

**Township 9** (PO6-047)  
Final Environmental Impact Report  
SCH No. 2006072077

*Prepared for:*  
City of Sacramento

*Prepared by:*  
EIP Associates, a division of PBS&J

**July 2007**



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## 1. INTRODUCTION

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# 1. INTRODUCTION

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## PURPOSE OF THIS DOCUMENT

This document includes all agency and public comments received on the Draft Environmental Impact Report (Draft EIR) for the Township 9 Project (proposed project). Written comments were received by the City of Sacramento during the public comment period held from March 2, 2007 to April 16, 2007. This document includes written responses to each comment received on the Draft EIR. The responses correct, clarify, and amplify text in the Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR.

This Final EIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR (and Appendices) constitutes the EIR for the proposed project.

## SUMMARY OF PROPOSED PROJECT

The Township 9 project is a proposed mixed-use development in the Richards Boulevard Area Plan (RBAP) area in the City of Sacramento. The proposed project includes two development scenarios. Scenario A includes the development of approximately 2,981 dwelling units and approximately 146,194 gross square feet of neighborhood-serving retail and restaurant uses. Scenario B would develop approximately 839,628 gross square feet of office use (instead of residential) on proposed lots fronting Richards Boulevard (lots 13, 14, and 17). Under Scenario B, the number of dwelling units would be reduced to approximately 2,350. The approximately 146,194 gross square feet of neighborhood-serving retail and restaurant uses would remain unchanged under Scenario B. The project would include residential/retail structures, a network of public streets, aboveground and subgrade parking facilities, public and private open space areas, and a river trail. The project would also include space for a transit station and tracks for future construction by Sacramento RT.

In response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the overlook and outdoor performance venue elements from the project. In addition, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and Street G. These changes to the project are described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, the discussion of these elements and the impacts attributed to these features identified in the Draft EIR are no longer applicable.

Project approval requires the City of Sacramento to approve the proposed project and to issue required City permits or affirm compliance with other agency requirements. Below are summarized the discretionary actions sought by the project applicant for the Township 9 project that the City of Sacramento will consider during its review. A detailed description of required permits and approvals is included in Chapter 2, Project Description, of the Draft EIR.

- EIR Approval

- Mitigation Monitoring Plan
- Development Agreement
- Rezone
- Designation of a Planned Unit Development (PUD) and adoption of Development Guidelines and Schematic Plan
- Tentative Map
- Design Commission Review
- Preservation Commission Review
- Water Supply Assessment

## DOCUMENT ORGANIZATION

The Final EIR is organized as follows:

**Chapter 1 – Introduction:** this chapter summarizes the project under consideration and describes the contents of the Final EIR.

**Chapter 2 – Revisions to the Draft EIR:** This chapter summarizes the text changes to the Draft EIR. These revisions are in response to comments made on the Draft EIR and/or staff-initiated text changes. Changes to the text of the Draft EIR are shown by either a line through the text that has been deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text revisions do not result in a change in the analysis and conclusions presented in the Draft EIR.

**Chapter 3 – List of Agencies and Persons Commenting:** This chapter contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period, ordered by agency, organization, individual and date.

**Chapter 4 – Comments and Responses:** This chapter contains the comment letters received on the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

If a subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided.

Some comments on the Draft EIR do not pertain to CEQA environmental issues. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to the environmental issues analyzed in the Draft EIR, does not ask a question about the Draft EIR, or does not challenge an element of or conclusion of the Draft EIR, the response will note the

comment and provide additional information where possible. The intent is to recognize the comment. Many of comments express opinions about aspects of the proposed project and these are included in the Final EIR for consideration by the decision-makers.

**Chapter 5 – Mitigation Monitoring Plan:** This chapter contains the Mitigation Monitoring Plan (MMP) to aid the City in its implementation and monitoring of measures adopted in the EIR.

**Appendices** – This section includes documentation and technical information referenced in the Final EIR.

## **PUBLIC PARTICIPATION AND REVIEW**

The City of Sacramento notified all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR on the proposed project was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for an EIR was filed with the State Clearinghouse on July 17, 2006. The 30-day public review comment period for the NOP ended on August 15, 2006.
- A public scoping meeting for the EIR was held on August 1, 2006.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on March 2, 2007. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on April 16, 2007 and a Notice of Availability (NOA) was distributed to interested groups, organizations, and individuals.
- Copies of the Draft EIR were available for review at the following locations:

City of Sacramento Development Services Department  
North Permit Center  
2101 Arena Boulevard, Suite 200  
Sacramento, CA 95834  
(Open to the public from 7:30 am to 3:30 pm and until 5:00 pm with prior arrangement)

City Hall  
915 I Street  
Development Services Department, 3rd Floor  
Sacramento, CA 95814

Sacramento Public Library  
828 I Street  
Sacramento, CA 95814



## **2. CHANGES TO THE DRAFT EIR**

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## 2. CHANGES TO THE DRAFT EIR

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### INTRODUCTION

This chapter summarizes the text changes to the Draft EIR. New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

These revisions are in response to comments made on the Draft EIR (see Chapter 4 Responses to Comments) and staff initiated and/or consultant initiated text changes based on their on-going review. The text revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text changes do not result in a change in the analysis or conclusions of the Draft EIR.

### General

In response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the overlook and outdoor performance venue elements from the project. In addition, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. These changes to the project are described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, the discussion of these elements and the impacts attributed to these features identified in the Draft EIR are no longer applicable.

### Chapter 2, Project Description

The final paragraph on page 2-1 of the Draft EIR is to read as follows (see Response to Comment 5-6):

#### Existing Uses on the Project Site

The site is predominantly covered with commercial structures and impervious surfaces. Vegetation is sparse and consists of shrubs and trees located sporadically across the site. A portion of the site, approximately ~~42~~ 9.53 acres, is located on the water side of the American River levee, within the American River Parkway. Existing uses on the project site include industrial, warehouse, commercial, and office uses. Current active businesses on the property include offices of the project applicant, cold storage, concrete storage and delivery, a livestock feed supplier, hay-bail compression and delivery, and a warehouse occupied by the Sacramento Habitat for Humanity. A number of the existing buildings on the project site are considered historic structures. Potential project effects to historical resources are addressed in Section 6.4, Cultural Resources.

The second full paragraph on page 2-19 of the Draft EIR is revised to read as follows:

SMAQMD staff has indicated that the stationary source permit for operation of the proposed temporary recycling facility would include an emissions cap, which would be

determined by SMAQMD based on the anticipated operational emissions. SMAQMD would monitor the operation of the facility and the operator would not be able to exceed the emissions cap. In addition, obtaining the permit would require that a SMAQMD engineer review the equipment and the operation of the facility and determine how best to minimize air emissions. ~~The applicant has submitted the permit application and is coordinating with SMAQMD.~~

### Chapter 3, Summary of Impacts and Mitigation Measures

The text on pages 3-2 and 6.2-3 of the Draft EIR is revised to read as follows (see Response to Comment 7-14):

**6.2-3 ~~Activities associated with the o~~Operation of the proposed project would contribute to generate emissions of particulate matter ozone precursors.**

#### Section 6.1, Aesthetics, Light, and Glare

The last paragraph on page 6.1-7 of the Draft EIR is revised to read as follows (see Response to Comment 5-11):

Public uses in the vicinity of the proposed project site include the south side of the American River Parkway, which is within the project site and north of the proposed development area. Figure 6.1-5 provides views of the American River Parkway near the northern boundary of the project site, and Figure 6.1-6 provides views from Discovery Park looking south. The south side of the parkway includes a raised levee approximately 12 feet above project grade, a flat bicycle and pedestrian path at the crest of the levee, and mature trees and vegetation that are ~~not~~ maintained by Sacramento County Parks staff further to the north along the river. Figure 6.1-6 provides views of the Parkway from Discovery Park, which is directly north of the project site and the American River. As depicted on Viewpoints 8 and 9 (Figure 6.1-6), the project site is mostly screened by mature trees along the river. No existing buildings on the project site are visible from those locations.

#### Section 6.2, Air Quality

The first full paragraph on page 6.2-9 of the Draft EIR is revised to read as follows (see Response to Comment 11-68):

Since many air pollution problems are regional in nature, the federal government sometimes designates multi-county areas as "Nonattainment Areas". Because it covers a large area, a nonattainment area can be composed of several different air districts. The "nonattainment area" designation means that these individual local agencies must work together to solve regional air pollution problems. The Sacramento Ozone Nonattainment Area includes all of Sacramento County and parts of Yolo, Sutter, El Dorado and Placer Counties.

The partial paragraph at the top of page 6.2-13 of the Draft EIR is revised to read as follows (see Response to Comment 7-3):

The SMAQMD has published air quality thresholds of significance for use by lead agencies when making a determination of significance for a project. The SMAQMD thresholds establish standards for three types of impacts – short-term impacts from construction, long-term impacts from project operation, and cumulative impacts. The net increase in emissions generated by these activities and other secondary sources have been estimated and compared to thresholds of significance recommended by the SMAQMD. ~~The methodology for estimating emissions, as described in the SMAQMD Guide and other guidance documents, was used in this analysis.~~ Construction emissions were estimated using accepted SMAQMD models initialized with project-specific information on equipment use and schedules.

Mitigation Measure 6.2-1, beginning on page 6.2-16 of the Draft EIR, is revised to read as follows (see Response to Comment 7-7):

6.2-1 (A & B)

- a) *The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NO<sub>x</sub> reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available;*
- b) *The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.*
- c) *The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of*

identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

- d) Limit vehicle idling time to five minutes or less.
- e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO<sub>x</sub> that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of \$14,300/ton of NO<sub>x</sub> emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NO<sub>x</sub> emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B. Fees may be paid on a per/acre basis, in which case the average fee would be approximately \$2,548/acre for both Scenarios A and B. ~~If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.~~ In order to monitor potential changes in projected construction equipment and/or construction phasing, the applicant shall fund a monitor who shall review a list of construction equipment and construction phasing information provided by the contractor. The review shall occur on a monthly basis over the total construction period and a report of the findings shall be submitted monthly to the City and SMAQMD. If the construction and equipment varies from what is projected, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. The applicant shall be responsible for recalculating the fee and paying any revised fee determined appropriate in coordination with the SMAQMD.

The first full paragraph on page 6.2-23 of the Draft EIR is revised to read as follows (see Response to Comment 7-15):

The implementation of the above emission reduction measures would exceed the 15% emission reduction/migration guideline established by the SMAQMD for both Scenario A (18.84%) and Scenario B (24.44% 20.24%). Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design. None of the selected measures listed above would require monitoring beyond completion of proposed project construction. By meeting the 15% guideline the project is considered to have met the "all feasible measures" required

under CEQA for significant impact of regional ozone precursor emissions.<sup>1</sup> Even with the inclusion of the above-mentioned design features, NO<sub>x</sub> and ROG emissions associated with either of the two the project scenarios would still exceed the SMAQMD threshold of ~~85~~ 65 lbs/day. Since emissions exceed the threshold, the impact of operational emissions of ozone precursors would be considered *significant*.

The first full paragraph on page 6.2-24 of the Draft EIR is revised to read as follows (see Response to Comment 7-15):

Implementation of the emission reduction strategies contained in the endorsed AQMP would exceed the 15% emission reduction/mitigation guideline established by the SMAQMD. Ozone precursor emissions for Scenario A would be reduced by 18.84% to ~~309.44~~ 306.05 lbs/day of ROG and ~~346.54~~ 275.06 lbs/day of NO<sub>x</sub>. Under Scenario B ozone precursor emissions would be reduced by 21.44% 20.24% to ~~299.49~~ 304.06 lbs/day of ROG and ~~306.40~~ 311.08 lbs/day of NO<sub>x</sub>. Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design; however, the reduction in emissions would not be reduced to below the SMAQMD threshold of ~~85~~ 65 lbs/day. None of the AQMP emission reduction strategies would require monitoring beyond completion of the proposed project.

The text following Mitigation Measure 6.2-6, beginning on page 6.2-26 of the Draft EIR, is revised to read as follows (see Response to Comment 7-11):

#### 6.2-6 *Implement Mitigation Measures 6.2-1(a) through (e).*

Implementation of Mitigation Measures 6.2-1(a) through (d) (which are the SMAQMD standard mitigation measures for projects with significant construction-phase NO<sub>x</sub> emissions) would result in a minimum 20% reduction of project NO<sub>x</sub> construction emissions. The implementation of the mitigation fee collected under Mitigation Measure 6.2-1(e) would enable the SMAQMD to ~~buy credits~~ use the mitigation fee money in its Carl Myer and CECAT programs to reduce emissions from other NO<sub>x</sub> sources off-site to offset the project construction NO<sub>x</sub> emissions that exceed the SMAQMD's threshold; this would substantially reduce project emissions. Further, implementation of the SMAQMD standard mitigation measures would be required for all other projects in the Sacramento area with significant construction-phase NO<sub>x</sub> emissions. Therefore, compliance with these measures would reduce the project's contribution to cumulative construction-phase NO<sub>x</sub> emissions to a less than considerable level.

The last two paragraphs on page 6.2-27 of the Draft EIR are revised to read as follows:

#### Mitigation Measures

Implementation of the emission reduction strategies included in the endorsed AQMP for the proposed project would reduce the project's contribution to operational emissions by 18.84% under Scenario A and ~~21.44%~~ 20.24% under Scenario B which is greater than the 15% guideline. However, even with the implementation of the endorsed AQMP, the project's contribution to operational emissions would remain above the SMAQMD

1 *Township 9 Project, Draft Air Quality Management Plan SMAQMD #SAC200600961D, October 2006, p. 11.*

significance threshold. Consequently, the project's contribution would remain considerable and cumulative operational ozone precursor emissions would remain ***significant and unavoidable***.

#### 6.2-7 *Implement Mitigation Measure 6.2-3.*

Implementation of the emission reduction strategies contained in the endorsed AQMP required to be implemented under Mitigation Measure 4.2-3 would exceed the 15% emission reduction/mitigation guideline established by the SMAQMD. Ozone precursor emissions for Scenario A would be reduced by 18.84% to ~~309.44~~ 306.05 lbs/day of ROG and ~~346.54~~ 275.06 lbs/day of NO<sub>x</sub>. Under Scenario B ozone precursor emissions would be reduced by ~~21.44%~~ 20.24% to ~~299.49~~ 304.06 lbs/day of ROG and ~~306.40~~ 311.08 lbs/day of NO<sub>x</sub>. Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design; however, the reduction in emissions would not be reduced to below the SMAQMD threshold of ~~85~~ 65 lbs/day; therefore, the project's contribution would remain considerable.

### Section 6.3, Biological Resources

Mitigation Measure 6.3-5 on page 6.3-23 of the Draft EIR is revised to read as follows (see Response to Comment 5-4):

#### 6.3-5 (A & B)

- a) *Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including potential laydown/construction areas, to identify and evaluate trees that shall be removed. If the arborist's survey does not identify any protected trees that would be removed or damaged as a result of the proposed project, a letter report confirming that project design would avoid loss of protected trees shall be sent to the City of Sacramento and no further mitigation is required.*
- b) *If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.*
- c) *All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Tree Service Division. A qualified arborist shall monitor trees during*

*construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die or are in severe decline during that period.*

The text on pages 6.3-24 and 6.3-25 of the Draft EIR is revised to read as follows:

**~~6.3-6 Development of the proposed overlook could result in the disturbance or loss of riparian vegetation on the water side of the levee.~~**

**Scenario A and B**

~~Construction of the proposed overlook could result in the disturbance or removal of riparian vegetation on the water side of the levee. These activities could include clearing of ground vegetation, trimming of tree branches to allow free access to equipment (i.e. backhoe) or crews, and removal of shrubs (including elderberry shrubs). The overlook would be an up to 230-foot-wide cast-in-place concrete construction that could extend up to 60 feet from the centerline of the levee toward the American River. The overlook may be in the form of a cantilever that would be supported at the top of the levee, or the overlook could be supported by a retaining wall at its northern edge. If the overlook is a cantilever, all of the construction would be done at the top of the levee. If the overlook is supported by a retaining wall, construction activity would take place no further than 10 feet from the wall location toward the American River. A temporary construction area of approximately 700 feet by 70 feet centered on North 7<sup>th</sup> Street will be required for the overlook. Following construction, as stated in the project description, the overlook would not exceed the waterside toe of the levee. Based on the biological resource assessment conducted by EIP Associates, it is evident that the vegetation on the water side of the levee would constitute riparian vegetation. Therefore, the potential impact to riparian vegetation due to the construction of the overlook is considered a *potentially significant impact*.~~

Mitigation Measures

~~Implementation of the following mitigation measures would reduce these impacts to a **less-than-significant level**.~~

~~6.3-6 (A & B)~~

- ~~a) *Once the overlook design is finalized and before any ground clearing activities related to the overlook, the applicant shall retain a qualified biologist to conduct a vegetation survey of the overlook foot print and construction area to assess the extent of the potential impacts to riparian vegetation.*~~
- ~~b) *Project design shall minimize the removal of riparian vegetation to only the amount needed to achieve the construction of the overlook.*~~
- ~~c) *If the overlook is supported by a retaining wall, construction activity shall take place no further than 10 feet from the wall location toward the American River. If the overlook is a cantilever, all of the construction shall be done at the top of the levee.*~~

- d) ~~Trimming or removal of any trees in the riparian area shall be accomplished consistent with Mitigation Measures 6.3-1, 6.3-2 and 6.3-5.~~
- e) ~~For unavoidable removal of elderberry shrubs implement Mitigation Measure 6.3-4.~~

~~Implementation of Mitigation Measures 6.3-6(a) and (c) shall ensure that the minimum amount of riparian vegetation is lost to accommodate construction of the overlook. If any trees require trimming or removal, then Mitigation Measure 6.3-6(d) would ensure that it would be accomplished consistent with the requirements of the City Tree Ordinance and in a manner to protect nesting raptors, as appropriate. If elderberry shrubs must be removed to accommodate the overlook, then Mitigation Measure 6.3-4 would protect VELB through avoidance and re-vegetation activities, as appropriate.~~

## Section 6.4, Cultural Resources

Mitigation Measure 6.4-1, beginning on page 6.4-26 of the Draft EIR, is revised to read as follows:

### 6.4-1 (A & B)

#### a) Documentation / Recordation

*Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the Interior's Standards for Architectural History to prepare written and photograph documentation of the Bercut-Richards cannery complex.*

*The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) Historical Report Guidelines. The proposed documentation standards shall meet the intent of NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The documentation prepared for former Bercut-Richards Packing Company property shall not be reviewed by NPS or transmitted to the Library of Congress and therefore, will not be a full-definition, HABS/HAER dataset. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).*

*The written historical data for this documentation shall follow HABS / HAER Level II standards and shall be derived from the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site*

and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. Both reports are on file with the City Preservation Director of Sacramento Development Services Department. Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).

The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset.

Either HABS / HAER standard large format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Photographs shall be labeled with text reading "Bercut-Richards Packing Company, 424 North 7<sup>th</sup> Street, Sacramento," and photograph number on the back of the photograph in pencil (2B or softer lead). Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200 pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph label.

Photograph views for the dataset shall include: a) contextual views; b) views of each side of each building and interior views, where possible; c) oblique views of buildings; and d) detail views of character-defining features, including features on the interiors of some buildings. The size of this property would require up to five contextual views, 20 exterior and interior building views, 10 oblique views, and 15 detail views. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset.

