound, westbound, and eastbound exclusive right turn signal phases to this intersection. The project applicant shall provide funding to the City Traffic Operations Center (TOC) to monitor and retime the traffic signal. This mitigation shall be implemented on or before 80 percent of development as measured by a.m. peak hour trip generation, 60 percent of development as measured by p.m. peak hour trip generation, and 65 percent of development as measured by Saturday peak hour trip generation. This mitigation measure improves intersection operating conditions to LOS “C” (21.9 seconds average delay) during the a.m. peak hour, LOS “C” (34.2 seconds</i></p>	<p>Community Development Department  Department of Transportation</p>	<p>On or before 80 percent of development as measured by a.m. peak hour trip generation, 60 percent of development as measured by p.m. peak hour trip generation, and 65 percent of development as measured by Saturday peak hour trip generation</p>	

**MITIGATION MONITORING PROGRAM  
NATOMAS CROSSING**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Signoff
		<p><i>average delay) during the p.m. peak hour, and LOS "C" (29.2 seconds average delay) during the Saturday peak hour. This mitigation measure would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p>			
4.2-6	Pedestrian and Bicycle Circulation Impacts.	<p>4.2-6 <i>Prior to the issuance of building permits, the project applicant shall identify the necessary on- and off-site pedestrian and bicycle facilities to serve the proposed development to the satisfaction of the City of Sacramento Traffic Engineering Division. These facilities shall be incorporated into the project and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads. Sidewalks</i></p>	<p>Community Development Department  Department of Transportation</p>	<p>Prior to the issuance of building permits</p>	

**MITIGATION MONITORING PROGRAM  
NATOMAS CROSSING**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Signoff
		<p><i>would be required as part of the frontage improvements along all new roadway construction in the project vicinity in conformance with City design standards. Circulation and access to all proposed public spaces shall include sidewalks that meet Americans with Disabilities Act standards. This mitigation measure would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p>			
4.2-8	Parking Impacts.	<p>4.2-8 <i>The project shall provide parking in accordance with City zoning requirements. Table 4.2-20 summarizes the parking requirement based upon the City zoning code. This mitigation measure would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p>	<p>Community Development Department  Department of Transportation</p>	<p>Prior to the approval of final site plan(s)</p>	
4.2-17	Construction.	<p>4.2-17 <i>Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to</i></p>	<p>Community Development Department  Department</p>	<p>Prior to the beginning of construction</p>	

**MITIGATION MONITORING PROGRAM  
NATOMAS CROSSING**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Signoff
		<p><i>the satisfaction of the City traffic engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:</i></p> <ul style="list-style-type: none"> <li>• <i>The number of truck trips, time, and day of street closures.</i></li> <li>• <i>Time of day of arrival and departure of trucks.</i></li> <li>• <i>Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting.</i></li> <li>• <i>Provision of a truck circulation pattern.</i></li> <li>• <i>Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel</i></li> </ul>	<p>of Transportation  City Traffic Engineer</p>		

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		<p><i>plates, minimum distances of open trenches, and private vehicle pick up and drop off areas).</i></p> <ul style="list-style-type: none"> <li>• <i>Maintain safe and efficient access routes for emergency vehicles.</i></li> <li>• <i>Manual traffic control when necessary.</i></li> <li>• <i>Proper advance warning and posted signage concerning street closures.</i></li> <li>• <i>Provisions for pedestrian safety.</i></li> </ul> <p><i>A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways. Implementation of the mitigation measure would</i></p>			

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		<i>reduce this impact to <b>less-than-significant</b>.</i>			
4.2-18	Intersections.	<p>4.2-18(a) <i>Arena Boulevard and I-5 Northbound Ramps – The project applicant shall pay a fair share contribution toward future restriping of the northbound ramp approach to the intersection to provide a single left turn lane and a triple right turn lane, subject to review and approval by Caltrans. This mitigation measure improves intersection operating conditions to LOS “B” (18.1 seconds average delay) during the Saturday peak hour and would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p> <p>4.2-18(b) <i>East Commerce Way and Del Paso Road – The project applicant shall pay a fair share contribution toward adding a northbound exclusive right turn signal phase to this intersection, and provide a fair</i></p>	<p>Community Development Department</p> <p>Department of Transportation</p> <p>Community Development Department</p> <p>Department of Transportation</p>	<p>Prior to the issuance of building permits</p> <p>Prior to the issuance of building permits</p>	