All written and photograph documentation of the Bercut-Richards cannery complex shall be approved by the City Preservation Director prior to any demolition and removal activities.

b) Oral History Project

Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for History to determine if an appropriate number of individuals who worked at the Bercut-Richards Packing Company during the period of significance (1928 to 1953) are available and willing to participate in an oral history project. Written findings of the search for individuals shall be submitted to the City's Preservation Director and History and Science Manager, who shall determine if an oral history

*project is feasible and would be required by the City to further reduce the impact of the proposed project on historical resources. Five individuals is a recommended minimum, but the City may determine that fewer individuals would be adequate.*

*If an oral history project is conducted, a Draft Research Design for the project shall be submitted to the City's Preservation Director and History and Science Manager for review and approval of the Final Research Design. The Research Design shall identify anticipated informants, research goals, and protocols. The oral history research shall be conducted in conformance with the Principles and Standards of the Oral History Association revised September 2000. The oral history project could be conducted by a historical consultant or be offered as a project to students at the graduate Capitol Campus Public History program at California State University, Sacramento. If the project is given to public history students, it shall be supervised by a faculty member with experience conducting oral history projects.*

*The oral history project shall consist of interviews conducted in the Sacramento region with persons knowledgeable about the Bercut-Richards Packing Company and its operations in the buildings on this site during the property's period of significance (1928 to 1953). The aim of these interviews shall be to record information about company operations as they were carried out in these buildings. In general, the goal will be to synthesize information gathered from individuals who worked at the cannery, including personal insights and recollections of the company, its management, innovations, and the day-to-day operation of the plant. The preparer of the oral history project shall conduct the following tasks.*

*Planning / Preparation for Interviews*

- Review the available historical research and reports, including the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.*
- Prepare a list of questions prior to the interviews.*
- Conduct a tour of the former cannery with the interviewees prior to demolition of buildings, if possible.*
- Prepare and have signed release forms for each interviewee, giving permission for any tapes or photographs made during the project to be used for by researchers and the public for educational purposes.*

Interviews

- *The oral interviews shall be no longer than 1-2 hours in length and could be conducted in a group setting, if feasible or practical.*
- *Each interview (with permission of the interviewee) shall be recorded with a digital voice recorder and use Digital Speech Standard (DSS) Player Software to create a topic index for the interviews linked to a time counter so that the topic index would be searchable on the CD ROM (or DVD) containing the recording of the interview. Use of this software would eliminate the need for full written transcript of the interviews.*

Post-Interviews

- *Archive quality CDs shall be prepared containing a recording of the interview, topic index, biographical data sheet, and a read.me file explaining the contents of the CD and how to use the DSS Player Software.*
- *Short biographical data sheets with a photograph of each interviewee shall be prepared for each interviewee and put in a file on the CD.*
- *Interviewers shall synthesize relevant information from the oral histories into a thematic narrative presenting understandings and insights. This narrative shall be included on the CDs.*
- *Typed transcripts of interviews would not be required.*
- *CDs shall be disseminated to appropriate repositories identified in the Documentation Dissemination portion of this Mitigation Measure.*
- *If required, the oral history project shall be monitored and enforced by the City Preservation Director to the extent determined by the City Preservation Director. All costs associated with the oral history project shall be borne by the project applicant.*

c) Documentation Dissemination

*The HABS/HAER-like documentation of the Bercut-Richards cannery complex shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the California Historical Resources Information System Northeast Information Center at California State University Sacramento; the California State Library in Sacramento; the Sacramento Archives and Museum Collection Center (SAMCC); the Sacramento Public Library's Sacramento Room.*

*If the oral history project is conducted, CDs prepared during the oral history project shall be on archive-quality discs, such as archival gold*

CD-Rs, and disseminated to the same repositories as the HABS/HAER-like documentation.

d) Interpretation of the Property

*Under the direction and enforcement of the City Preservation Director, measures shall be implemented to interpret the property's historic significance for the public and for residents that will inhabit the property. All costs associated with interpretation of the property shall be borne by the project applicant. Interpretive and/or educational exhibits shall include but are not necessarily limited to the following items:*

Permanent Interpretive Displays/Signage/Plaques

*The applicant shall install a minimum of three interpretive displays on the project that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays shall be integrated into the design of the public areas of the new housing and retail and shall be installed in highly visible public areas such as the property's parks, the North 7<sup>th</sup> Street portion of the project, or in public areas on the interiors of buildings. The displays shall include historical data taken from the HABS/HAER-like documentation or other cited archival source and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display shall include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings (see De-Construction, Salvage, and Reuse below) One of the displays shall be the traveling exhibit (described below) which shall be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour.*

*The applicant shall install at least one sign or plaque near the corner of Richards Boulevard and North 7<sup>th</sup> Street to indicate that the Bercut-Richards Packing Company plant once stood on the property. Additional signage / plaques may be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property.*

*Interpretive displays and the signage/plaques installed on the property shall follow the Township 9 Design Guidelines and be sufficiently durable to withstand typical Sacramento weather conditions for at least twenty five years. Displays and signage/plaques shall be lighted, installed at pedestrian-friendly locations, and be of adequate size to attract the interested pedestrian. Maintenance of displays and signage/plaques shall be included in the management of the common area maintenance program on the property.*

Exhibits and Written Documentation for Publication on a Web Site

The applicant shall publish exhibits and written documentation on a Web site regarding the history of the Sacramento canning industry and the Bercut-Richards Cannery complex. This information shall be derived from the HABS/HAER-like documentation, and the reports titled *Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814*, prepared by JRP Historical Consulting LLC in 2006 and *Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area*, prepared by Lisa C. Prince in 2006. The publication shall include text and photographs. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. Publication of these materials shall be either on an independent Web site maintained by the project applicant (or its successor property management company) or be donated for posting on a local history website, such as [www.sacramentohistory.org](http://www.sacramentohistory.org) (owned by SAMCC). The materials shall be available on the Web site for at least two years following demolition of the former Bercut-Richards cannery complex.

Traveling Exhibit

The applicant shall have a traveling exhibit prepared that will be loaned to local museums (such as the Sacramento Discovery Museum) and, if possible, at public libraries and/or public buildings in the Sacramento region. The exhibit will be prepared under the direction of and approved by the City's History and Science Manager. The small exhibit shall include panels or boards that provide information and photographs regarding Sacramento's canning industry history, the Bercut-Richards Packing Company, and the Bercut-Richards cannery complex. The exhibit shall include three or more 2x2 foot boards that can be either wall mounted or displayed on easels. The exhibit shall be supplemented in museum settings with small artifacts or architectural features salvaged from the former cannery site. Following installation of the exhibit in local museums and other locations, the exhibit shall be permanently displayed in a highly visible location in a publicly accessible lobby on the property and will fulfill a portion of the on-site interpretation mitigations discussed above.

e) De-Construction, Salvage, and Reuse

The project applicant shall preserve and rehabilitate the scale house (Building 11) according to the Secretary of the Interior's Rehabilitation Standard and the State Historic Building Code. The rehabilitation of the building shall be submitted as a Preservation application once it is determined where the building would be located and what its use might be. The applicant shall consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical

reminders of the cannery's material existence and importance. Examples of the property's character-defining features that could be potentially salvaged are illustrated in Appendix B of the report titled *Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814*, prepared by JRP Historical Consulting LLC. To the extent that is reasonable and feasible as determined by the City, the project applicant shall use some architectural features in the property's new design. Such features shall be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7<sup>th</sup> Street portion of the project. Salvaged and reused features shall be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut Richards cannery complex. Potentially salvageable features are identified in Section 6.3., *Impacts Analysis and Suggested Mitigation of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814*, prepared by JRP Historical Consulting LLC and on file with the ~~City of Sacramento Development Services~~ Preservation Director and SAMCC.

The applicant shall also offer architectural features and materials to museums and other local repositories for curation and display. SAMCC and the Sacramento Discovery Museum, for example, would be repositories that may be interested in the salvaged materials, as they have archival storage facilities for artifacts and some ability to display them. Other interested parties may be those interested in the history of industrial buildings or materials such as masonry and bricks (such as Dan Mosier, who maintains a collection of historic bricks and provides the public information about the companies that manufactured them on his website, <http://calbricks.netfirms.com/>).

f) Design Guidelines

The final Design Guidelines for the proposed project shall take into account that the project is removing a historically significant cannery and industrial site. The final Design Guidelines shall encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. The City Preservation Director shall be given the opportunity to help review and refine the Design Guidelines to ensure that the architecture of the new buildings help convey the history and significance of the property. Character-defining features that could be included in the Design Guidelines are identified the report titled *Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814*, prepared by JRP Historical Consulting LLC and on file with the ~~City of Sacramento Development Services~~ Preservation Director and SAMCC.

Mitigation Measure 6.4-2, beginning on page 6.4-32 of the Draft EIR, is revised to read as follows (see Response to Comment 11-52):

### Mitigation Measures

The following mitigation measure requires the project applicant to retain a Project Archaeologist to conduct background research, conduct a pedestrian survey of unpaved portions of the project site, conduct on-site construction monitoring in areas determined to be sensitive for significant cultural resources, and to provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction activities, provides discovery and evaluation procedures for any previously unknown archaeological resources on the project site and requires that a professional archaeologist employ data recovery or other methods that meet the Secretary of the Interior's Standards for Archaeological Documentation to reduce impacts on unique archaeological resources. Therefore, implementation of the following mitigation measure would reduce this impact to a **less-than-significant level**.

### 6.4-2 (A & B)

- a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant.
- b) The Project Archaeologist shall review the following documents on file with the City Preservation Director:
- North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006.
  - Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006.
  - Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.
- c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.
- d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading, excavation, and

trenching) in the areas determined to be sensitive for significant cultural resources.

- e) The Project Archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing demolition or construction throughout the project site.
- f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with the Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.
- g) If a Native American archaeological, ethnographic, or spiritual resource is discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.
- h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner and Preservation Director shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the

human remains. The City Preservation Director shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City Preservation Director, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

- ~~a) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with the Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.~~

~~If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.~~

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

~~section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.~~

Mitigation Measure 6.4-4, beginning on page 6.4-35 of the Draft EIR, is revised to read as follows:

6.4-4 (A & B) *Implement Mitigation Measure 6.4-2.*

Mitigation Measure 6.4-2 requires the project applicant to retain a Project Archaeologist to conduct background research, conduct a pedestrian survey of unpaved portions of the project site, conduct on-site construction monitoring in areas determined to be sensitive for significant cultural resources, and to provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction activities. ~~provides discovery and evaluation procedures for any previously unknown archaeological resources on the project site and requires that a professional archaeologist employ data recovery or other methods that meet the Secretary of the Interior's Standards for Archaeological Documentation to reduce impacts on unique archaeological resources.~~ Implementation of this measure would reduce the project's contribution to the cumulative loss of previously unknown archeological resources to less than considerable.

## Section 6.8, Noise and Vibration

Mitigation Measure 6.8-4 on page 6.8-20 of the Draft EIR is revised to read as follows:

### Mitigation Measures

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

6.8-4 (A & B)

- a) *Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.*
- b) *Garbage storage containers and building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses.*
- c) *Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators,*

*compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.*

- d) ~~Events at the waterfront pavilion shall be conducted pursuant to discretionary licenses or permits as required by the city.~~

Implementation of Mitigation Measures 6.8-4(a) through (cd) would substantially reduce predicted noise levels at noise sensitive receptors by requiring that commercial and/or office uses install noise attenuation devices and/or placement of stationary noise emitting equipment to ensure that operational stationary noise levels would meet or exceed the legal requirement of the Sacramento Municipal Code.

### Section 6.10, Public Utilities

The third paragraph on page 6.10-10 of the Draft EIR is revised to read as follows (see Response to Comment 8-3):

Wastewater treatment within the City of Sacramento is provided by the Sacramento Regional County Sanitation District (SRCSD). SRCSD operates all regional interceptors and wastewater treatment plants serving the City except for the combined sewer and storm drain treatment facilities which are operated by the City of Sacramento. Local ~~and~~ trunk and wastewater collection in the City is provided by County Sanitation District 1 (CSD-1), ~~and the City of Sacramento, and the City of Folsom.~~ Within this area, the CSD-1 serves the community plan areas of South Natomas, North Natomas, and portions of Arcade-Arden, East Broadway, East Sacramento, Airport Meadowview and South Sacramento. The City provides wastewater collection to about two-thirds of the area within the City Limits, which is comprised of two distinct areas; the area served by the combined sewer system (CSS) and the areas served by a separated sewer system. The community plan areas served by the City include the Central City, Land Park, Pocket, North Sacramento, and portions of Arden-Arcade, South Sacramento, East Sacramento, East Broadway and Airport Meadowview.

The first full paragraph on page 6.10-11 of the Draft EIR is revised to read as follows (see Response to Comment 8-1):

Currently, improvements are being made to the system in anticipation of future growth and to help relieve the existing interceptor system. The Lower Northwest Interceptor (LNWI) and Upper Northwest Interceptor (UNWI) are separate facilities designed to handle flows in the SRCSD service area that includes the northeast portion of the SRCSD service area (which includes flows from the Northeast, Gibson Ranch, Rio Linda, McClellan, and Natomas areas) and the City of West Sacramento. will convey flows from the Northeast, Gibson Ranch, Rio Linda, McClellan, Natomas, and a portion of the North Highlands drainage basins. These projects will provide relief for the existing interceptor system as well as provide capacity for future growth. However, these facilities would not have any direct bearing on the flows originating in the City's combined system.

The following information is added under the first complete paragraph on page 6.10-12 of the Draft EIR (see Response to Comment 8-2):

The City of Sacramento and the SRCSD have an operating agreement which addresses the peak flows the City can discharge into the City Interceptor. Under the agreement, the City can discharge up to 60 mgd from Sump 2A; up to 38 mgd combined from Sumps 21, 55 and 119; and up to 10.8 mgd from gravity connections further downstream (i.e., North Meadowview, South Pocket, South Meadowview, and the Delta Shores area) for a total of 108.5 mgd.

The fifth paragraph on page 6.10-10 of the Draft EIR is revised to read as follows (see Response to Comment 8-3):

The SRWTP, which is located just south of the City Limits, is owned and operated by SRCSD and provides sewage treatment for the entire City. Sewage is routed to the ~~wastewater treatment plant SRWTP by collections systems interceptors~~ owned by the ~~SRCS~~ SRCSD ~~CSD-1 and the cities of Sacramento and Folsom~~. SRWTP is a secondary treatment facility that includes raw influent and effluent pumping, primary clarification, secondary treatment with the high-purity oxygen activated sludge process, disinfection, solids thickening, and anaerobic solids digestion. The SRWTP is permitted to treat an average dry weather flow (ADWF) of 181 million gallons per day (mgd) and a daily peak wet weather flow of 392 mgd. Currently, the facility's ADWF is approximately 150 mgd. The SRWTP also receives an average of 220 mgd during wet weather conditions. The SRWTP 2020 Master Plan projects a population-based flow of 218 mgd ADWF. After secondary treatment and disinfection, a portion of the effluent from the plant is further treated in SRCSD's Water Reclamation Facility and then used for landscape irrigation within the City of Elk Grove. The majority of the treated wastewater is dechlorinated and discharged into the Sacramento River. The SRCSD maintains the regional interceptors that convey sewage to the treatment plant.

### **Section 6.11, Transportation and Circulation**

Mitigation Measures 6.11-1(a), 6.11-1(b), 6.11-3, 6.11-4, 6.11-5, 6.11-12(a), 6.11-12(b), 6.11-14, 6.11-15, 6.11-16, 6.11-18(a), 6.11-20, 6.11-21, 6.11-22 are revised to include the following language at the end of the measure (see Response to Comment 3-4):

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.

Mitigation Measure 6.11-1, beginning on page 6.11-42 of the Draft EIR, is revised to read as follows:

- 6.11-1 a) *At the I-5 southbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one southbound left-turn lane to provide two left-turn lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.*

~~*The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.*~~

*With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (56.4 seconds delay) in the a.m. peak hour and LOS D (37.8 seconds delay) in the p.m. peak hour; thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS E (77.9 seconds delay) in the a.m. peak hour and LOS D (49.5 seconds delay) in the p.m. peak hour; thus reducing the impact to a **less-than-significant level** in the a.m. peak hour but the impact in the p.m. peak hour would remain **significant and unavoidable**. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the west. However, the freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane to the west. Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. These results are shown in Table 6.11-13.*

*The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for*

the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.

- b) At the I-5 northbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one westbound right-turn lane to provide two right-turn lanes and two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

~~The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.~~

With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (57.4 seconds delay) in the a.m. peak hour and LOS D (40.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS F (104.1 seconds delay) in the a.m. peak hour and LOS D (43.2 seconds delay) in the p.m. peak hour, thus the impact is less than significant in the p.m. peak hour but remains **significant and unavoidable** in the a.m. peak hour. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the east. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans jurisdiction. To implement this mitigation measure, acquisition of an additional lane of right of way would be required and is not currently available. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered, significant and unavoidable. These results are shown in Table 6.11-13.

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.

- c) At the Bercut Drive / Richards Boulevard intersection, under Scenario A, the City shall increase the cycle length to 120 seconds and modify signal phasing. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. Under Scenario B, the City shall install, or cause to be installed, one eastbound through lane to provide one left-turn lane, two through lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

~~The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.~~

With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (24.1 seconds delay) in the a.m. peak hour and LOS B (18.2 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS A (8.1 seconds delay) in the a.m. peak hour and LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**. These results are shown in Table 6.11-13.

- d) At the N. 5<sup>th</sup> Street / Richards Boulevard intersection, under both Scenario A and Scenario B, prior to 1/3<sup>d</sup> of the vehicle trip generation (Trip

Generation, Table 6.11-10 of the Draft EIR) or 1/3<sup>d</sup> of the development is constructed the applicant shall dedicate right-of-way and construct an eastbound left-turn lane to provide two left-turn lanes, one through lane and one combination through-right lane; and optimize signal timing. The applicant shall also dedicate sufficient right-of-way and construct an expanded intersection at this location to the City of Sacramento Street Standards.

With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (13.2 seconds delay) in the a.m. peak hour and LOS C (24.9 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS C (21 seconds delay) in the a.m. peak hour and LOS F (84.9 seconds delay) in the p.m. peak hour; thus the impact would remain **significant and unavoidable**. To fully mitigate the impact under Scenario B would require further widening of Richards Boulevard, which would create secondary impacts to adjacent properties through the acquisition of additional right of way for a new vehicle travel lane (typically 12 feet); this right of way is currently unavailable. These results are shown in Table 6.11-1.

- e) At the N. 7<sup>th</sup> Street / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require the applicant to install one southbound through lane to provide one left-turn lane, two through lanes, and one right-turn lane and install one northbound left-turn lane and one through lane to provide two left-turn lanes, two through lanes and one right-turn lane. With these improvements, the intersection would operate at LOS D (36 seconds delay) in the a.m. peak hour and LOS E (59.9 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce LOS D (43 seconds delay) in the a.m. peak hour and LOS E (76.4 seconds delay) in the p.m. peak hour.

However, a review of the intersection reveals that there is insufficient right-of-way for the northbound improvements. Implementation of these northbound lanes would require the acquisition of right of way from the adjacent properties which are not controlled by the applicant.

Therefore, the applicant shall dedicate sufficient right-of-way for a future expanded intersection to the City of Sacramento Street Standards and shall construct modifications to 7<sup>th</sup> Street for the southbound approach at Richards Boulevard as required to accommodate the mitigation described above. These modifications to the southbound approach would include providing two additional southbound lanes to provide one left-turn lane one through lane and two right-turn lanes. With these improvements, the intersection would operate at LOS F (131 seconds delay) in the a.m. peak hour and LOS F (142 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce LOS F (167 seconds delay) in the a.m. peak hour and LOS F (186 seconds delay) in the p.m. peak hour.

These results are shown in Table 6.11-13. The project impact would remain **significant and unavoidable**.

- f) At the Dos Rios Street / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall increase the cycle length to 75 seconds and optimize the signal timing in the p.m. peak hour. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard.

With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.2 seconds delay) and the level of service under Scenario B would be reduced LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level** during both a.m. and p.m. peak hours. These results are shown in Table 6.11-13.

- g) At the 12<sup>th</sup> / 16<sup>th</sup> Streets / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of the roadways which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it requires the acquisition of right-of-way from adjacent properties to provide additional vehicle travel lanes (typically 12 feet per lane) for increase vehicle capacity as well as the possible relocation of light rail along N. 12<sup>th</sup> Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain **significant and unavoidable**.

- h) At the 7<sup>th</sup> Street / North B Street intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, a traffic signal, add a northbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

~~The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.~~

With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (16 seconds delay) in the a.m. peak hour and LOS C (26.2 seconds delay) in the p.m. peak hour; thus reducing the impact to **a less-than-significant level**; the level of service under Scenario B would be reduced to LOS B (19.1 seconds delay) in the a.m. peak hour and LOS C (31.2 seconds delay) in the p.m. peak hour, thus reducing the impact to **a less-than-significant level**. These results are shown in Table 6.11-13.

- i) At the 12<sup>th</sup> Street / North B Street intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of the roadways to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, the right of way is unavailable and would require acquisition from adjacent properties as well as possible relocation of light rail along N. 12<sup>th</sup> Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain **significant and unavoidable**.
- j) At the 7<sup>th</sup> Street / F Street intersection, under both Scenario A and Scenario B, the City install or cause to install a traffic signal, add a southbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

~~The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (10.7 seconds delay) in the a.m. peak hour and LOS B (13.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS A (6 seconds delay) in the a.m. peak hour and LOS B (15.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**. These results are shown in Table 6.11-13.~~

- k) *At the 7<sup>th</sup> Street / G Street intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, a southbound through lane to provide two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.*

~~The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.~~

*With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (19.5 seconds delay) in the a.m. peak hour and LOS A (8.5 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**; the level of service under Scenario B would be reduced to LOS A (9.7 seconds delay) in the a.m. peak hour and LOS B (12.8 seconds delay) in the p.m. peak hour, thus reducing the impact to a **less-than-significant level**. These results are shown in Table 6.11-13.*

- l) ~~At the 7<sup>th</sup> / Signature Street intersection, prior to occupancy of Lots 1, 3, 4, 8, 9, and 11, the applicant shall install a traffic signal under Scenario A and Scenario B and shall add one lane each from the north, east and west approaches to provide one northbound left-turn lane, one through lane and one right-turn lane; one southbound combination left-through-right lane; one eastbound right-turn lane and one combination left-through-right lane; and one westbound left-turn lane and one combination left-through-right lane. The applicant shall be required to dedicate right-of-way and construct the traffic signal at this intersection subject to future reimbursement if found appropriate in the updated finance plan.~~

*With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.6 seconds delay) in the a.m. peak hour and LOS D (40.1 seconds delay) in the p.m. peak hour, thus the impact would remain **significant and unavoidable**; the level of service under Scenario B would be reduced to LOS C (20.4 seconds delay) in the a.m. peak hour and LOS D (46.7 seconds delay) in the p.m. peak hour, thus the impact would remain **significant and unavoidable**. These results are shown in Table 6.11-13 of the DEIR. To fully mitigate the project impact would require further widening of 7<sup>th</sup> Street north of*

*Signature Street, which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7<sup>th</sup> Street, with landscaping and amenities to encourage street life.*

Mitigation Measure 6.11-3, beginning on page 6.11-50 of the Draft EIR, is revised to read as follows (see Response to Comment 3-9):

- 6.11-3 *The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091.*

*The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.*

*Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:*

- I-5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: \$134 million.*
- I-5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: \$300 million.*
- I-5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: \$200 million.*

*No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include. These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel*

*demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.*

*Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4), state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.*

*~~Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require~~ requiring modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.*

*Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. 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, §21061.1). Therefore, the impacts of the proposed project on the three I-5 freeway segments would remain **significant and unavoidable**.

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.

Mitigation Measure 6.11-8 on page 6.11-56 of the Draft EIR is revised to read as follows:

- 6.11-8 *Pedestrian walkways shall be designed in compliance with the City's design standards and shall comply with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) and/or be designed to the satisfaction of the city traffic engineer. Walkways shall be designed around the outside of the roundabouts rather than through the center unless otherwise accepted by the city traffic engineer after the applicant has technically demonstrated the safety and ADA disability accessibility ~~compliance of the 'traffic plaza'~~. Additionally, by installing a traffic signal at 7<sup>th</sup> Street and Signature Street to replace the proposed roundabout at this intersection, all new pedestrian cross walks will be designed to City of Sacramento Street Standards.*

Mitigation Measure 6.11-9 on page 6.11-57 of the Draft EIR is revised to read as follows:

- 6.11-9 a) *The gateway roundabout on 7th Street at New Street "A" shall be designed in compliance with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) or the applicant shall provide sufficient technical data to the city traffic engineer in order to demonstrate the safety and ADA disability accessibility ~~compliance of the 'traffic plaza'~~. This intersection will carry a significant volume of automobile traffic (from an estimated low of 995 vehicles during the a.m. peak hour under Baseline with Scenario A conditions to an estimated high of 1450 vehicles during the p.m. peak hour under Long Term Year 2030 with Scenario B conditions) and shall be designed according to standard design practice for high-volume roadways and/or to the satisfaction of the City Traffic Engineer.*

The text on page 6.11-58 and 6.11-59 of the Draft EIR is revised to read as follows:

~~6.11-11 The proposed project would increase parking demand during special events at the riverfront pavilion. This is considered a **potentially-significant impact**.~~

~~Special events at the proposed riverfront pavilion generally take place after weekday P.M. peak hour or on weekends. This study did not analyze the full parking impacts that special event traffic may generate. Nonetheless, it is anticipated that the parking demand would likely exceed available supply. Hence, it is considered a **potentially-significant impact**.~~

Mitigation Measures (Baseline Plus Project)

~~6.11-11 The project applicant shall develop a traffic management program for special events, which is to be approved by City Traffic Engineer. The program shall include ways to mitigate the adverse impacts of special event traffic on parking in the project vicinity. The traffic management plan shall identify the amount of vehicle parking necessary for the event, where parking can be temporarily located for the event, and how event traffic will circulate to enter and exit the site. The traffic management plan shall provide all mitigation measures necessary for the event. With implementation of such traffic management program, the proposed project impact would be reduced to a **less-than-significant level**.~~

Mitigation Measure 6.11-19 on page 6.11-87 of the Draft EIR is revised to read as follows:

Mitigation Measures (2030)

- 6.11-19 a) *Widening of 5<sup>th</sup> Street between Richards Boulevard and Signature Street to provide two travel lanes per direction would reduce the project impact of Scenario B to a **less-than-significant level**.*
- b) *Under both Scenario A and Scenario B, widening of 7<sup>th</sup> Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would improve the roadway operations but the impacts of the 7<sup>th</sup> Street roadway segment would remain **significant and unavoidable**. As described in Mitigation Measure 6.11-12(a), further widening of 7<sup>th</sup> Street would necessitate acquisition of right-of-way and would create an unfriendly pedestrian environment. After implementation of this mitigation measure, Scenario A would produce LOS D (v/c of 0.87) and Scenario B would produce LOS D (v/c of 0.87). These results are shown in Appendix N.*
- c) *Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly*

streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain **significant and unavoidable**.

- d, e) Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Bannon Street roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain **significant and unavoidable**.

### **3. LIST OF AGENCIES AND PERSONS COMMENTING**

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### **3. LIST OF AGENCIES AND PERSONS COMMENTING**

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#### **STATE AGENCIES**

1. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, Terry Roberts, Director, State Clearinghouse, April 17, 2007.
2. Department of Water Resources, Christopher Huitt, Staff Environmental Scientist, Floodway Protection Section, March 12, 2007.
3. California Department of Transportation, District 3 – Marysville Office, Jody Jones, April 16, 2007.

#### **LOCAL AGENCIES**

4. County of Sacramento, Department of Transportation, Matthew G. Darrow, Senior Civil Engineer, March 7, 2007.
5. County of Sacramento, Planning and Community Development, Rob Sherry, Director and Regional Parks, Gary Kukkola, Interim Director, April 23, 2007.
6. Regional Transit, Taiwo Jaiyeoba, Director of Planning, April, 16, 2007.
7. Sacramento Metropolitan Air Quality Management District, Jeane Borkenhagen, Associate Air Quality Planner Analyst, April 17, 2007.
8. Sacramento Regional County Sanitation District, Sarena Deeble, Associate Civil Engineer, March 21, 2007.

#### **INDIVIDUALS AND ORGANIZATIONS**

9. Save the American River Association, Inc., Warren Truitt, President, April 10, 2007.
10. James C. Jones, April 11, 2007.
11. William D. Kopper, April 12, 2007.
12. Elmer Aldrich, April 13, 2007.
13. Citizens for Responsible Government, April 16, 2007.
14. Betsy Weiland, April 16, 2007.



## **4. COMMENTS AND RESPONSES**

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ARNOLD SCHWARZENEGGER  
GOVERNOR

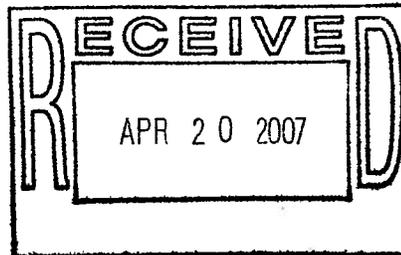
STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

April 17, 2007

Jennifer Hageman  
City of Sacramento  
2101 Arena Boulevard, Second Floor  
Sacramento, CA 95834



Subject: Township 9 Project (formerly Capitol Station 65)  
SCH#: 2006072077

Dear Jennifer Hageman:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 16, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1-1

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2006072077  
**Project Title** Township 9 Project (formerly Capitol Station 65)  
**Lead Agency** Sacramento, City of

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**Type** EIR Draft EIR  
**Description** The proposed project would include approximately 2,982 residential dwelling units and approximately 145,524 gross square feet of neighborhood-serving retail uses. The retail uses would be located in the ground floors of residential buildings. Buildings on-site would range from 15 story high-rise mixed-use (maximum of 150 foot height), mid-rise mixed use (up to five stories), mixed-use four-story lofts and home-office use, and three-story town homes. The proposed project would include a new river overlook on the levee.

The proposed project also includes an option to develop approximately 809,200 gross square feet of office use (instead of residential uses) on the proposed lots fronting Richards Boulevard.

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**Lead Agency Contact**

**Name** Jennifer Hageman  
**Agency** City of Sacramento  
**Phone** (916) 808-5538  
**email**  
**Address** 2101 Arena Boulevard, Second Floor  
**City** Sacramento  
**Fax**  
**State** CA **Zip** 95834

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**Project Location**

**County** Sacramento  
**City** Sacramento  
**Region**  
**Cross Streets** Richards Boulevard between 5th and 7th Streets  
**Parcel No.** 001-0020-003, 014, 019, 033, 034, 036, 041, 044, 046  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** 5, 160, 80, 99  
**Airports**  
**Railways** Southern Pacific  
**Waterways** American River, Sacramento River  
**Schools** Sacramento Unified  
**Land Use** The City of Sacramento's General Plan land use designation for the project site is Special Planning District (SPD). Surrounding land uses consist of the American River to the North, industrial uses to the south, industrial/office use to the east, and industrial to the west. The site is predominately covered with impervious surface. Existing uses on the site include industrial and warehouse uses. All existing structures on the project site, totaling approximately 104 million square feet, would be demolished to accommodate the proposed project.

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality

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**Reviewing Agencies** Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Department of Fish and Game, Region 2; Department of Water Resources; California Highway Patrol; Caltrans, District 3; Department of Toxic Substances Control; State Lands Commission

**Document Details Report  
State Clearinghouse Data Base**

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**Date Received** 03/02/2007      **Start of Review** 03/02/2007      **End of Review** 04/16/2007

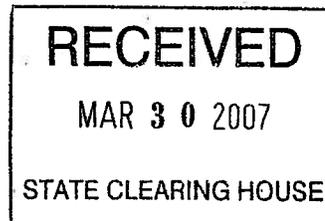
DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



March 12, 2007

Jennifer Hageman  
City of Sacramento (North Natomas Permit Center)  
2101 Arena Boulevard, Second Floor  
Sacramento, California 95834



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4/16/07  
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Township 9 Project (formerly Capitol Station 65)  
State Clearinghouse (SCH) Number: 2006072077

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

1-2

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Christopher Huitt  
Staff Environmental Scientist  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**LETTER 1: GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE  
CLEARINGHOUSE AND PLANNING UNIT**

**Response to Comment 1-1**

Comment noted.

**Response to Comment 1-2**

Comment noted. Please see Response to Comment 2-1.



**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



March 12, 2007

Jennifer Hageman  
City of Sacramento (North Natomas Permit Center)  
2101 Arena Boulevard, Second Floor  
Sacramento, California 95834

Township 9 Project (formerly Capitol Station 65)  
State Clearinghouse (SCH) Number: 2006072077

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Huitt".

Christopher Huitt  
Staff Environmental Scientist  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

## Encroachment Permits Fact Sheet

### **Basis for Authority**

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

### **Area of Reclamation Board Jurisdiction**

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at [http://recbd.ca.gov/designated\\_floodway/](http://recbd.ca.gov/designated_floodway/) and CCR Title 23 Sections 101 - 107.

### **Regulatory Process**

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

### **Application Review Process**

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

### **Technical Review**

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

#### Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

**LETTER 2: CALIFORNIA STATE DEPARTMENT OF WATER RESOURCES**

**Response to Comment 2-1**

Comment Noted. Pursuant to California Code of Regulations, Title 23, and the Designated Floodway maps cited in the comment and available at the Reclamation Board website, the Township 9 Project falls outside the American River Designated Floodway. The Lower Limit of the designated floodway begins near the Mayhew drain, which is approximately ten miles east (or upstream) of the project site. The Project does not encroach on the State Adopted Plan of Flood Control.



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
 703 B STREET  
 P. O. BOX 911  
 MARYSVILLE, CA 95901-0911  
 PHONE (530) 741-4233  
 FAX (530) 741-4245  
 TTY (530) 741-4509

Letter 3



*Flex your power!  
 Be energy efficient!*

April 16, 2007

07SAC0034  
 03-SAC-05 PM 24.646  
 Township 9 (P06-047)  
 Draft Environmental Impact Report  
 SCH# 2006072077

Ms. Jennifer Hageman  
 City of Sacramento  
 2101 Arca Boulevard, Suite 200  
 Sacramento, CA 95834

Dear Ms. Hageman:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Township 9 project. This proposed 65-acre mixed-use project in the Richards Boulevard area is the first of several large developments anticipated between the current central business district and the American River.

Caltrans appreciates that City representatives from the Planning, Public Works and Legal departments, along with Project Proponent representatives, met with us on April 13, 2007 to discuss the DEIR. Though we did not reach agreement on how to address impacts from the project on the State Highway System and our request for additional time under the CEQA comment period to engage in these discussions with the City was declined, our conversation was valuable and helped build a better understanding between our agencies. Still, we are concerned that the project does not adequately address significant impacts to highways and does not acknowledge the feasible and reasonable mitigation that could apply to mitigating impacts to freeway mainline and interchange facilities.

3-1

Our concerns are amplified because we thought there was an agreement with the City to change its approach and begin working with Caltrans to ensure that appropriate infrastructure is constructed to support the growth within the City of Sacramento. The DEIR for Township 9 is directly contrary to that agreement. In a February 26, 2007, letter from City Manager Ray Kerridge to Caltrans Director Will Kempton, Mr. Kerridge stated, *"the City of Sacramento acknowledges its lead agency responsibilities to address potential significant impacts to traffic including on the state highway system that may result from City approved projects. We are committed to work in good faith with Caltrans and our other regional partners to provide feasible mitigation measures to address these impacts."* Caltrans wants to work with the City to find acceptable mitigations.

3-2

Ms. Jennifer Hageman  
April 16, 2007  
Page 2

Caltrans is supportive of the many new office, housing, commercial and entertainment projects being constructed and planned for Downtown Sacramento. These are exciting projects that promise a vibrant future. For that future to be successful, a robust, multi-modal transportation system must be created in tandem with the development. It is commendable that Township 9 is designed to be pedestrian friendly and provides a 60-foot wide easement adjacent to Richards Boulevard for a light rail station and tracks to be constructed by Sacramento Regional Transit. In addition to these pedestrian and transit features, Township 9 includes a street network and 4,134 or 5,309 parking spaces to accommodate automotive traffic. The difference in parking spaces varies with two project scenarios.

3-3

The City acknowledges that Township 9 will create significant impacts to the State Highway System in the DEIR, but denies responsibility for mitigating those impacts to ensure appropriate access to the new development. This course of inaction would not only limit the success of proposed developments in the City, it would negatively impact the entire region. Interstate 5 is a vital artery for the movement of people, goods and services throughout Northern California, and the lack of mitigation for significant impacts from this and other projects jeopardizes the functionality of the highway.

3-4

The City's responsibility to provide feasible mitigation under CEQA can be addressed in a number of ways including capacity expansion on I-5 through fair-share contributions to the regionally approved bus/carpool lane projects and/or a new general purpose crossing of the American River. Caltrans is not demanding any specific mitigation measure. Caltrans is simply providing some examples of potential and feasible mitigation measures that could be considered by the City of Sacramento to address the impacts from this specific development that might also be a part of a larger strategy to deal with the cumulative impacts from the multiple developments currently anticipated to seek approvals in the near term.

3-5

Only two of the project's significant impacts to the State Highway System ramps and mainline were identified for mitigation to a less-than-significant level. The proposed mitigations are a southbound off-ramp left-turn lane, northbound on-ramp right-turn lane addition, and optimization of signal timing for both locations. All other mitigations were determined to be infeasible and so significant impacts to the State Highway System were determined to be unavoidable.

The DEIR repeatedly claims that impacts to the State Highway System are considered significant and unavoidable because:

3-6

- improvements are within the jurisdiction of Caltrans and not the City of Sacramento,
- additional right of way is required,
- there is no established fee mechanism for contribution to the recommended improvements,
- mitigation is beyond the control of the project applicant,
- the mitigation project costs are unknown, and
- the improvement is not included in any Caltrans' funding mechanism.

Ms. Jennifer Hageman  
April 16, 2007  
Page 3

Caltrans does not agree that these are valid justifications under CEQA. The DEIR does not reference the widely accepted practice of local jurisdictions establishing transportation impact fees to pay for nexus based mitigation on the State Highway System and the ability of the City apply to Caltrans for an Encroachment Permit or a Cooperative Agreement to implement the mitigation. Using Encroachment Permits and Cooperative Agreements are standard procedures and are, in fact, regularly utilized by the City for other projects the City has sponsored on the State Highway System. An example is the I-5/Arena Boulevard Interchange, which was constructed by the City in response to traffic demands from the development of Natomas. It is unclear why this DEIR claims a lack of authority to do the same for impacts from the Township 9 project.

3-6  
(con't.)