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		<p><i>share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "E" (73.0 seconds average delay) during the Saturday peak hour and would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p> <p>4.2-18(c) <i>East Commerce Way and Arco Arena Main Entrance / Road B3 – The project applicant shall pay a fair share contribution toward adding a westbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "D" (48.2 seconds average delay) during the p.m. peak</i></p>	<p>Community Development Department</p> <p>Department of Transportation</p>	<p>Prior to the issuance of building permits</p> <p>Prior to the issuance of</p>	

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		<p><i>hour and LOS "C" (25.9 seconds average delay) during the Saturday peak hour. This would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p> <p>4.2-18(d) <i>East Commerce Way and Arena Boulevard – The project applicant shall pay a fair share contribution toward adding exclusive right turn signal phases to all four approaches at this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "F" (92.0 seconds average delay) during the a.m. peak hour and LOS "D" (38.7 seconds average delay) during the Saturday peak hour. This would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p>	<p>Community Development Department</p> <p>Department of Transportation</p> <p>Community Development Department</p> <p>Department of Transportation</p>	<p>building permits</p> <p>Prior to the issuance of building permits</p>	

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		<p>4.2-18(e) <i>East Commerce Way and Natomas Crossing Drive – The project applicant shall pay a fair share contribution toward adding a northbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "E" (75.5 seconds average delay) during the p.m. peak hour and would reduce the impact of the project to a less-than-significant level.</i></p> <p>4.2-18(f) <i>East Commerce Way and Road D2 – The project applicant shall provide an eastbound double left turn lane, pay a fair share contribution toward adding an exclusive right turn signal phase to the southbound</i></p>	<p>Community Development Department Department of Transportation</p>	<p>Prior to the issuance of building permits</p> <p>Prior to the issuance of building</p>	

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		<p><i>intersection approach, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "C" (28.5 seconds average delay) during the a.m. peak hour and LOS "C" (30.5 seconds average delay) during the p.m. peak hour. This would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p> <p><i>4.2-18(g) East Commerce Way and San Juan Road – The project applicant shall pay a fair share contribution toward adding a westbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retime the traffic signal when needed. This mitigation measure improves intersection</i></p>	<p>Community Development Department</p> <p>Department of Transportation</p> <p>Community Development Department</p>	<p>permits</p> <p>Prior to the issuance of building permits</p>	

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		<p><i>operating conditions to LOS "D" (36.8 seconds average delay) during the a.m. peak hour and LOS "B" (14.5 seconds average delay) during the p.m. peak hour. This would reduce the impact of the project to a <b>less-than-significant</b> level.</i></p> <p><i>4.2-18(h) Truxel Road and Arena Boulevard – The project applicant shall pay a fair share contribution toward adding an eastbound exclusive right turn signal phase to this intersection, and provide a fair share contribution to the City's TOC to monitor and retune the traffic signal when needed. This mitigation measure improves intersection operating conditions to LOS "E" (72.0 seconds average delay) during the a.m. peak hour and LOS "C" (32.7 seconds average delay) during the Saturday peak hour. This would reduce the</i></p>	<p>Department of Transportation</p>		

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		<i>impact of the project to a less-than-significant level.</i>			
4.2-20	Freeway Mainline.	<p>4.2-20 <i>The project applicant shall pay development fees for infrastructure projects as outlined in the North Natomas Financing Plan ("NNFP") as its required share of all freeway-related improvements. In addition to payment for freeway related improvements, ramps and interchanges, the North Natomas Finance Plan includes a share of the Downtown Natomas Airport Light Rail Extension (DNA) project costs. The DNA project provides future congestion relief for both the I-80 and I-5 freeways and is included in the Metropolitan Transportation Plan.</i></p> <p><i>In conjunction with the North Natomas Community Plan ("NNCP") and the NNFP, in 1994 the City of Sacramento prepared the North Natomas</i></p>	Community Development Department  Department of Transportation	Pay NNFP and PFF fees prior to issuance of building permit	

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		<p><i>Freeway-Related Improvements Study (the "Kittleson Report"), which analyzed freeway-related impacts associated with development of the NNCP. The Kittleson Report recommended various improvements to the freeway mainlines, auxiliary lanes and interchanges and estimated that 43 percent of the cost for the proposed improvements are attributable to North Natomas. The Kittleson Report was discussed in further detail in the NNFP, which, in order to implement the Kittleson Report, provides that a portion of the PFF will be earmarked for the freeway-related improvements identified in the Kittleson Report.</i></p> <p><i>Payment of the PFF fees cannot assure that impacts at the freeway ramp junctions will be reduced to a less than</i></p>			

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		<p><i>significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the freeway mainline would remain <b>significant and unavoidable.</b></i></p>			
4.2-21	Freeway Ramp Junctions.	4.2-21 <i>Implement Mitigation Measure 4.2-20. Payment of the PFF fees cannot assure that</i>	See Mitigation Measure 4.2-	See Mitigation Measure 4.2-20	

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		<p><i>impacts at the freeway ramp junctions will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1). The impacts of the project on the freeway ramp junctions would remain <b>significant and unavoidable.</b></i></p>	20		

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4.2-22	Freeway Ramp Queuing.	4.2-22 <i>Implement Mitigation Measure 4.2-18(a). This mitigation measure would reduce the queue to 2,175 feet and would increase the available storage space for the right turn movement to 3,135 feet. This would reduce the impact of the project to a less-than-significant level.</i>	See Mitigation Measure 4.2-18(a)	See Mitigation Measure 4.2-18(a)	
<b>4.3 Noise</b>					
4.3-2	Loading dock and truck circulation noise impacts.	4.3-2 <i>In conjunction with the submittal of a site plan for Quadrant B, the applicant shall retain a qualified acoustical consultant to prepare a site-specific noise analysis for Quadrant B. If the report determines that on-site operations would exceed the City of Sacramento significance thresholds, which are 45 dB Ldn for interior noise levels at residential uses and 60 dB Ldn for exterior noise levels at outdoor common areas, the report shall include</i>	Community Development Department	In conjunction with the submittal of a site plan for Quadrant B	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Signoff
		<p><i>recommendations to reduce noise below the City's applicable noise level standards, for the review and approval of the Community Development Department. If the report determines that on-site operations would not exceed the City of Sacramento significance thresholds, further mitigation is not required.</i></p>			
4.3-3	Rooftop HVAC noise impacts.	<p>4.3-3(a) <i>Implement Mitigation Measure 4.3-2 for Quadrant B.</i></p> <p>4.3-3(b) <i>Prior to the issuance of a building permit for the Central Utility Plant (CUP) building located adjacent to the proposed parking structure on Quad D, the overall noise levels associated with the CUP building's typical operations shall not exceed 45 dB Ldn for interior noise levels and 60 dB Ldn for exterior noise levels at the nearest residence, as demonstrated by an</i></p>	<p>See Mitigation Measure 4.3-2  Community Development Department</p>	<p>See Mitigation Measure 4.3-2  Prior to the issuance of a building permit for the Central Utility Plant (CUP) building located adjacent to the proposed parking structure on Quadrant D</p>	