The Township 9 project and other development projects in Downtown Sacramento will have traffic impacts to the I-5/Richards Boulevard Interchange of such a magnitude that the Interchange will require major modifications or replacement to handle the anticipated traffic demands. Proposals to optimize signal timing, re-stripe ramps and make local street improvements will be insufficient to avoid severe traffic congestion on I-5. The City could address this need in multiple ways. One option is that the City could collect fair-share impact fees from this project and other downtown development projects in order to make modifications to the Richards Boulevard Interchange that are necessitated by the development. The City has the authority to implement a fee program and Caltrans would work with the City to determine mitigation project costs. The city could also provide funding for mitigation from other sources, but regardless of funding option, the City has responsibility to mitigate impacts resulting from its actions.

3-7

The DEIR's years 2030 assumptions include major modifications to the I-5/Richards Boulevard Interchange to reconfigure it to a "split diamond" design. The draft 2035 SACOG MTP includes a similar project (ID SAC18170) described as, "Richards Blvd. Interchange on I-5: Widen 8 lanes; improve I-5 ramp terminals through the interchange; reconstruct the intersections at Jibboom Street and Bercut Dr. and the connection to Bannon Street to improve capacity." This project is estimated to cost \$45 million and to be completed in 2014. Caltrans concurs that major modifications to the interchange will be needed to respond to development in the Richards Boulevard and downtown areas. The City will have lead responsibility for developing, funding and constructing this project, similar to the process used for the Arena Boulevard Interchange project. With the Township 9 project, the City should formally begin the process of developing this project and has the opportunity to begin collecting fair share impact fees to fund the project or to develop other funding mechanisms to pay for the project.

3-8

In the discussion of Impact 6.11.3, the DEIR rejects all mitigation suggestions offered by Caltrans. These suggestions were provided by Caltrans in response to a request by the City for potential highway mitigation projects. As acknowledged in the DEIR, the Caltrans suggested bus/carpool lane mitigation projects are included in the Sacramento Region's Metropolitan Transportation Plan. The DEIR should also acknowledge that voters specifically approved the

3-9

Ms. Jennifer Hageman  
 April 16, 2007  
 Page 4

bus/carpool lane projects in the renewal of Sacramento Measure A. Further, Measure A provides significant partial funding for the projects. The DEIR's claim that these are not valid mitigation projects, that there is no funding mechanism for the projects, that project costs cannot be determined, and that legally based fair-share mitigation fees cannot be determined are all incorrect assertions.

3-9  
 (con't.)

Also in the discussion of Impact 6.11.3, the DEIR claims that widening of the freeway mainline right of way would require the removal of historic buildings in Old Sacramento and potentially the Crocker Art Museum, potentially require modifications to the flood wall/levee that protects Downtown Sacramento, and create further barriers between Downtown and the River. Caltrans is not proposing any projects that would do any of these things. The FEIR should delete all suggestions that Caltrans is recommending such projects.

The DEIR does not adequately identify local mitigations that would respond to impacts on the State Highway System. In our comment letter (copy enclosed) responding to the Notice of Preparation for this DEIR, Caltrans specifically requested that improved north/south circulation across the American River be analyzed. We reiterate here, as we frequently state in meetings between the City and Caltrans, that additional vehicle access between downtown and the Natomas area is essential to maintaining mobility in the I-5 corridor and that the City has a responsibility to mitigate the traffic impacts to I-5 that are being generated by new development in the City on both sides of the American River. The City could be collecting transportation impact fees from all this development to help fund needed capacity expansion on I-5 through the regionally approved bus/carpool lane projects, the Downtown Natomas Airport (DNA) Light Rail extension, and a new multi-purpose local bridge crossing of the American River.

3-10

Caltrans does not agree with some of the assumptions used in 6.11 Transportation and Circulation. The differences in assumptions could result in significant changes in anticipated impacts to highways. For example, per the ITE Trip Generation Manual, Scenario A has a potential of generating 2,050 a.m. trips and 1,947 p.m. trips. The DEIR suggests that the development under Scenario A would generate 1,503 a.m. trips and 2,009 p.m. trips. The ITE trip generation for Scenario B is 3,119 a.m. peak hour trips and 2,944 p.m. peak hour trips. The DEIR suggests that Scenario B would generate 2,327 a.m. trips and 2,746 p.m. trips. These are significant differences in trip generation that could result in significantly greater impacts to highway facilities than are currently identified in the DEIR.

3-11

In its calculations, the DEIR utilizes Free Flow Speed (FFS) for I-5 and State Route (SR) 160 as 70 miles per hour. Under urban conditions without actual measurements, the FFS should not be assumed to be above the posted speed limit. Therefore, the FFS for I-5 should be the posted 65 mph and SR 160 should be the posted 55 mph. This results in reduced Ideal Freeway capacity of 2350 for I-5 and 2250 for SR 160. The *Capacity Analysis of Freeway Mainline Segments, Weaving Analysis, and Ramp Analysis* reported in the DEIR should be reanalyzed using the lower figures. This may result in reduction of Level of Service in the current and future

3-12

Ms. Jennifer Hageman  
April 16, 2007  
Page 5

conditions. Caltrans would like to work with the City to rectify these differences and clarify other instances where we do not agree with traffic assumptions.

↑ 3-12  
| (con't.)  
↓

If you have any questions about these comments, please contact Wayne Lewis, Deputy District Director, Planning and Local Assistance, (530) 741-4337.

Sincerely,



JODY JONES

- c: State Senator Darrell Steinberg
- Ray Kerridge, City of Sacramento
- Jerry Way, City of Sacramento
- Bill Thomas, City of Sacramento
- Mike McKeever, SACOG



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**LETTER 3: CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION**

**Response to Comment 3-1**

Comment noted. Please see Responses to Comments 3-2 through 3-12.

**Response to Comment 3-2**

As stated in the February 26, 2007 letter from City Manager Ray Kerridge to Caltrans Director Will Kempton, the City of Sacramento is committed to work in good faith with Caltrans and other regional partners to develop feasible mitigation measures to address traffic impacts associated with new development projects that create significant levels of congestion on the state highway system. To that end, and subsequent to the February 26 letter, the City met with Caltrans a number of times to discuss potential mitigation measure(s) that would further reduce the project's impact to the freeway mainline and interchange facilities. As a result of these meetings, the City has agreed to adopt a mitigation measure that will reduce, but not avoid, the impacts to the I-5 mainline and the I-5/Richards Boulevard interchange. The proposed mitigation measure is both acceptable to Caltrans and legally adequate under CEQA. Please see Response to Comment 3-4, below, for a detailed explanation of the mitigation measure.

The City will continue working with Caltrans to identify funding that is needed for transportation improvements, both road improvements and transit, to accommodate growth in the City of Sacramento to ensure that an appropriate level of access and mobility are maintained.

**Response to Comment 3-3**

Comment noted. The City appreciates Caltrans' support of the current and planned downtown infill projects. No further response is required because the comment provides a summary description of the project.

**Response to Comment 3-4**

The Draft EIR acknowledges that the project would create a significant impact on the main line sections of the State Highway System (pages 6.11-50 to 6.11-53). Most of the freeway mainline segments are currently operating at an unacceptable level of service under existing conditions without the project and will continue to operate under the same level of service with or without the project. As the comment states, Interstate 5 (I-5) is a vital artery for the movement of people, goods and services throughout Northern California, therefore, improvement of this facility should be a statewide and regional responsibility of all partners including, Caltrans, City of Sacramento, County of Sacramento and several cities and counties in the Sacramento metropolitan region.

As is also discussed in the Draft EIR, the project applicant will participate in the Richards Boulevard Facilities Plan which includes improvements to the Richards Boulevard interchange as well as expansion of 7<sup>th</sup> Street, a parallel facility that relieves impacts on I-5 within the downtown area and at the Richards interchange. The project applicant shall provide "fair-share" funding for these improvements through payment of development impact fees. The applicant's fair share contribution will be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The Financing Plan for the infrastructure improvements in the Richards Boulevard Facility Element is currently

being updated, and it is anticipated that the City Council will consider the Financing Plan update in late 2007/early 2008 and adjust the development fees accordingly. Because the update is currently in progress, the specific amount of the potential increase in the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan, Facility Element, and development fees in place as building permits are issued for each building.

To further relieve congestion on I-5, the City, Regional Transit and Caltrans have worked together to develop feasible mitigation. As a result of this collaborative effort, the Downtown-Natomas-Airport Light Rail Extension (DNA) project has been identified as the transportation improvement that will provide regional traffic congestion relief along the mainline I-5 state highway system. The City will require the project applicant to provide a "fair share" contribution to help fund the local share of the DNA project costs to address the project's incremental impacts on the congested segments of the mainline I-5 freeway. The amount will be based on the project's projected transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project, referred to as the Minimum Operable Segment (MOS), which will extend the existing light rail line from Downtown to the Richards Boulevard light rail station at the Township 9 project. The project applicant will be required to dedicate the right-of-way needed for the light rail alignment and the station within the Township 9 project boundaries and the applicant will receive credit for the fair market value of the station land donation against its fair share DNA contribution.

Following the same cost allocation concepts set out in the formulas in Appendix B, Methodology for Calculating Equitable Mitigation Measures, from Caltrans Guide for the Preparation of Traffic Impact Studies, using cost and trip figures provided by the Sacramento Regional Transit District (RT) for the MOS portion of the DNA project, and assuming federal, state and local funding for the DNA project consistent with funding of prior RT light rail projects, the project applicant's fair share proportionate cost for the DNA project MOS was determined as set out below. From this amount, the project applicant will be credited for the fair market value of the property to be donated by the project applicant for the DNA light rail station located on the project site, as described below. Both Caltrans and Regional Transit have agreed that the fair share funding for the DNA project discussed herein will mitigate for the project's impact to the I-5 mainline and the I-5/Richards Boulevard Interchange. Moreover, Regional Transit has reviewed the methodology and the actual net mainline mitigation fee the project applicant will be required to pay the City. The mainline mitigation fee has been determined as follows:

RT Downtown-Natomas-Airport LRT Project<sup>1</sup>

DNA Minimum Operable Segment Cost                      \$ 82.5 million (\$ 2006)

Source RT Planning Dept May 7, 2007.

MOS cost includes the Richards Blvd/ North 7th Street Light Rail Station

Federal, state and Measure A subsidies                      \$ 33 million

(prior LRT projects received 50% federal/state Funding. Assume only 40% since MOS segment not eligible for FTA funds per RT.)

1                      Source RT Planning Dept May 7, 2007.

Net Local Costs DNA MOS Cost	\$ 82.5 million
	<u>- 33.0 million</u>
	\$ 49.5 million

Assume \$50 million unfunded DNA MOS cost

MOS Average Weekday Boardings	72,560 trips (2014) <sup>2</sup>
-------------------------------	----------------------------------

#### Township 9 Project – Scenario A Residential/Retail Transit Trips

Project Average Weekday Boardings	249 retail transit trips
(Scenario B Draft EIR Table 6.11-10)	<u>467</u> office transit trips
	Subtotal: 716
	+ <u>504</u> residential transit trips
	1,220 <u>total</u> transit trips (2013)

Project Portion of MOS Boardings 1,220 divided by 72,560 = .0168 or 1.7%

716 divided by 72,560 = .0099 or 1%

\$50 million MOS Local Cost x .0168 Project Share = \$840,000 (retail, office and residential)

\$50 million MOS Local Cost x .0099 Project Share = \$495,000 (retail and office only)

Since the Project is located within the Central City and the residential component will accommodate future growth by creating housing opportunities closer to jobs in the Central Business District, thereby reducing vehicle trips that would otherwise use the mainline freeway system, only the retail trips will be used to determine the Project's fair share contribution to the DNA MOS project. Therefore, the Freeway Mitigation Congestion fee is **\$495,000**.

#### Township 9 - DNA Land Dedication Requirements

LRT Track Alignment - The project applicant will be required to dedicate the right of way needed for the DNA light rail tracks. The required track alignment is 40 feet in width by 1,060 feet in length or 42,400 square feet (sf). The value of right of way land is approximately \$8.00<sup>3</sup> per sf based on a recent railroad spur sale. Therefore, the value of the LRT right of way dedication is \$339,200. However, since it has been the City's long-standing practice to require LRT alignment dedications at no cost to RT because such right of way is treated the same as street dedications, the project applicant will get no credit for this land dedication against its freeway congestion mitigation fee.

LRT Station – The project applicant will also be required to set-aside the additional land required for the Light Rail Station proposed at the DNA MOS terminus at North 7th Street and

2 RT Planning Dept May 7, 2007.

3 Bud Applegate, commercial broker with Colliers International citing recent land transactions within the Richards Boulevard area.

Richards Blvd because the Station is planned to be located at the Project site. This Station will serve the developments within a ¼ mile radius (walking distance) of the project site, so the burden of the additional land dedication should be credited against the project's freeway congestion mitigation fee.

The additional land needed for LRT Station is 20 feet in width and 1,060 feet in length or 21,200 sf. This Station would be located behind the tracks in an area that could otherwise be developed for retail and/or residential use. Since the land will be transferred in the future when RT is ready to construct the first phase of the DNA extension, the land value will increase. At the high end of the range, the Station land value is \$530,000.

**\$530,000.00 Station land value**  
**- \$495,000.00 Freeway Congestion Mitigation Fee**  
**\$ 35,000.00 (balance/over-dedication)**

The project applicant offered to reserve the Station land rather than dedicate it. Reservation of land would have required RT to reimburse the project applicant for the original cost of the land plus holding costs until it is transferred to RT. However, as noted below, the project applicant has agreed to transfer the land to RT at no cost as a dedication. The land would be dedicated as an easement and the project applicant will retain the airspace rights above the Station to allow for possible future joint use development.

In consideration for the project applicant's agreement to dedicate the Station land to RT at no cost, in addition to the LRT track alignment right of way, and in recognition that Station land value will increase significantly between 2007 and when this DNA station is constructed in 2014, the project applicant's total land value contribution for the DNA MOS project will be recognized as: (i) the project's fair share contribution towards the Freeway Congestion Mitigation, and (ii) supporting RT's interim transit service within the Richards Boulevard area until the DNA MOS is constructed. The project applicant further has agreed that the track alignment right of way and the Station land may be used by RT on an interim basis to support bus transit service until the DNA MOS project is implemented.

The Draft EIR will be revised, where appropriate, to reference a "fair share" freeway congestion mitigation contribution to be imposed by the City for funding the local share of the DNA project under the terms of the development agreement. However, the project's impacts on the mainline of the State Highway System would remain significant and unavoidable because the contribution of these funds does not ensure that the DNA project would be completed or would fully mitigate the project's regional traffic impacts. Therefore, the City has concluded that the project's impacts on the mainline freeway system would remain significant and unavoidable even with a "fair share" contribution from the project applicant for the DNA congestion relief (and air quality mitigation) project.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principals established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the project applicant's contribution toward the DNA project can only be secured on a voluntary basis under the terms of a development agreement with the City. As discussed in detail above, the terms of the development agreement will require the project applicant to donate the land to RT once the DNA project construction is ready to proceed.

In order to reflect the commitment of the applicant to provide a fair share contribution to help fund the local share of the DNA project, Mitigation Measures 6.11-1(a), 6.11-1(b), 6.11-3, 6.11-4, 6.11-5, 6.11-12(a), 6.11-12(b), 6.11-14, 6.11-15, 6.11-16, 6.11-18(a), 6.11-20, 6.11-21, 6.11-22 are revised to include the following language at the end of the measure:

*The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.*

### **Response to Comment 3-5**

The comment suggests two mitigation measures that could potentially reduce the impacts to I-5, however the comment further notes that these potential mitigation measures are simply identified as examples of possible measures and are not submitted for inclusion in the EIR. As discussed in the EIR, the Facilities Plan for the area provides for certain improvements to the I-5 and Richards Blvd interchange and a parallel "reliever" to I-5. The applicant is required to participate in this Facilities Plan, which will reduce impacts to I-5. Moreover, as discussed in Response to Comments 3-2 and 3-4, Caltrans and the City along with Regional Transit have agreed upon a mitigation measure that will reduce the impacts to the I-5 mainline and Richards Boulevard interchange. Therefore, the City has satisfied its obligation to provide feasible mitigation under CEQA.

The mitigation measures suggested in the comment include the construction of the I-5 bus/carpool HOV lane project and the widening of the I-5 American River Bridge. Neither of these projects has undergone any CEQA review and the feasibility and desirability of such improvements is uncertain. Neither project is part of a capital improvement plan adopted by Caltrans, the state agency with jurisdiction over freeway main line improvements. Any commitment of resources toward such a project is premature without the proper environmental review and a nexus study to determine the appropriate level of freeway mainline mitigation (fair share contribution) for an individual project.

### **Response to Comment 3-6**

As noted in the comment, the approved Richards Boulevard Area Plan Facility Element includes the Richards Boulevard Interchange improvements. Expansion of the north ramps at the I-5/Richards Boulevard interchange is included in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan (MTP) which has funding allocated for implementation by the year 2013. Additionally, the development of a split-diamond interchange at I-5 and Richards Boulevard is specified in the Facility Element of the Richards Boulevard Area Plan that has funding allocated for implementation by year 2030. The proposed project is required to provide fair-share funding for these interchange improvements through payment of

development impact fees as specified in the Financing Plan which implements the Richards Boulevard Facility Element. The Draft EIR assumed that these improvements would be implemented as specified in the approved Richards Boulevard Area Plan Facility Element.

The comment is correct that the EIR concluded several impacts were significant and unavoidable because improvements are within the jurisdiction of Caltrans and beyond control of the City and project applicant, and there is no established fee mechanism for contribution to recommended improvements. These determinations were consistent with CEQA caselaw at the time the Draft EIR was released (see *City of Marina v. Board of Trustees of the California State University*, (2006) 39 Cal.4th 341, and *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173). CEQA caselaw provided that payment of fair share impact fees can be required as CEQA mitigation for cumulative impacts for off-site improvements within the control of another agency, provided that such fees are reasonably related to the project's impacts and such fees are *part of a plan or fee system that will actually mitigate the impact*. Absent such funding mechanism, an applicant could not be required to contribute to off-site improvements within Caltrans' jurisdiction. Following release of the Draft EIR, the Fifth Appellate District Court of Appeal issued an opinion in *Woodward Park Homeowners Association v. City of Fresno* (2007) 149 Cal.App.4th 892, requiring the City to address mitigation of impacts on off-site freeway improvements under the control of Caltrans. Pursuant to the *Woodward Park* decision, Caltrans and the City, along with Regional Transit, have agreed upon a mitigation measure that will reduce the impact to the I-5 mainline and Richards Boulevard Interchange as noted in the above Response to Comment 3-4.

Notwithstanding the required freeway congestion mitigation, the project's impacts on the mainline of the State Highway System would remain significant and unavoidable because the contribution of funds (in the form of land dedication) does not ensure that the DNA project would be completed or would fully mitigate the project's regional traffic impacts. Therefore, the City has concluded that the project's impacts on the mainline freeway system would remain significant and unavoidable even with a "fair share" contribution from the project applicant for the DNA congestion relief (and air quality mitigation) project.

See also Responses to Comment 3-2 and 3-4.

#### **Response to Comment 3-7**

Please see Responses to Comments 3-2, 3-4, 3-5 and 3-6.

#### **Response to Comment 3-8**

The comment correctly notes that the current SACOG (2005-2007) Metropolitan Transportation Improvement Program ("MTIP") includes funding for the preliminary engineering and environmental phases of the I-5 and I-80 HOV lanes. As the Draft EIR notes, however, these projects have not gone through or completed the environmental review process and are not guaranteed for funding or construction (see page 6.11-52 of the Draft EIR). The feasibility and desirability of constructing such improvements have not been evaluated. HOV lane projects, like other MTP and MTIP mainline freeway projects, are funded through a combination of federal, state and local financing mechanisms, including local Measure A funding and state and federal highway funds.

Please see also Responses to Comments 3-2, 3-4, 3-5 and 3-6 for a discussion of the mitigation measure that will reduce the impact to the I-5/Richards Boulevard Interchange.

### Response to Comment 3-9

Please see Responses to Comments 3-4 and 3-6. The comment requests that additional vehicle access between downtown and the Natomas area be analyzed with this project. Please note that the analysis of a new regional connector is beyond the scope of work for a project-specific EIR. Additionally, Caltrans identifies two other potential projects that would add capacity to I-5 including the bus/carpool lane projects and the Downtown Natomas Airport (DNA) Light Rail Extension.

City and Caltrans have met to discuss the Draft EIR and concurred that improvements to the I-5 freeway within the downtown area would not necessitate removal of any existing historic structures. Therefore, Mitigation Measure 6.11-3 is revised to read as follows:

- 6.11-3 *The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091.*

*The City consulted with Caltrans prior to the preparation of this DEIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.*

*Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:*

- *I-5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: \$134 million.*
- *I-5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: \$300 million.*

- I-5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: \$200 million.

No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include.

These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.

Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

~~Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require requiring modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento~~

*and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.*

*Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. 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, §21061.1). Therefore, the impacts of the proposed project on the three I-5 freeway segments would remain **significant and unavoidable**.*

### **Response to Comment 3-10**

Please see Responses to Comments 3-2, 3-4, 3-5 and 3-6. The mitigation measure proposed by the City requires the project applicant to contribute to the DNA light rail extension, as suggested by the comment and as agreed upon by Caltrans, the City and Regional Transit.

### **Response to Comment 3-11**

As indicated in Table 6.11-9 (pages 6.11-31 and 6.11-32 of the Draft EIR) all of the assumptions trip generation associated with the project are presented. The trip generation rate was determined using the Institute of Transportation Engineers, "Trip Generation, Seventh Edition, 2003 and Trip Generation Handbook, 2004". Some reductions were applied for associated with use of transit and for internal trips (shown in Table 6.11-9). The comment does not indicate how the suggested trip generation numbers were determined. The technical internal reduction sheets for the trip generation are available in Appendix N of the Draft EIR.

### **Response to Comment 3-12**

It is anticipated and reasonable to assume that the Free Flow Speed (FFS) on I-5 would reach 70 mph. The FFS on SR 160, on the other hand, may arguably be lower than 70 mph. However, as the analysis has shown, even at 70 mph FFS, significant impacts were identified under baseline (Scenario B only), near term, and long term conditions. Hence, the difference in FFS would only change the level of inferiority.





Municipal Services Agency

Terry Schutten, County Executive  
Cheryl Creson, Agency Administrator

Department of Transportation

Tom Zlotkowski, Director

### County of Sacramento

March 7, 2007

Ms. Jennifer Hageman  
City of Sacramento Development Services Department  
2101 Arena Blvd, Suite 200  
Sacramento, CA 95834

**Subject: Township 9 Project (P06-047)**

Dear Ms. Hageman:

The Sacramento County Department of Transportation has reviewed the Draft Environmental Impact Report (DEIR) for the Township 9 Project. We appreciate the opportunity to review this document. Due to the size and scope of the project and unknown extent of traffic impacts on County facilities we would request that the response to comments portion of the Final Environmental Impact Report address whether any impacts would be expected to occur on the closest County facilities that may be affected. The facilities are listed below:

Interchanges:

- I-80 and W. El Camino Avenue

Intersections:

- El Centro Road and W. El Camino Avenue
- El Centro Road and San Juan Road

Roadway Segments:

- El Centro Road: W. El Camino Avenue to Arena Boulevard

If you have any questions please call me at 874-7052.

Sincerely,

Matthew G. Darrow, P.E., T.E., P.T.O.E.  
Senior Civil Engineer

MGD:mgd

c: Steve Hong, IFS  
Dean Blank - DOT

4-1

*"Leading the Way to Greater Mobility"*





## LETTER 4: SACRAMENTO COUNTY DEPARTMENT OF TRANSPORTATION

### Response to Comment 4-1

In response to this comment, the City reviewed potential project –related impacts to the I-80/W. El Camino interchange, the El Centro Road intersections of W. El Camino and San Juan Road, and the El Centro Road segment between W. El Camino and Arena Boulevard, and concluded that the potential impacts to these facilities would be less than significant. While there is a potential to use these facilities to reach Highway 50 via I-80 or as alternative to I-5 to reach North Sacramento, the diversion distance is significant and thus such use would be limited. The City would look at this interchange as part of other future projects that are in its vicinity as appropriate.





**Municipal Services Agency**

**Planning and Community  
Development**

Robert Sherry, Director

Terry Schutten, County Executive  
Robert F. Shanks, Interim Agency  
Administrator

**County of Sacramento**

**Regional Parks**

Gary Kukkola, Interim Director

April 23, 2007

Ms. Jennifer Hageman, Senior Planner  
City of Sacramento  
Development Services Department  
2101 Arena Blvd. Suite 200  
Sacramento, CA 95834

Dear Ms. Hageman:

Thank you for the opportunity to review the Draft Environmental Impact Report for the Township 9 project. We appreciate the opportunity for the County Regional Parks Department, manager of the American River Parkway, and the Planning Department, responsible for project management of the update of the American River Parkway Plan, to provide comments on this very important project.

The Township 9 project is requesting land use entitlements for the development of an approximately 65-acre mixed-use development in the City's Richards Boulevard Area Plan area. The proposed project includes two development scenarios. Scenario A is a residential and retail alternative (2,981 dwelling units and 146,194 square feet of neighborhood-serving retail and restaurant uses) while Scenario B is a residential, retail and office alternative (2,350 dwelling units, 146,194 square feet of neighborhood-serving retail and restaurant uses, and 839,628 gross square feet of office uses).

The Sacramento City Council and Board of Supervisors endorsed the 2006 draft American River Parkway Plan (Parkway Plan) in January 2007, which is now undergoing environmental review for ultimate adoption. The 2006 Parkway Plan recognizes the growth of future development in the Richards Boulevard area adjacent to the Parkway. A key issue during the update process were revisions to policies on adjacent land uses for the Updated Parkway Plan that seek to preserve the integrity of the Parkway while supporting infill development. Staff from the City of Sacramento Parks and Planning Departments, and

5-1

5-2

Sacramento County Municipal Services Agency

County Parks and Planning Departments together diligently drafted policies on adjacent land uses for the Updated Parkway Plan. The updated policies retain the objective of the 1985 Parkway Plan to minimize visual impacts of adjacent land uses onto the Parkway by providing tools for local jurisdictions to implement through their zoning codes.

The American River Parkway Plan (Parkway Plan) is the regulatory document for uses and activities within the 23-mile Parkway corridor. The Parkway Plan is adopted as an element of the County's General Plan, referenced in Sacramento City's General Plan and adopted by the State Legislature through P.R.C §5840. As a federal and state listed recreational river under the Wild and Scenic Rivers Acts, the Parkway Plan becomes the state management document for the river and land of the Parkway.

5-2  
(cont.)

The County Board of Supervisors, in consultation with the City of Sacramento, has land use and decision making authority over the Parkway. All projects within the Parkway Plan must be permitted by the Sacramento County Regional Parks Department as the operating manager. Since some elements of this project are within the Parkway Plan boundary, Sacramento County should be identified as a Responsible Agency.

County staff are concerned that the project request to replace the City's Overlay zone with a Planned Unit Development (PUD) eliminates local zoning provisions that address compatibility of adjacent land uses with the Parkway and should be considered in the context of updating both the RBAP and the City's Parkway Overlay Zone. Eliminating local zoning that minimizes visual impacts to the Parkway is in conflict with the adopted 1985 Parkway Plan and the final draft 2006 Parkway Plan. Development, including the Township 9 project, adjacent to the Parkway in this area should be part of an overall plan and the County would request coordination on how development occurs and interfaces with the Parkway.

5-3

County staff conclude that additional analysis should be done to determine environmentally significant impacts, including policy consistency with City adopted zoning and the RBAP. Specific comments are included in Attachment A. The County has also included the following key recommendations as a summary to conclude our comments.

1. List Sacramento County as a responsible agency, recognize and apply for permits for all activities and facilities within the American River Parkway.
2. Do not create a levee top vehicular road, but rather follow the adopted Richards Boulevard Area Plan that calls for a roadway below the levee grade.
3. Create a naturalized park or promenade of no less than 100 feet as proposed in the Richards Boulevard Area Plan between the Parkway and any roads, buildings or other urban project components. A wider park or promenade would enhance the transition from urban development to the Parkway. Plantings should be designed to incorporate Parkway native vegetation, particularly near the Parkway boundary.
4. Eliminate the concrete overlook. Any overlook must be permitted and designed in consultation with County staff to create a naturalistic, Parkway compatible overlook. This must be of a scale, size and materials that would be supported in the Protected

5-4

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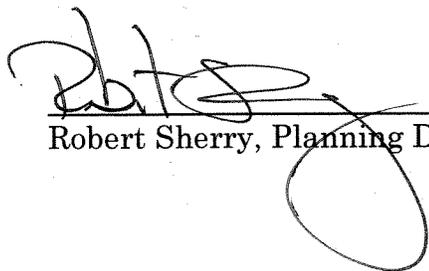
Area land use designation, such as a small rest stop, constructed of decomposed granite, off-set from the trail, or other similar concept.

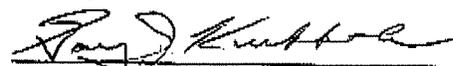
- 5. Reverse the building design layout such that the shorter buildings are on the fringe of the development adjacent to the Parkway, with the taller buildings toward the center or away from the Parkway. Buildings adjacent to and visible from the Parkway should be tiered away from the Parkway as suggested in the draft Plan policy, 7.24.
- 6. Modify Mitigation Measure 6.3-5, pg 6.3-24 to read: "...all transplanted trees that die **or all in severe decline** during that period."
- 7. The tower is inappropriate in the suggested location due to visual impacts to the Parkway from size and lighting scheme. A more suitable location may be to locate the tower at the entry to the development near Richards Blvd.

5-4  
(cont.)

We look forward to working with you and the project proponents to create a project that implements the City's vision for the Richard's Boulevard area while respecting the natural American River Parkway area. We would welcome on-going discussion regarding the project and any elements that affect the Discovery Park Area Plan. Please contact Sunny Williams, Planning Department, at 874-5356 or Celine Livengood, Regional Parks, at 876-5215.

5-5

  
 \_\_\_\_\_  
 Robert Sherry, Planning Director

  
 \_\_\_\_\_  
 Gary Kukkola, Parks Director

- Cc: Jeff Townsend, Carter Burgess Group  
 Robert Sherry, Director, Planning and Community Development  
 Gary Kukkola, Interim Director, Regional Parks  
 Susan Peters, County Supervisor  
 Bob Shanks, Interim Agency Administrator  
 Steve Pedretti, Deputy Agency Administrator

ATTACHMENT A: DETAILED COMMENTS

1. Project size (Pg 2-1)

The EIR defines the project to include 12 acres on the waterside of the American River. County staff's GIS measurements of the two Capitol Station 65 LLC parcels from the levee top that extend to the center line of the river is only approximately 5.6 acres. Please clarify what area is included in the calculation. [Parcels: 001-0020-003-0000 and 001-0020-036-0000]

5-6

2. Retaining Wall (Pg 2-14)

The EIR should clearly identify the location of the retaining wall relative to the levee top and to the Parkway boundaries. The EIR should make reference to permit requirements from the Reclamation Board, the County and local flood control agencies.

5-7

3. Visual intrusion, lighting and glare (Pg 3-5, Table 3-1 and Pg 6.1-13 – 15 and Pg 6.1-17 )

The Parkway Plan provides guidance to minimize visual impacts onto the Parkway from adjacent land uses. Photo simulations suggest that the proposed buildings and roadways may create a visual impact to the Parkway. In addition, the evaluation of lighting and glare impacts does not include an assessment from the impacts to wildlife species. Parkway Plan Policy 4.14 indicates that permanent lighting facilities, except for security lighting shall be prohibited within the Parkway. The EIR should include an analysis of the impacts of glare from glazing, metals and lighting need upon wildlife in the Parkway. Glare can cause wildlife to become disoriented in their surroundings, potentially affecting: migration, travel orientation, feeding/foraging, mating and sleep patterns. Impacts upon wildlife species is critical to their survival and elimination of potential harm caused by the adjacent development.

5-8

4. Vegetation and Wildlife (Pg 6.3-24, Mitigation Measure 6.3-5)

The EIR concludes that the Parkway “does not function as a regional wildlife corridor, an important linkage, travel route or wildlife crossing...” The left bank of Discovery Park may not currently play a critical role within the 29 mile corridor, however, it is a functioning part of the entire system. As an ecosystem, any impact upon the system as a whole will be dissipated throughout that system. The EIR concludes, Pg 6.3-5, “Consequently this area does not function as a regional wildlife corridor, an important linkage, travel route or wildlife crossing, although it does provide for local movement.” Consultation with the County’s Regional Parks Resource Specialist should occur to correctly assess all areas of impact.

5-9

Sacramento County Municipal Services Agency

Mitigation Measure 6.3-5 indicates that “All vegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die during that period.” County staff suggest that the measure be revised to “...all transplanted trees that die **or are in severe decline** during that period.”

5-10

5. Pg 6.1-7 EIR Text:

County staff request that the following section on public uses that references maintenance of the Parkway be revised. This reference implies that maintenance in the Parkway should mimic urban Park maintenance. The text currently states that: “Public Uses. The south side of the parkway includes a raised levee approximately 12 feet above project grade, a flat bicycle and pedestrian path at the crest of the levee, and mature trees and vegetation that are not maintained further to the north along the river. “ However, the American River Parkway is maintained by County Parks staff who have a Natural Resource Specialist to specific manage habitat areas. The Parkway is a wild and scenic river corridor and not a landscaped park. Even decaying vegetation provides habitat for various wildlife species, which is of high importance in managing the natural resources of the Parkway.

5-11

6. Regulatory Setting (Pg 4-2)

The EIR states there are no applicable federal or state agencies, plans, or policies that oversee local planning issues; however, the American River Parkway Plan is adopted by the State Legislature, PRC §5840.

5-12

7. Extended Levee and Riverfront Drive (Figure 15)

The creation of an extended or super levee on the land side of the current levee would extend the area functions of the levee top, eliminating a clear distinction between the Parkway and adjacent land uses. This would create the appearance of an extension of the Parkway. The County is concerned about the resulting distinction of land use authority, operations and management, and responsibility of the levee between the Parkway, under jurisdiction of a single Parkway manager and the adjacent area, under management of the City, and the levee, under management of SAFCA and the American River Flood Control District. This may pose concerns in terms of regulating use, access, enforcement authority and uncertainty for emergency contacts.

5-13

The Riverfront Drive Concept in the adopted Richards Boulevard Area Plan (RBAP) shows all improvements at the existing grade, ie, set below the levee with a 35’ landscaped Parkway land side toe of the levee. A 100’ landside toe of levee setback for general development is regulated in the RBAP. County staff are concerned about the proposed extended levee with a levee-top roadway based on concerns about visual intrusion from noise, light and glare on both human enjoyment of the Parkway and on wildlife in the Parkway. Also, the environmental document should address the relation of this road and levee concept to the Two Rivers bike and pedestrian trail, addressing user compatibility, crossing points of the two uses and safety.

Sacramento County Municipal Services Agency

8. Project impacts from increased development upon the Parkway

Sacramento County is very supportive of infill development such as this project within the urban core of the Sacramento Region. However, given that the project may have an expected population of over 6,000 residents, the environmental document should suggest measures to address the impacts from an urban core next to a protected open space. The left bank of the Parkway is designated as Protected Area. This is a mid-level land use designation of protecting the natural resources and riparian area while still permitting some passive recreational enjoyments. Typically, Project Area designations are not designed for high use and are buffered with other more active recreation designations in order to protect their natural resources. In order to create a more compatible relationship with the Parkway, Township 9 should create a similar land use pattern as exists within the Parkway, providing for a buffer area adjacent to the Parkway that draws people gradually to the Parkway. This can be accomplished by providing a gradual transition of land uses (a park promenade), increasing the setback from the Parkway and screening the adjacent land uses. Township 9 should at a minimum implement the adopted RBAP landscaping structure of a 35' landscaped buffer of native vegetation, additional setbacks, abutted with a roadway below the levee grade.

5-14

9. The Overlook

The project proposes a 60' levee center, 230' wide concrete extension within the Protected Area of the Parkway. Although not specifically prohibited in Parkway Plan policy, it is not specifically permitted either and the absence of listing does not ensure compatibility. County staff is concerned that this component of the project does not support, protect or enhance the natural values of the Parkway. A small rest stop off of the bike trail, with a picnic bench and possible water fountain would be an appropriate and consistent facility to incorporate into the Parkway as a part of the Township 9 project. Nevertheless, approval of certain facilities must be approved through a change to the Area Plan including approval by the City and County pursuant to Policies 9.1, 9.2, 9.3 and 9.4.2 of the 1985 Parkway Plan. Also, the EIR should address impacts to the operations and management of the Parkway given the overlook and the project's design features that encourage uncontrolled access into the Parkway. The EIR should offer mitigation measures that meet County Parks management needs.

5-15

10. Tower Considerations

The project proposals a 150' tall tower with laser lighting, although the site design is not specific enough to determine the location of the tower relative to the Parkway Plan boundary. However, this tower should be evaluated for visual impacts and relationship to the natural values of the Parkway, and impacts upon wildlife, especially migratory birds. A more suitable location may be to locate the tower at the entry to the development near Richards Blvd.

5-16

Sacramento County Municipal Services Agency

### 11. Building Setbacks

The project proposes 8-12 story buildings immediately adjacent to the Parkway. The current design has the taller buildings ringing the development, with the site amenities in the center of the project. This project would be a significant change from the policies of the City's adopted Parkway Overlay Zone and from the Richard's Boulevard Area Plan. The relation of future development to the Parkway was a significant discussion during the Parkway update process. However, County staff believe that a better design can be achieved so that buildings are tiered away from the Parkway, taller buildings are placed away from a Parkway transition area and greater setbacks are utilized. In fact, a reverse of the proposed layout would be a better design and might achieve consistency with Parkway policy.

5-17



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**LETTER 5: SACRAMENTO COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AND REGIONAL PARKS****Response to Comment 5-1**

Comment noted.

**Response to Comment 5-2**

The comment notes that some elements of the project are within the Parkway Plan Boundary, and therefore suggests that Sacramento County should be identified in the Draft EIR as a responsible agency under CEQA. At the time the comment was submitted, the project included a proposed overlook feature which, depending on ultimate design, may have extended into the Parkway. However, following the close of the public comment period and in response to comments submitted in opposition to the overlook feature, the project applicant has removed the overlook feature from the project. Therefore, no elements of the project extend into the Parkway. With no portion of the project subject to County jurisdiction, Sacramento County is not a responsible agency (Public Resources Code, §21069 (responsible agency means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project)).