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		<p><i>acoustical consultant for the review and approval of the Community Development Department. Mitigation measures shall include the use of silencers or acoustical louvers on openings for air intake or exhaust, and locating openings for air intake and exhaust on the opposite sides of the building from residences to the east. In addition, emergency generators shall be equipped with hospital grade mufflers to reduce the overall noise levels associated with their operations during periods of power failures or other emergencies. Emergency generators shall be exercised during the daytime hours for a period of no more than 30 minutes to reduce the potential for annoyance.</i></p>			
4.3-6	Traffic noise levels at proposed on-site residential uses.	4.3-6 <i>In conjunction with the submittal of a site plan for Quadrant B, the applicant shall retain a qualified</i>	Community Development Department	In conjunction with the submittal of a site plan for	

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		<p><i>acoustical consultant to prepare a site-specific noise analysis for Quadrant B. If the report determines that noise levels for the residential portion of the site would exceed the City of Sacramento significance thresholds, which are 45 dB Ldn for interior noise levels at residential uses and 60 dB Ldn for exterior noise levels at outdoor common areas, the report shall include recommendations to reduce noise below the City's applicable noise level standards, for the review and approval of the Community Development Department. If the report determines that on-site operations would not exceed the City of Sacramento significance thresholds, further mitigation is not required.</i></p>		<p>Quadrant B</p>	
4.3-7	<p>Traffic noise levels at the proposed hospital.</p>	<p>4.3-7 <i>Prior to issuance of a building permit for Quadrant D, the site plan(s) shall indicate that</i></p>	<p>Community Development Department</p>	<p>Prior to issuance of a building permit</p>	

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		<p><i>patient rooms and offices on the west-facing facades of the hospital shall include windows with an STC rating of 40, windows on the north- and south-facing facades shall have an STC rating of 38, and windows on the east-facing facade shall have an STC rating of 35. The site plan(s) shall be submitted for the review and approval of the Community Development Department.</i></p>		for Quadrant D	
<b>4.4 Air Quality</b>					
4.4-1	Short-term increases of construction-generated emissions of criteria air pollutants.	<p><i>4.4-1(a) Prior to the issuance of any grading permit, the project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (&gt;50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20</i></p>	SMAQMD  Community Development Department	Prior to the issuance of any grading permit	

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		<p><i>percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.</i></p> <p>4.4-1(b) <i>Prior to the issuance of any grading permit, the project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the</i></p>	<p>SMAQMD Community Development Department</p>	<p>Prior to the issuance of any grading permit</p>	

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		<p><i>project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.</i></p> <p>4.4-1(c) <i>During construction, the project applicant/developer shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an on-site qualified inspector trained in visual emissions assessment. Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be</i></p>	<p>SMAQMD Community Development Department</p>	<p>During construction</p>	

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		<p><i>repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.</i></p> <p>4.4-1(d) <i>The project applicant shall pay a mitigation fee to the SMAQMD to offset any remaining construction-</i></p>	<p>SMAQMD Community Development Department Verification of payment of the mitigation fee shall be provided to the City</p>	<p>Prior to issuance of building or grading permits</p>	

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		<p><i>generated daily NO<sub>x</sub> emissions in excess of the SMAQMD's significance threshold of 85 lbs/day. SMAQMD mitigation fees shall be calculated and paid in coordination with SMAQMD prior to issuance of building or grading permits. Based on the currently proposed construction schedule, the simultaneous development of Quadrant B, Quadrant C-Phase IV, and Quadrant D would generate 14.64 lbs/day of NO<sub>x</sub> in excess of SMAQMD's significance threshold. Based on this estimate and the SMAQMD's current mitigation fee (\$16,000/ton), the proposed project proponent shall pay a fee of \$123 to mitigate excess NO<sub>x</sub> emissions. In the event that the project phasing schedule would differ from the schedule used for this analysis (See Table 4.4-5), the project proponent shall notify SMAQMD and recalculate</i></p>			

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		<p><i>construction-related emissions and mitigation fees, if applicable, in accordance with the most current SMAQMD-recommended methodologies. Verification of payment of the mitigation fee shall be provided to the City prior to issuance of any grading permits.</i></p>			
4.4-2	Short-term increases in fugitive dust.	<p><i>4.4-2 Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase (i.e., Quadrants B, C1-4, and D), as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued</i></p>	Community Development Department	<p>Prior to the approval of any grading permit</p> <p>Dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development</p>	