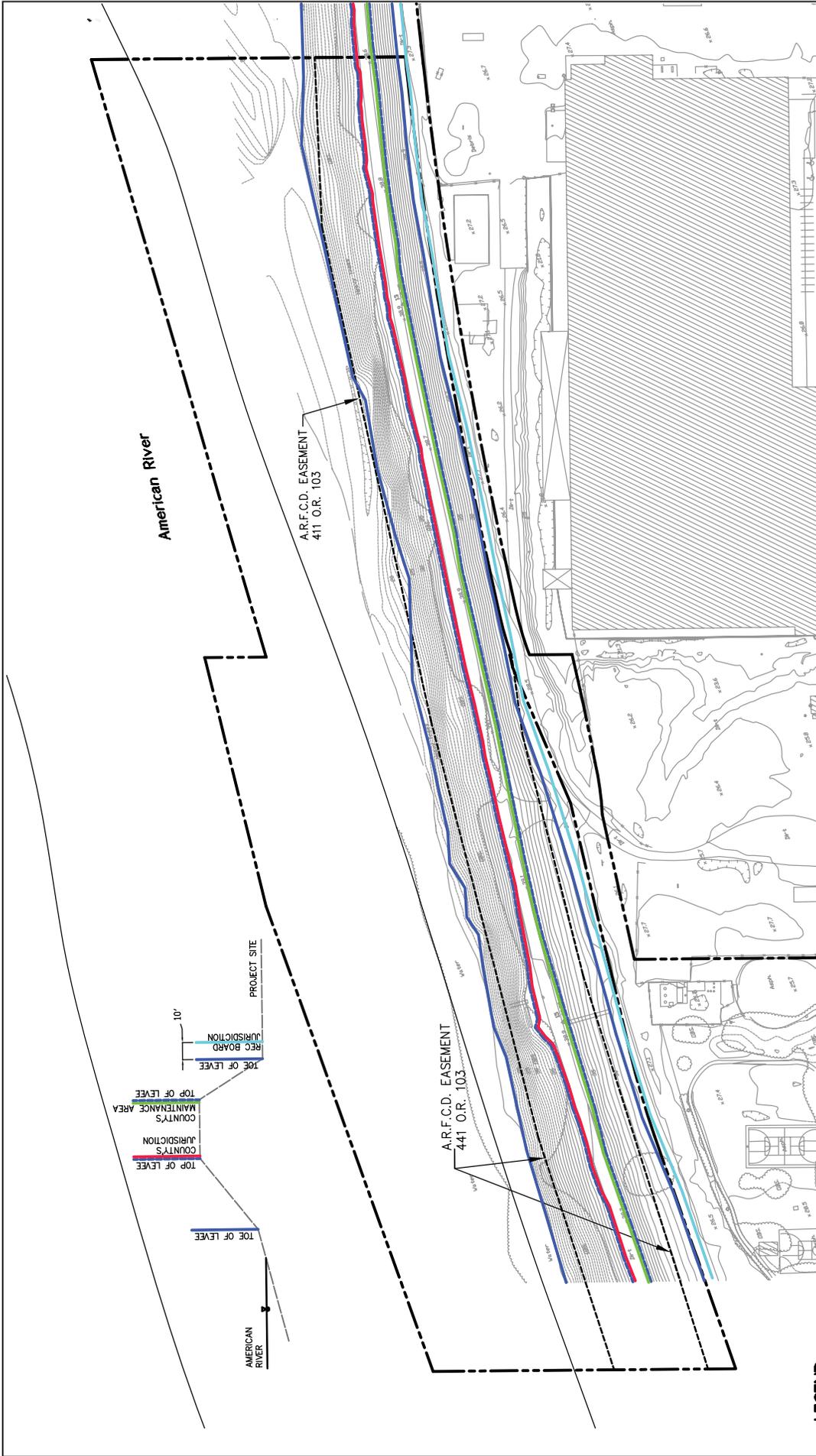
The comment goes on to correctly note that the American River Parkway Plan is the state and local management document for the river and the Parkway and states that the County, in consultation with the City, has land use and decision-making authority over the Parkway. The comment concludes that Sacramento County should therefore be identified as a Responsible Agency for the proposed project. As discussed above, however, the proposed project does not require any permits from the County because no portion of the project would be within the Parkway. The jurisdictional boundaries exhibits included as Figures 4-1 and 4-2 of this Final EIR reflect the City's understanding that (i) the County's jurisdiction (i.e., permitting and land use authority) terminates at the crown of the levee on the water side and (ii) the County has maintenance authority and responsibility over the area extending to the crown of the levee on the land side. The County has asserted that its jurisdiction extends to the crown of the levee on the land side. The City disagrees with the County's interpretation, however, the issue is of no import because the project does not include any structures that extend beyond the crown of the levee on the land side and therefore the County does not have any jurisdiction over the project and cannot exercise any permitting or land use authority. The statutes cited in the comment (i.e., the Federal and State Wild and Scenic Rivers Act) and the County General Plan are silent with respect to County jurisdiction.

The City and County have agreed that any impact to the bike trail on the crown of the levee will require the applicant to return the bike path to its current condition.

**Response to Comment 5-3**

The proposed project will be subject to City zoning provisions and will minimize visual impacts to the Parkway through implementation of the PUD Design Guidelines. Section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying





Source: NOLTE, 2007.



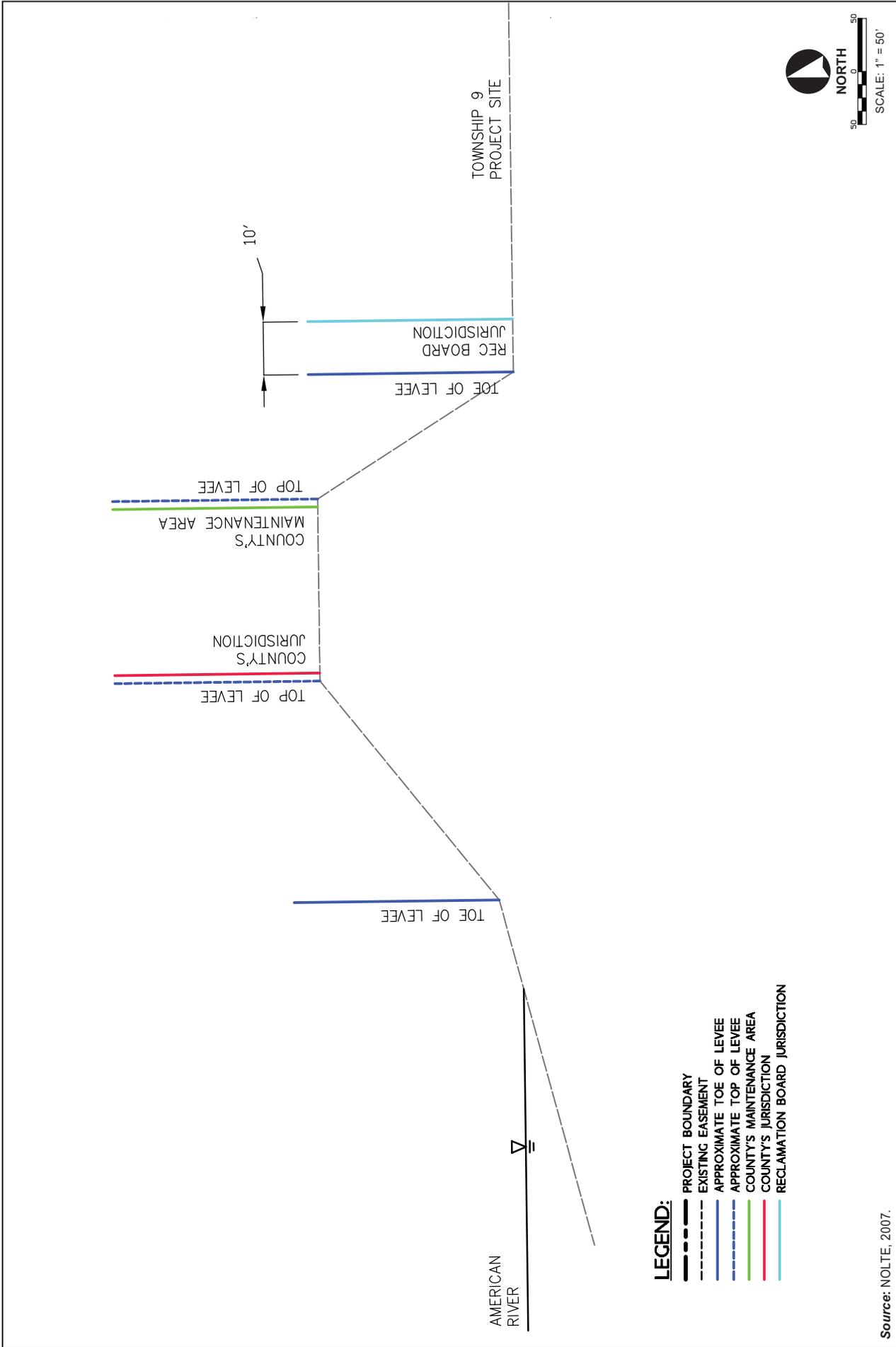
A division of **PBS&I**

**FIGURE 4-1**  
**Jurisdictional Boundaries**

D51214.01

Township 9





**FIGURE 4-2**  
**Jurisdictional Boundaries Cross-Section**

Source: NOLTE, 2007.



A division of **PBS&J**

D51214.01

Township 9



zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Development Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan.

The comment also expressed concerns about how the Township 9 project interfaces with the American River Parkway and project's consistency with the Parkway Plan Update policies for adjacent land uses.

The project is located adjacent to the Parkway, and is consistent with the policies of the American River Parkway Plan Update related to minimizing visual impacts from land uses adjacent to the Parkway. The project is also consistent with those elements of the Update that contemplate creation of a vital urban area in the downtown core. Specifically, Policy 7.25 of the Plan Update states:

[b]etween the confluence of the Sacramento and American rivers and the Capital City Freeway (Business-80) the Parkway context is the Sacramento downtown urban core for the Sacramento metropolitan region. Protection of the Parkway's aesthetic values in this reach should be accomplished *within the context of creating a vital urban area*. Development immediately adjacent to the Parkway shall respect the intent of the Parkway goals by reducing visual impacts through context sensitive site planning and building design. (Emphasis added.)

The proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance is ensured through the context-sensitive placement of Riverfront Drive (meandering) and the adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. To balance the urban development and visual setting, the Design Guidelines would require the following:

Building Materials

- Natural colors (medium and dark earth tones) found along the American River corridor should be incorporated into the building façades visible from the river.
- Transparent and/or low reflectivity glass should be incorporated into the building facades where visible from the river.
- Non-reflective surfaces are encouraged to minimize glare toward the river.
- Natural materials such as stone and wood are encouraged within the building facades as accents or ground floor features.

#### Building Massing

- Buildings shall terrace away from Riverfront Drive.
- Building accents should emphasize the horizontal features of the parkway (rather than vertical).
- Tower elements shall be located to allow visual penetration when viewed from the river.
- Building facades along Riverfront Drive should have numerous breaks and variations to avoid a monotonous urban edge.

#### Building Landscaping and Lighting

- Street trees shall be installed along both sides of Riverfront Drive.
- Landscaping is encouraged at ground level and elsewhere on the building where practical (balconies, terraces, outdoor areas) to provide a vegetation buffer and to screen the building from the river view.
- Lighting of the buildings shall be minimal along the waterfront. Shields and directional louvers are encouraged to ensure minimal spillage across Riverfront Drive into the river.
- Where commercial and/or retail uses occur along Riverfront Drive, the signage and lighting should minimize bright lights, flashing lights, neon and other highly intrusive light sources that could be visible from the river.

Moreover, the project was designed not to exceed the height of the existing tree canopy. By incorporating the Design Guidelines, the proposed project would be consistent with Policy 7.25 of the Plan Update.

As further noted by the Plan Update, the County of Sacramento, the City, and the City of Rancho Cordova are seeking to implement the principles of the Sacramento Area Council of Governments (SACOG) Regional Blueprint. The Blueprint calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region. The Plan Update therefore acknowledges that higher density urban development, particularly in the City of Sacramento between the confluence of the two rivers and the Capital City Freeway (Business-80) on both sides of the river, will be necessary to achieve this larger objective. This area of the City of Sacramento, where the project site is located, provides a more urban context that is distinctly different than other areas of the Parkway.

Since views of downtown high-rise buildings and urban infrastructure already exist in this Parkway adjacent to the project, the aesthetic values are different. Views of the river and the Parkway, juxtaposed against high-rises in the distance, remind the visitor of the Parkway's context—a nature preserve in the urban core. Views from the Parkway toward adjacent land uses in this area are expected to include some visible urban structures. The Plan Update acknowledges that there is a unique opportunity for “functional and visual synergy between the

Parkway, the river, and adjacent urban areas, to create public places with vitality and a sense of place.” The proposed project fulfills this opportunity.

Another Policy addressing visual impacts on the Parkway from adjacent uses suggests that levees, landscaping, or other man-made or natural buffers be used to separate, buffer or screen the Parkway visually from adjoining land uses (Policy 7.23). Again, the project is consistent with this Policy. The proposed Riverfront Drive, residential units, and retail space along the American River levee would be adjacent to, but not within, the Parkway. Further, buildings would be set back from the toe of the levee at least 30 feet and landscaping and walkways would serve as a buffer between the Parkway and adjoining land uses. Riverfront Park is planned as a linear park located between the open space and riparian preserve and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park.

Policy 7.24 also addresses visual impacts from adjacent uses and states:

In order to minimize adverse visual impacts on the aesthetic resources of the Parkway, local jurisdictions shall regulate adjacent development visible from the Parkway. These local regulations shall take into account the extent to which the development is visible from the Parkway. Regulations may include tools to address design, color, texture and scale, such as:

- Setbacks or buffers between the Parkway and the development.
- Structures to be stepped away from the Parkway or limits on building scale.
- Screening of structures visible from the Parkway with landscaping, preferably native vegetation or other naturally occurring features.
- Use of colors and materials including non-reflective surfaces, amount of glass, and requiring medium to dark earth tone colors that blend with the colors of surrounding vegetation, particularly in sensitive bluff or river’s edge locations.
- Guidelines to discourage intrusive lighting and commercial advertising.

Again, the project is consistent with this Policy as it incorporates proposed Design Guidelines that require the buildings in the Riverfront area adjacent to the Parkway to include stepped facades and utilize neutral color schemes that are sympathetic to the adjacent natural setting. Further, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, light and glare impacts in the Parkway attributed to the tower feature identified in the Draft EIR are no longer applicable and the project is consistent with Policies aimed at discouraging intrusive lighting on the Parkway.

Specific direction is also provided in the Parkway Update to encourage a positive relationship with adjacent land uses while still protecting the Parkway from visual impacts from outside of the Parkway. The Update recognizes the value of public access and connectivity to the Parkway from surrounding neighborhoods and districts and concludes that the optimum uses would

provide vibrant pedestrian oriented districts and neighborhoods, set back from the Parkway with pedestrian and bicycle access. In accordance with the Update, the proposed project includes five foot wide bike lanes along 7th Street and 5th Streets, which would connect Richards Boulevard with the riverfront. The bike lanes would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway. Riverfront Park is planned as a linear park located between the open space and riparian preserve and Riverfront Drive. The Two Rivers Trail will generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park. In addition, 7th Street is planned as a promenade through the proposed project, with pedestrian and bicycle access ending at the proposed Riverfront Drive.

See also Appendix B of this Final EIR for a discussion of the proposed project's consistency with each of the policies of the Plan Update as well as with the policies of the 1985 American River Parkway Plan.

#### **Response to Comment 5-4**

As discussed in Response to Comment 5-2, the proposed project does not require permits from the County because no portion of the proposed project will be within the Parkway, which is subject to County jurisdiction. The jurisdictional boundaries exhibits included as Figures 4-1 and 4-2 of this Final EIR reflect the City's understanding that (i) the County's jurisdiction (i.e., permitting and land use authority) terminates at the crown of the levee on the water side and (ii) the County has maintenance authority and responsibility over the area extending to the crown of the levee on the land side. The County has asserted that its jurisdiction extends to the crown of the levee on the land side. The City disagrees with the County's interpretation, however, the issue is of no import because the project does not include any structures that extend beyond the crown of the levee on the land side and therefore the County does not have any jurisdiction over the project and cannot exercise any permitting or land use authority. With no portion of the proposed project subject to County jurisdiction, Sacramento County is not a responsible agency. (Public Resources Code, § 21069 (responsible agency means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project).) See also Responses to Comments 5-6 through 5-17.

See Responses to Comments 5-3 and 5-8 regarding the transitional park areas and plantings between the Project and the parkway. See Response to Comment 5-3 regarding consistency with the RBAP.

The project applicant has eliminated the overlook feature from the project.

See Response to Comment 5-8 regarding the revised project description that reduces the height of the buildings closest to the river.

The text of the Draft EIR is revised to reflect the suggested revision to Mitigation Measure 6.3-5. Specifically, Mitigation Measure 6.3-5(c) on page 6.3-23 of the Draft EIR is revised to read as follows:

## 6.3-5 (A &amp; B)

- a) *Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including potential laydown/construction areas, to identify and evaluate trees that shall be removed. If the arborist's survey does not identify any protected trees that would be removed or damaged as a result of the proposed project, a letter report confirming that project design would avoid loss of protected trees shall be sent to the City of Sacramento and no further mitigation is required.*
- b) *If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.*
- c) *All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Tree Service Division. A qualified arborist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die or are in severe decline during that period.*

The project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, light and glare impacts in the Parkway attributed to the tower feature identified in the Draft EIR are no longer applicable and the project is consistent with Policies aimed at discouraging intrusive lighting on the Parkway.

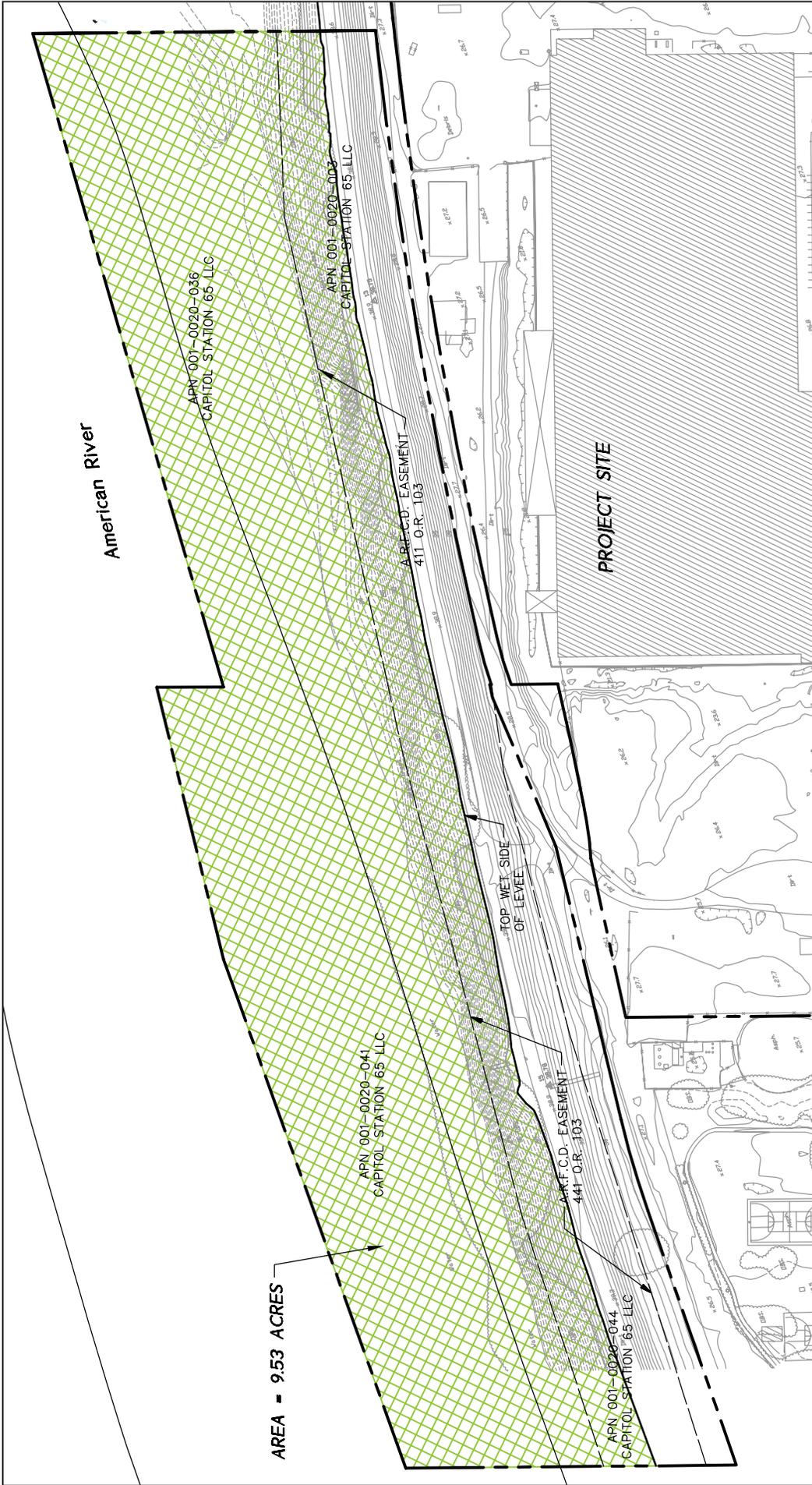
**Response to Comment 5-5**

Comment noted.

**Response to Comment 5-6**

The Draft EIR incorrectly identified the project acreage on the water side of the levee as 12 acres. The actual acreage is 9.53, as shown on Figure 4-3 of this Final EIR. The text on pages 2-1 and 2-4 of the Draft EIR is revised to read as follows:





Source: NOLTE, 2007.



**FIGURE 4-3**  
**Township 9 Project Acreage on Water Side of Levee**

D51214.01

Township 9



### **Existing Uses on the Project Site**

The site is predominantly covered with commercial structures and impervious surfaces. Vegetation is sparse and consists of shrubs and trees located sporadically across the site. A portion of the site, approximately 42 9.53 acres, is located on the water side of the American River levee, within the American River Parkway.

### **Response to Comment 5-7**

As stated on page 2-14 of the Draft EIR, a retaining wall would be required along North 5<sup>th</sup> Street on the east side of the existing pump station. The retaining wall would begin 93 feet from the center of the levee and 84 feet from the county parks boundary and run parallel to North 5<sup>th</sup> Street for 220 feet. At the north end of the wall, a 50 foot segment of wall would run east to west. From north to south, the retaining wall would range in height from 13-feet to 2-feet.

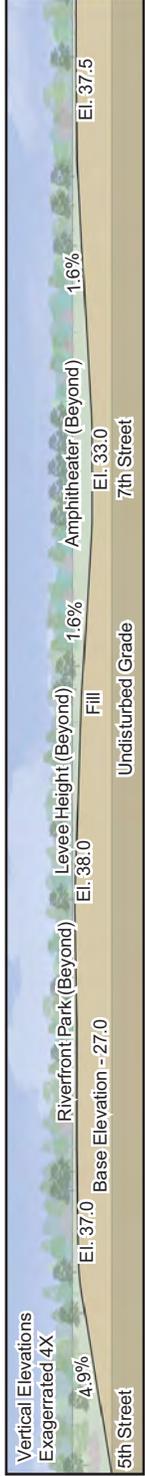
If construction of a retaining wall is necessary, it would be constructed concurrently with the Riverfront Drive and 5th Street. Any necessary permits from the Reclamation Board, SAFCA or the American River Flood Control District would be obtained at that time. No permits would be necessary from the County as the wall would be constructed outside of the County's jurisdiction. See also Response to Comment 5-2.

### **Response to Comment 5-8**

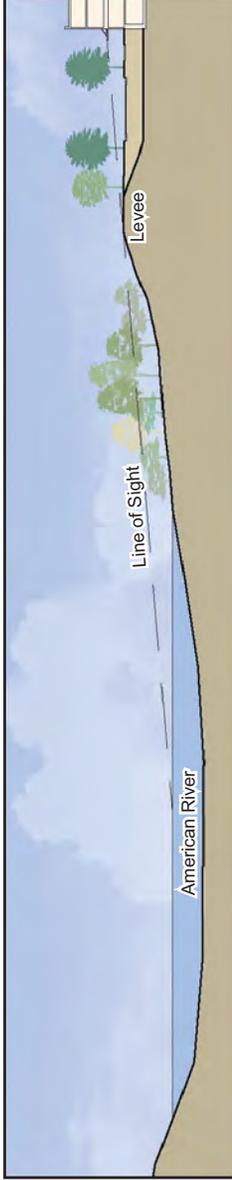
Impact 6.1-1 on pages 6.1-13 and 6.1-14 of the Draft EIR recognizes that there would be an impact on views of the project site from the American River and Discovery Park due to the fact that the views of the site with the project would be different than views of the site under existing conditions. This impact would, however, be less than significant. As described on page 6.1-14 of the Draft EIR, while the project would redevelop a predominantly developed site, the scale and density of development would be greater than the existing development. However, the project would not represent a substantial change in the visual character of the views to and/or from the site because the tallest buildings, which would be closest to the river, would appear similar in height as the existing mature trees (see Figures 6.1-7 and 6.1-8 on pages 6.1-15 and 6.1-16 of the Draft EIR). Subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the American River onto the proposed project (see Figure 4-4 of this Final EIR). Specifically, the exhibit demonstrates that cars on the proposed Riverfront Drive would not be visible from the River. In addition, the project includes park and open space elements between the Parkway and urban development, further reducing visual impacts of development on the Parkway. Riverfront Park is planned as a linear park located between the open space and riparian preserve of the Parkway and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The project has been designed not to exceed the height of the tree canopy.

Further, the proposed project site is located in an already developed area of the City and is consistent with the policies of the Parkway Plan and the Parkway Plan Update that relate to impacts on the Parkway from adjacent uses. See also Appendix B of this Final EIR and Responses to Comments 5-3.





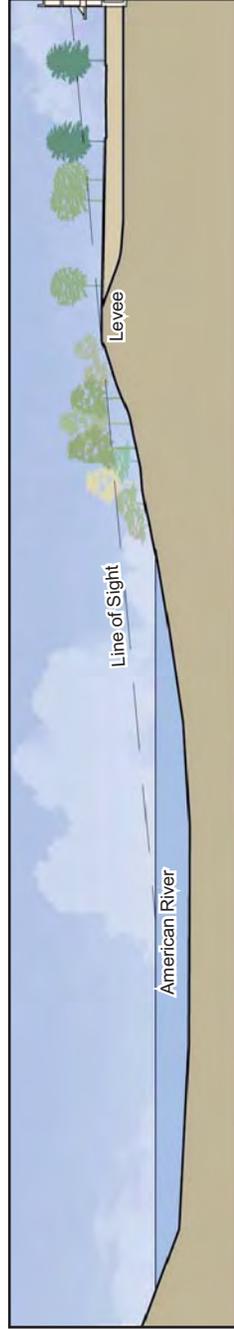
Riverfront Drive Longitudinal Section



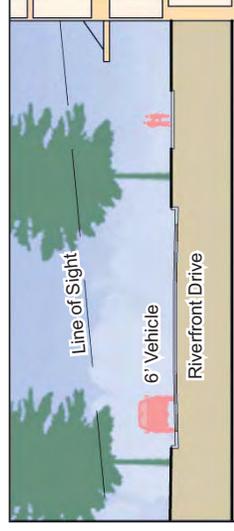
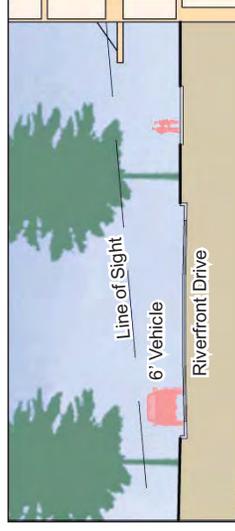
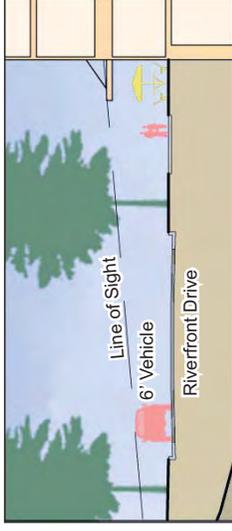
Riverfront Cross Section A-A



Riverfront Cross Section B-B



Riverfront Cross Section C-C



NORTH  
NOT TO SCALE

Source: Carter::Burgess, 2007.



A division of PBSJ

FIGURE 4-4  
Riverfront Drive Visibility Exhibit

D51214.01

Township 9



Finally, the proposed project must comply with the standards set forth in the proposed Design Guidelines which would be subject to review by the City Design Commission, Planning Commission and the City Council. Therefore, visual impacts attributed to project development would be less than significant because there would not be a demonstrable negative aesthetic effect on adjacent existing uses or on views from the American River Parkway, and would not substantially degrade the visual character or quality of the site.

While not included in the chapter on aesthetic impacts, the Draft EIR does include an analysis of impacts of proposed lighting along River Front Drive and the Two Rivers Trail on wildlife use of adjacent riparian habitat in the Biological Resources chapter (pages 6.3-26 to 6.3-27). The discussion states that new sources of light associated with River Front Drive and the Two Rivers Trail could spill over into riparian habitat. The Draft EIR recognizes the potential for wildlife to become disoriented due to new artificial light sources (pages 6.3-26 to 6.3-27). The biological resources section of the Draft EIR, Section 6.3, notes that existing security lighting on the proposed project site does not appear to be affecting wildlife usage of the riparian habitat.

The proposed lighting would include shields, and would be directed and controlled in order to prevent spillage onto the riparian area so as to not affect the wildlife use of the adjacent riparian habitat. Mitigation Measure 6.1-2(a) requires the proposed project contractor to include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views to reduce this impact to a less-than-significant level by minimizing spill over to the adjacent riparian area. In addition, since publication of the Draft EIR, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, light and glare impacts in the Parkway attributed to the tower feature as identified in the Draft EIR are no longer applicable.

As discussed under Impact 6.1-2 on pages 6.1-17 and 6.1-18 of the Draft EIR, reflective surfaces used in proposed project construction could increase the amount of glare which could adversely affect adjacent uses. This would include wildlife using the adjacent riparian habitat. Mitigation Measure 6.1-2(b) prohibits the project contractor from using highly reflective mirrored glass walls as a primary building material for facades to reduce the potential for glare on adjacent uses, including the adjacent riparian habitat.

#### **Response to Comment 5-9**

As described on page 6.3-5 of the Draft EIR, the riparian habitat along the project site is disturbed and terminates around the urban portions of Old Sacramento and the development along that portion of the river. It is considered habitat for local movement of species and as such, is part of the larger system even if it does not play a critical role as noted in the comment. Nevertheless, the EIR does evaluate impacts to the habitat along the river and the wildlife species that use that habitat and concludes that any such impacts are less than significant after mitigation. See Impacts 6.3-1 (Swainson's hawk nesting habitat), 6.3-2 (other avian species nesting habitat), 6.3-4 (VELB habitat), and 6.3-8 (effects of new sources of light on species using the riparian habitat).

### **Response to Comment 5-10**

Comment noted. See Response to Comment 5-4.

### **Response to Comment 5-11**

Comment noted. The last paragraph on page 6.1-7 of the Draft EIR is revised to read as follows:

Public uses in the vicinity of the proposed project site include the south side of the American River Parkway, which is within the project site and north of the proposed development area. Figure 6.1-5 provides views of the American River Parkway near the northern boundary of the project site, and Figure 6.1-6 provides views from Discovery Park looking south. The south side of the parkway includes a raised levee approximately 12 feet above project grade, a flat bicycle and pedestrian path at the crest of the levee, and mature trees and vegetation that are not maintained by Sacramento County Parks staff further to the north along the river. Figure 6.1-6 provides views of the Parkway from Discovery Park, which is directly north of the project site and the American River. As depicted on Viewpoints 8 and 9 (Figure 6.1-6), the project site is mostly screened by mature trees along the river. No existing buildings on the project site are visible from those locations.

See also Responses to Comments 5-2 and 5-4 regarding the County's jurisdiction within the Parkway.

### **Response to Comment 5-12**

The American River Parkway Plan is listed under Local Regulations on pages 6.1-11 of the Draft EIR. It is considered a local plan since it is cross-referenced in the County's General Plan even if it was officially adopted by the State Legislature.

### **Response to Comment 5-13**

As described in Responses to Comments 5-2 and 5-4, the proposed project does not require any permits from the County because no portion of the project would be within the Parkway. The County does not have jurisdiction over the Project and is not a responsible agency under CEQA. The jurisdictional boundaries exhibits included as Figures 4-1 and 4-2 of this Final EIR reflect the City's understanding that (i) the County's jurisdiction (i.e., permitting and land use authority) terminates at the crown of the levee on the water side and (ii) the County has maintenance authority and responsibility over the area extending to the crown of the levee on the land side. The County has asserted that its jurisdiction extends to the crown of the levee on the land side. The City disagrees with the County's interpretation, however, the issue is of no import because the project does not include any structures that extend beyond the crown of the levee on the land side and therefore the County does not have any jurisdiction over the project and would not exercise any permitting or land use authority. The City and County have agreed that any impact to the bike trail on the crown of the levee will require the applicant to return the bike path to its current condition. In addition, the County and City have a maintenance protocol established that reflects these jurisdictional boundaries.

Pursuant to the Parkway Plan, the City of Sacramento Planning Department is responsible for administering land use policy and development review within its jurisdiction in a manner consistent with the City's zoning ordinance, general plan, and parkway policies (Parkway Plan page, 11-1). Certain lands within the Sacramento City limits which are adjacent to the American River Parkway are regulated by the City's zoning ordinance, and are zoned American River Parkway-Flood Zone/Parkway Corridor Overlay Zone (Parkway Plan, page 11-8).

The Plan further provides that when a public hearing item is within the Sacramento City limits, the recommendations of the County Recreation and Parks Commission are transmitted to the City Planning Commission simultaneously with transmittal to County Policy Planning Commission. The City Planning Commission coordinates with the County prior to transmitting their recommendations to City Council. The City Council is the decision making body for project proposals regulated by the City's zoning ordinance including properties within the ARP-F and PC zones. The Project is in the ARP-F and PC zones within the City limits. After recommendation by the City Planning Commission, the City Council may forward their comments to the County Board of Supervisors (Parkway Plan, page11-10).

As for concerns that the project would create the appearance of an extension of the levee, the bike path on the crown of the levee would remain as it currently exists. The construction of a road next to the top of the levee should not create confusion about land use or regulatory authority, as the two would be distinct from each other. With respect to the proposed park space (which would replace the amphitheater space described in the Draft EIR), that park would be landscaped with native trees and lawn and would be maintained as a City park, while the Parkway would remain a natural setting with native vegetation, thus preventing any confusion about where the City park ends and the County Parkway begins.

See Response to Comment 5-2 for discussion of visual intrusion and Response to Comment 5-8 for discussion of light and glare impacts.

#### **Response to Comment 5-14**

The project will address potential impacts associated with the existence of an urban core next to a protected open space. As discussed in Response to Comment 5-2, the proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance will be ensured through the context-sensitive placement of Riverfront Drive and adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. To balance the urban development and visual setting, the Design Guidelines provide guidance on building materials, building massing, landscaping and lighting design that ensure a compatible relationship between the project and the Parkway. As suggested by the comment, the project will provide a buffer area adjacent to the Parkway that draws people to the Parkway with a gradual transition of land uses. The project also provides screening of adjacent land uses as the project was designed not to exceed the height of the tree canopy.

The proposed Riverfront Drive, residential units, and retail space along the American River levee would be adjacent to, but not within, the Parkway. Buildings would be set back from the toe of the levee at least 30 feet and landscaping and walkways would serve as a buffer between the Parkway and adjoining land uses. Riverfront Park is planned as a linear park located

between the open space and riparian preserve and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail will generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The southern edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park.

The comment also suggests that the project should implement the adopted landscaping requirements of the Richards Boulevard Area Plan. As discussed in Response to Comment 5-3, section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution, would supplant the landscaping requirements of the Richards Boulevard Area Plan. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Design Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code.

#### **Response to Comment 5-15**

In response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the following elements from the project: the overlook and outdoor performance venue. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, impacts attributed to these features identified in the Draft EIR are no longer applicable.

#### **Response to Comment 5-16**

In response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has proposed to relocate the tower element to the roundabout located in the project site at the intersection of North 7<sup>th</sup> Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, impacts attributed to the tower feature in the parkway identified in the Draft EIR are not longer applicable.

#### **Response to Comment 5-17**

The comment proposes an alternate project design that places the higher density 8-15 story buildings along Richards Boulevard and the low-density, lower story live-work and townhouse buildings adjacent to the riverfront. The comment suggests “a reverse of the proposed layout” in order to achieve consistency with the Parkway policies. The project as proposed is consistent with the Parkway policies. See Response to Comment 5-3, and Appendix B for a specific discussion of the project’s consistency with the Parkway Plan and Plan Update policies for adjacent land uses and zoning.

The EIR properly analyzes a reasonable range of alternatives to the project, as is required by CEQA. Project alternatives must be able to feasibly attain most of the basic objectives of a project while avoiding or substantially lessening one or more of the significant effects of the project. Project alternatives are not required to address impacts that are less than significant. The potential visual impacts of the proposed project are considered less than significant; therefore, the EIR need not identify a project alternative that reduces the already less than significant visual impact. In addition, the City consulted with the project applicant who determined that development of the alternative would be infeasible. (CEQA Guidelines, 15126.6, subd. (a), (“An EIR is not required to consider alternatives which are infeasible.”).)

Reversing the proposed project layout would also be inconsistent with policies of the Richards Boulevard Area Plan. The RBAP calls for new land uses and configurations of development to enhance the American and Sacramento Rivers by being active and publicly oriented with restaurants, lodging and multi-family residential uses, so as to attract people throughout the day and night hours and improve accessibility to the river corridor. (RBAP, p. 25.) The alternative suggested by commenter would reduce the level of activity along the Riverfront Park and the viability of mixed-use development along Riverfront Drive, both considered desirable to the vitality of the urban waterfront concept. This alternative would also increase density at the southern end of the project site to a level that creates a lop-sided development that will function more like two PUDs rather than one.

In light of these considerations, as well as the fact that impacts to visual character are already less than significant with the proposed project, the City determined that no further consideration of this suggested alternative was necessary (CEQA Guidelines, § 15126.6, subd. (a) (“An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation”).

See also Responses to Comments 5-2 and 5-3.





# Regional Transit

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April 16, 2007

Jennifer Hageman, Senior Planner  
City of Sacramento, Development Services Department  
2101 Arena Boulevard, Suite 200  
Sacramento, CA 95834

NAME OF DEVELOPMENT: Township 9

CONTROL NUMBER: P06-047

TYPE OF DOCUMENT: DEIR

The Township 9 project proposes mixed use development on approximately 65 acres with potentially either 146,194 square feet of retail space, 2,981 residential units with a total of 4,134 parking spaces or 2,350 residential units with 839,628 square feet of office space and 146,194 square feet of retail space with a total of 5,389 parking spaces. The site is located on the block between 5<sup>th</sup> and 7<sup>th</sup> streets and Richards Boulevard and the American River in the Richards Boulevard Area Plan area of the Central City.