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		<p><i>as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:</i></p> <ul style="list-style-type: none"> <li>• <i>Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;</i></li> <li>• <i>Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;</i></li> <li>• <i>Cover all vehicles</i></li> </ul>			

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		<p><i>hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;</i></p> <ul style="list-style-type: none"> <li>• <i>Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and</i></li> <li>• <i>Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.</i></li> </ul>			
4.4-3	Long-term increases of criteria air pollutants.	4.4-3 <i>Prior to project approval, the project applicant shall obtain written endorsement from the SMAQMD for an Air Quality Mitigation Plan (AQMP) for the proposed project. The AQMP shall be reviewed and endorsed by SMAQMD staff</i>	SMAQMD Community Development Department	The SMAQMD endorsed an AQMP for the Natomas Crossing Project on April 27, 2009.	

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		<p><i>prior to project implementation. In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions of NO<sub>x</sub> and ROG. Measures anticipated to be applicable to the proposed project and currently recommended by the SMAQMD include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li><i>a. Provide on-site short-term and long-term bicycle parking.</i></li> <li><i>b. Provide "end-of-trip" bicycle facilities including showers, lockers, and changing space.</i></li> <li><i>c. Provide bicycle network that includes linkage to existing Class I or Class II bike lanes.</i></li> <li><i>d. Provide pedestrian access network that internally links all uses</i></li> </ul>			

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		<p><i>and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site.</i></p> <p><i>e. Incorporate on-site transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service.</i></p> <p><i>f. Provide pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements that reduce motor vehicle speeds and encourage pedestrian and bicycle trips.</i></p> <p><i>g. Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between</i></p>			

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		<p><i>transit facilities and building entrances.</i></p> <p><i>h. Provide a mix of onsite land uses, proximate to existing or planned transit facilities.</i></p> <p><i>i. Install Energy-Star rated roofing materials.</i></p> <p><i>j. Provide shade (within fifteen years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent</i></p>			

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		<p><i>of the parking lot area.</i></p> <p><i>k. Incorporate landscaping and/or sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months.</i></p> <p><i>The project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and the City prior to the issuance of occupancy permits.</i></p>			
4.4-5	Exposure of sensitive receptors to toxic air contaminants.	4.4-5(a) <i>Sensitive land (i.e., the proposed medical center and residential dwelling units) uses shall not be located in an area that exceeds the SMAQMD screening criteria for cancer risks associated with toxic air contaminants. Based on</i>	SMAQMD  Community Development Department	Health-risk assessment shall be prepared prior to approval of a site plan, if sensitive land uses are	

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		<p><i>SMAQMD's current screening methodology, if proposed sensitive receptors are located within 200 feet of Interstate 5, a more detailed assessment of potential health risks shall be required. If sensitive land uses are proposed within 200 feet of the near-travel-lane of Interstate 5, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Community Development Department to conduct a health-risk analysis. The health-risk analysis shall be prepared in accordance with SMAQMD's Recommended Protocol For Evaluating The Location Of Sensitive Land Uses Adjacent To Major Roadways prior to the approval of a site plan.</i></p> <p><i>4.4-5(b) The project applicant shall plant vegetation (e.g., trees) between proposed on-site sensitive land uses and the I-5 corridor, the type and location</i></p>	<p>SMAQMD  Community Development Department</p>	<p>located within 200 feet of the near-travel-lane of Interstate 5</p> <p>Prior to occupancy of phases containing sensitive receptors</p>	

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		<i>to be determined in consultation with SMAQMD.</i>			
4.4-9	Cumulative contribution to regional air quality conditions (Construction and Operation).	<p>4.4-9(a) <i>Prior to the issuance of each grading permit, the City of Sacramento shall coordinate with the SMAQMD and SACOG to ensure that increases or decreases in VMT attributable to the proposed project are accounted for in the VMT calculations used for the development of regional emissions inventories.</i></p> <p>4.4-9(b) <i>Implement Mitigation Measures 4.4-1(a-d), 4.4-2, and 4.4-3.</i></p>	<p>SMAQMD</p> <p>SACOG</p> <p>Community Development Department</p> <p>See Mitigation Measures 4.4-1(a-d), 4.4-2, and 4.4-3</p>	<p>Prior to the issuance of each grading permit</p> <p>See Mitigation Measures 4.4-1(a-d), 4.4-2, and 4.4-3</p>	
<b>4.5 Hydrology, Water Quality, and Drainage</b>					
4.5-1	Exposure of people and structures to flood hazards on the project site.	4.5-1(a) <i>Construction and operation of the Natomas Crossing project shall not commence prior to recertification of the Natomas levees by the SAFCA and FEMA, and the subsequent removal of Natomas Basin from the 100-year floodplain and associated flood zone</i>	<p>FEMA</p> <p>US Army Corps of Engineers</p> <p>Community Development Department</p>	Prior to issuance of building permits	

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<b>Impact Number</b>	<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring Agency</b>	<b>Implementation Schedule</b>	<b>Signoff</b>
		<p><i>redesignation; or until FEMA redesignates the Natomas Basin with a flood zone designation that would permit development of the proposed project.</i></p> <p>4.5-1(b) <i>The project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection including the North Natomas Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Project site provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate; (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and</i></p>	<p>FEMA</p> <p>US Army Corps of Engineers</p> <p>Community Development Department</p>	<p>Prior to issuance of building permits</p>	

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		<p><i>corresponding requirements under the City of Sacramento's Floodplain Ordinance shall be satisfied prior to the issuance of building permits for the project. Any future homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.</i></p> <p><i>The above measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers.</i></p>			
<b>Initial Study</b>					
3. Seismicity, Soils, and Geology	Potential impacts involving erosion, changes in topography or unstable soil conditions.	MM-1 <i>Prior to issuance of grading permits, final foundation investigations shall be performed for each commercial lot, in order to evaluate specific soil conditions at each structure location and to analyze support conditions</i>	City Engineer	Prior to issuance of grading permits	

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		<p><i>based on anticipated structural loads and configurations. The final foundation investigations shall provide information about specific site preparation, including chemical treatment types and procedures, and foundation, floor support and pavement section recommendations. The final foundation investigations shall be submitted for the review and approval of the City Engineer to ensure that the proposed project implements all recommendations in the investigations.</i></p>			
7. Biological Resources	Impacts to endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals and birds).	<p><i>MM-2 Prior to and within 14 days of site disturbance, pre-construction surveys for special-status species shall be conducted by a qualified biologist retained by the project applicant and approved by the Community Development Department. Should any special-status species be identified, appropriate measures shall be</i></p>	Community Development Department	Prior to and within 14 days of site disturbance	

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		<i>implemented in compliance with the NBHCP (including implementation of Incidental Take Minimization Measures) for the review and approval of the Planning Director.</i>			
14. Cultural Resources	Disturbance of paleontological, archaeological, or historical resources, or potentially causing a physical change which would affect unique ethnic cultural values.	MM-3 <i>In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction related earth-moving activities, all work within 100 feet of the resource shall be halted, and the City shall consult with a qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by</i>	Community Development Department	During construction	

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		<p><i>the qualified archeologist according to current professional standards.</i></p> <p><b>MM-4</b> <i>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</i></p> <p><i>If a Native American archeologist, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural</i></p>	Community Development Department	During construction	

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		<p><i>traditions.</i></p> <p><i>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</i></p> <p><b>MM-5</b> <i>If a human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify</i></p>	<p>Community Development Department</p> <p>County Coroner</p> <p>Native American Heritage Commission (if remains are determined to be Native American)</p>	<p>During construction</p>	

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		<p><i>the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</i></p>			