Bus route 11 provides 30-60 minutes weekday service from Downtown to Natomas; route 15 provides 30-60 minute service seven days a week from Downtown to North Sacramento; and Neighborhood Ride route 33 provides 30 minute service directly to the site, all with connectivity to light rail. Regional Transit's (RT) Downtown/Natomas/Airport (DNA) light rail extension is being planned from Downtown through the Richards Boulevard area. The Locally Preferred Alternative (LPA) alignment for DNA shows the extension running adjacent to the project site with a potential station located at the site, south of Richards Boulevard. RT staff is reviewing the project for potential bus/shuttle route alignments and stop location within the development.

6-1

Overall, RT supports the project as it is proposed to intensify development within Sacramento's Central Business District and around a station on the future DNA light rail line.

6-2

RT staff has reviewed the DEIR and recommends the following:

Conditions

- RT Staff would like to continue working with the developer on incorporation of the future light rail station into the design of the project. Provide right-of-way for light rail tracks, a light rail station platform and a bus turnout in the form of an Irrevocable Offer of Dedication (IOD). Please see the attached notes from RT's meeting with the developer on July 12, 2006 specifying the amount of right-of-way that is necessary for the platform. The 60-foot easement over the south edge of lots 13, 14 and 17 mentioned on Page 2-14 of the DEIR will be sufficient for the tracks, platform and bus turnout if the train route continues along Richards Boulevard. However, an optional route for the extension will be to turn north on 5<sup>th</sup> Street, in which case the tracks will require additional space to make the turn (please see attached notes). The IOD for transit must be specified on the tentative map to reflect the attached specifications. The IOD will need to meet the satisfaction of RT before approval of the final map.
- The developer shall work with RT regarding the placement of the outlet of "New Street C" onto Richards Boulevard, which crosses the future rail tracks.
- Local developer fees are an important part of the financing strategy for the construction and operation of the DNA light rail extension. The developer shall work with RT and the City to identify and implement the appropriate transit fee program to provide this project's fair share of the local contribution for the construction and operation of the light rail extension and bus service in this area. RT staff will provide a cost estimate of the station construction and is currently working on an estimate for potential bus service within the development.
- Connectivity of pedestrian ways and amenities such as pavers, vertical curbs, tree shading, lighting and trellises will be provided to encourage walking to transit.
- Parking competes with transit usage. Therefore, we recommend that proposed number of parking spaces should not exceed the required standards for the Central City area.
- Construction shall not impact transit service or pedestrian access to bus stops. RT considers it an adverse impact on service if disruption or delays occur, or if accessibility is difficult for patrons during construction.
- Bicycle parking facilities should be provided at building entrances.
- The applicant shall join the Sacramento TMA.
- Transit information shall be displayed in prominent locations in the residential sales/rental office, through a homeowner's association, or with real estate transactions and for employees and patrons.

6-3

Recommendations:

- Landscape planters should be provided between streets and sidewalks.
- Employers should offer employees subsidized transit passes at 50% or greater discount.
- Develop a program to offer transit passes at a 50% or greater discount to new homeowners for a period of six months or more. Program shall be reviewed and approved by RT prior to approval of any special permit for the project.

6-4

Thank you for the opportunity to comment. Please send any subsequent documents and hearing notices that pertain to this project as they become available. If you have further questions regarding these recommendations, please contact me at (916) 556-0507 or [tjaiyeoba@sacrt.com](mailto:tjaiyeoba@sacrt.com) or Traci Canfield, Planner, at (916) 556-0513 or [tcanfield@sacrt.com](mailto:tcanfield@sacrt.com).

6-5

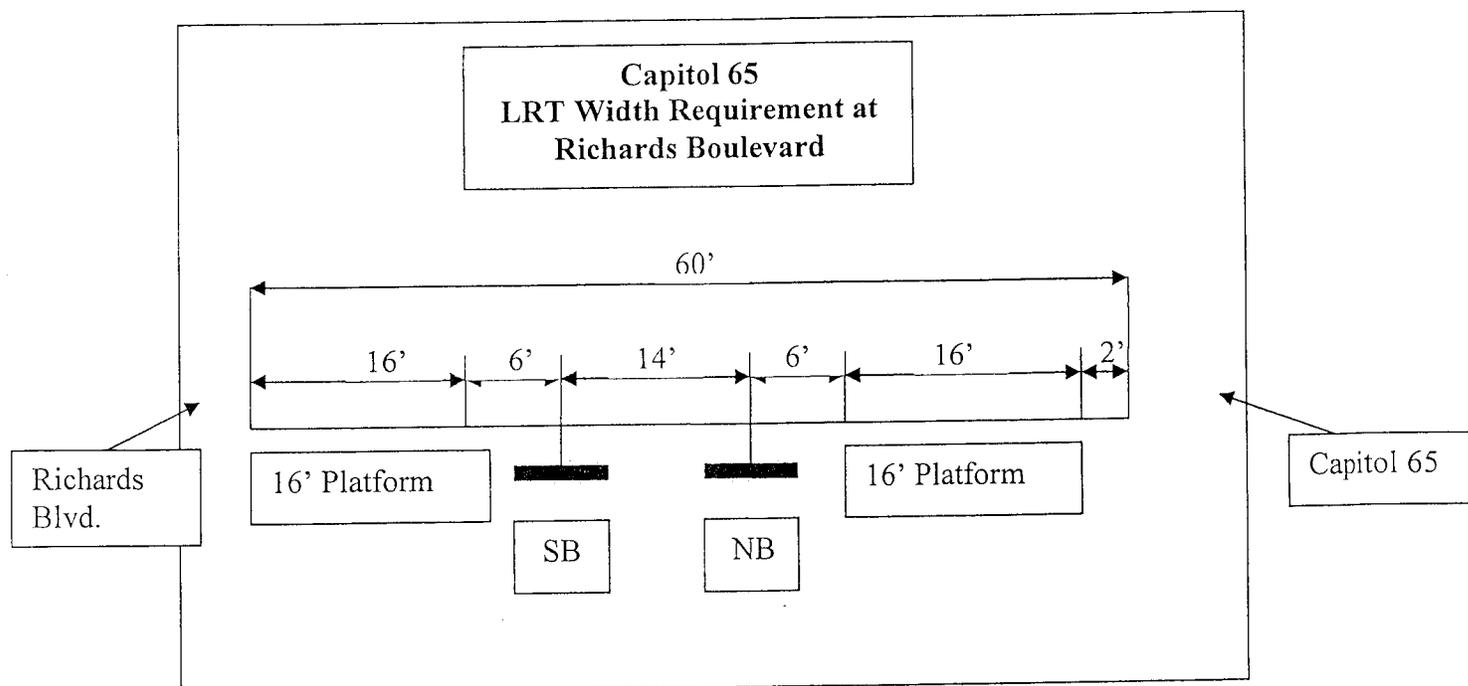
Sincerely,



Taiwo Jaiyeoba  
 Director of Planning

- c: Don Smith, Senior Planner, RT  
 Greta Vohlers, Senior Planner, RT  
 Traci Canfield, Planner  
 Devra Selenis, Public Information Officer II, RT  
 Michael York, Planner, City of Sacramento

Attachment



Below is a description of what Bob McFarland, PB's project engineer, explained at the meeting with the developer's consultant on July 12, 2006.

At that time Bob asked for an additional 10 feet, for a total of 60 feet of IOD, and provided sketches and dimensions. I will explain where 60 feet are needed and where RT can do with less. I reference the Lot numbers shown on the developer's site map.

I prepared the 60 foot section drawing shown above with two side platforms, two tracks, and a 2 foot buffer on the north side of the northernmost platform. Since the LRT will turn left (west) into the station off of 7th Street, it can utilize the 50 foot IOD shown by the developer until the vehicles straighten out and reach the station platform, which is a distance of 200 feet from 7th Street. Once the vehicles reach the station, the IOD must widen to 60 feet to accommodate the two tracks and two side platforms shown above. 60 feet will be needed for the entire length of the platforms, which would be 400 feet long.

Beyond the platforms, the tracks gradually transition south until they are running adjacent to the right-of-way line with Richards Boulevard. For that transition to occur, RT will need the 50 feet shown by the developer for a distance of 220 feet.

If a 5th Street alignment is selected as the approach to the river crossing, then RT will need a triangular piece of land from the southwest corner of Lot 17 to negotiate a right turn. The legs of the triangular piece of land are located along Richards and 5th would each need to be about 100 feet long. If the Sequoia Pacific alignment is selected as the approach to the river, then that triangle of land will not be needed and 50 feet will be sufficient for LRT as it passes along the Richards Boulevard right-of-way south of Lot 17.

---

**LETTER 6: SACRAMENTO REGIONAL TRANSIT****Response to Comment 6-1**

The comment provides information on existing and planned Regional Transit bus and shuttle routes on or near the project site. The comment does not relate to the analysis in the EIR. No further response is required.

**Response to Comment 6-2**

The comment expresses general support for the project. Comment noted.

**Response to Comment 6-3**

The comment recommends that the project applicant provide right-of way for light rail tracks, light rail station platform and bus turnouts in the form of an Irrevocable Offer of Dedication and consider an optional route for the extension running north of 5<sup>th</sup> Street. The project applicant has agreed to dedicate an easement for the DNA light rail tracks and station along Richards Boulevard. The project applicant does not wish to include an extension north of 5<sup>th</sup> Street, and at a meeting held on May 8, 2007, Regional Transit agreed to no longer consider such an extension. The project applicant will reserve certain rights, including air space rights within the easement area and the offer to dedicate will have a definite expiration date. The details of this dedication/reservation of rights are set forth in the Development Agreement, and are summarized in Response to Comment 3-4.

The comment asks that the project applicant work with Sacramento Regional Transit regarding placement of the outlet of “new Street C” onto Richards Boulevard. The project applicant has agreed to work with Regional Transit on the placement of the outlet of new Street C onto Richards Boulevard.

The comment requests that the project applicant work with Regional Transit and the City to identify and implement the appropriate transit fee program to provide the project’s fair share of the local contribution for construction and operation of the light rail extension and bus service. See Response to Comment 3-4. The applicant has worked with Regional Transit and the City to identify an appropriate fee program. To relieve congestion on I-5, the City has selected the DNA project as the transportation improvement that would provide regional traffic congestion relief along the mainline I-5 state highway system. The City would require a “fair share” contribution to help fund the local share of the DNA project costs to address the project’s incremental impacts on the congested segments of the mainline I-5 freeway. The amount will be based on the project’s projected transit trips in relation to the DNA project’s capacity for the first phase of the DNA project, which will extend the existing light rail line from Downtown to the light rail station at Richards Boulevard located within the Township 9 project boundaries. The project applicant will be required to dedicate the right-of-way needed for the light rail alignment and station within the Township 9 project boundaries and the applicant will receive credit for the fair market value of this land donation against its fair share DNA contribution.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principals established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the project applicant’s contribution toward

the DNA project can only be secured on a voluntary basis under the terms of a development agreement with the City. The terms of the development agreement will require the project applicant to donate the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution will be owed on a proportional basis at the time of issuance of the building permits for the project.

Following the same cost allocation concepts set out in the formulas in Appendix B, Methodology for Calculating Equitable Mitigation Measures, from Caltrans Guide for the Preparation of Traffic Impact Studies, using cost and trip figures provided by the Sacramento Regional Transit District (RT) for the MOS portion of the DNA project, and assuming federal, state and local funding for the DNA project consistent with funding of prior RT light rail projects, the project applicant's fair share proportionate cost for the DNA project MOS was determined as set forth in Response to Comment 3-4. Caltrans and Regional Transit have reviewed and agreed to the net mainline freeway mitigation fee the project applicant will be obligated to pay the City.

In addition, the project applicant will participate in the Richards Boulevard Facilities Plan which includes improvements to the Richards Boulevard interchange as well as construction of 7<sup>th</sup> Street, a parallel facility that relieves impacts on I-5. The project applicant shall provide "fair-share" funding for these improvements through payment of traffic impact fees. The applicant's fair share contribution will be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008. Because the update is currently in progress, the specific amount of the applicant's fair share contribution is uncertain. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.

In order to reflect the commitment of the applicant to provide a fair share contribution to help fund the local share of the DNA project, Mitigation Measures 6.11-1(a), 6.11-1(b), 6.11-3, 6.11-4, 6.11-5, 6.11-12(a), 6.11-12(b), 6.11-14, 6.11-15, 6.11-16, 6.11-18(a), 6.11-20, 6.11-21, 6.11-22 of the Draft EIR are revised. See Response to Comment 3-4.

The comment requests that connectivity of pedestrian ways such as pavers, vertical curbs, tree shading, lighting and trellises be provided to encourage walking to transit. The Design Guidelines for the proposed project provide connectivity of pedestrian areas. The sidewalks would be a minimum of eight feet wide on all streets and increase to 10 feet at Riverfront Drive. They would vary in size on Richards Boulevard (depending on the light rail easement). On certain streets, sidewalks would have coverings for protection from rain and sunshine for a minimum percentage of their length. These coverings, combined with a consistently full tree canopy over streets and sidewalks and the ample width of the sidewalk pavement, would help to provide a pleasant pedestrian experience. To ensure consistent design throughout the project, all sidewalks would have the same coloring and scoring pattern and sidewalks would generally remain free of permanent obstructions; however columns (for sidewalk coverings or similar structures) may be located at edges. The Design Guidelines also encourage pedestrian-scale lighting in the design of all streetscapes and public spaces, which will promote visual continuity, safety, and night activity in the community.

The comment recommends that the proposed number of parking spaces not exceed the required standards for the Central City area. The project will not exceed the requirements for parking in the Central City area as the standard City parking requirements will not apply under the PUD designation. As discussed in Response to Comment Response to Comment 5-3, section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution, would supplant the landscaping requirements of the City Zoning Code. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Design Guidelines will provide the overall standards of off-street in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. The project is a transit oriented development within the urban core of downtown Sacramento and is a mixed-use employment center. The PUD Design Guidelines provide recommended parking standards based on the unique character of the mixed-use project and variations to the standards will be considered where it can be demonstrated that shared parking, unique uses, or transit incentives warrant reductions.

The comment states that construction should not impact transit service or pedestrian access to bus stops and that it would be an adverse impact on service if disruption or delays occur or if accessibility is difficult for patrons during construction. The project applicant has agreed that, as a condition of project approval, construction activities would not impact transit service or pedestrian access to bus stops.

The comment states that bicycle facilities should be provided at building entrances. The Design Guidelines require bicycle racks be placed near building entrances.

The comment states that the project applicant should join the Sacramento TMA. The project applicant has agreed to join the Sacramento TMA as a condition of project approval.

The comment states that transit information should be displayed in prominent locations in the residential sales/rental office, through a homeowner's association, or with real estate transactions and for employees and patrons. The project applicant has agreed that transit information would be displayed in prominent locations as a condition of project approval.

#### **Response to Comment 6-4**

The Design Guidelines provide for a Street Tree Planter Zone on streets throughout the project site. This Zone would generally be eight feet wide between the back of curbs and the sidewalk and the primary use would be to provide planting areas for street trees, which will be spaced uniformly to ensure a consistent and extensive shade canopy.

The recommendation in the comment that employers offer employees and that new homeowners be offered subsidized transit passes at 50 percent or greater discount is beyond the control of the project applicant. It should be noted, however, that the applicant has been selected to submit an application for LEED certification, which is currently being reviewed by the U.S. Green Building Council. See Response to Comment 11-16 for further discussion of LEED certification.

**Response to Comment 6-5**

Comment noted.



April 17, 2007

Ms Jennifer Hageman  
Senior Planner  
City of Sacramento  
2101 Arena Blvd. Suite 200  
Sacramento, CA 95834

**SUBJECT: Township 9 Project, DEIR (aka Capitol Station 65)  
SMAQMD # SAC200600961E**

Dear Ms Hageman:

Thank you for providing the project listed above to the Sacramento Metropolitan Air Quality Management District (District). Thank you, too, for allowing us an extra day for review. Staff comments follow.

### I. Construction-related air quality impacts

The Township 9 Draft Environmental Impact Report (DEIR) states that the construction-related air quality impacts will be a significant impact.<sup>1</sup> The air quality analysis contained in the DEIR's Appendix E provides documentation demonstrating that the project will exceed the District's threshold of significance for NOX. That analysis consisted of twenty-one (21) discrete construction URBEMIS runs, two (2) operational URBEMIS runs and, unfortunately, twenty-five (25) duplicate URBEMIS computer runs. In addition, it contained six (6) off-site fee mitigation spreadsheets, a table entitled Construction Equipment / Uses specifications (attached), a bar chart construction schedule and a summary of the fees. In total, Appendix E amounted to 542 pages, primarily because of the duplicate runs. We suggest the duplicates be removed from the Appendix in order for it to be more manageable for any reader.

7-1

The air quality analysis contained in Appendix E departs from the methodology recommended in the District's Guide to Air Quality Assessment. Because of that, emissions may be underestimated and the corresponding off-site mitigation fee may be in error. Two issues of concern with the DEIR's methodology are the amount of equipment used and the schedule.

7-2

According to the District's Guide to Air Quality Assessment, "*in the initial planning phase of a project, the exact type and number of equipment may be unknown or unavailable for the construction activity. In this situation, the preferred option is to calculate construction emission impacts using the latest version of the URBEMIS model.*"<sup>2</sup> The district's FAQ<sup>3</sup> gives further guidance to air quality analysts regarding which types and amount of equipment to use in order to estimate construction emissions for proposed projects. For purposes of this discussion, the recommended equipment coming from District guidance is called SMAQMD-default equipment. In addition, in cases where the construction schedule is unknown, the District recommends the URBEMIS default construction schedule. In this way, a conservative estimate of emissions is derived.

7-3

In the Township 9 DEIR, the construction impacts of the project were estimated using the URBEMIS computer model. The document states "construction equipment was estimated using

<sup>1</sup> Township 9 (P06-047) Draft Environmental Impact Report, Feb. 2007, Pg. 6.2-16

<sup>2</sup> Guide to Air Quality Assessment in Sacramento County, July 2004, SMAQMD, pg. 3-4.

<sup>3</sup> SMAQMD CEQA Frequently Asked Questions (FAQ) v 1.7, pg. 2-3, SMAQMD website: [www.airquality.org](http://www.airquality.org)

standard SMAQMD methodology.”<sup>4</sup> However, this statement is contradicted a few pages later by the statement “construction equipment lists and phasing information [were] provided by the project sponsor.”<sup>5</sup> Upon review of the “Township 9 Construction Equipment/Use Specifications” table as well as the 21 computer models, it’s clear the analyst did not use the SMAQMD- default equipment or schedule. It is the District’s contention that it is always preferable to use specific equipment and schedule if they are known and are reliable.

7-3  
(cont.)

The URBEMIS model is very sensitive to equipment chosen as well as a project’s schedule. The more equipment used, the higher the project’s projected emissions. The more condensed a schedule, the higher the project’s impact during the early phases of construction. That is because many phases of grading and construction would overlap. If a more default-like analysis had been included in this document, the projected emissions would have been likely much more impactful and the project’s corresponding off-site construction mitigation fee would have been much higher.

7-4

The construction phasing shown in Table 6.2-5 involves nine years of construction (2007-2016) and many specific phases. The air quality analyst went to great pains to call out phases of construction using specific equipment over the nine years. Despite the fact that modeling with known construction equipment and known schedules is preferred, the District has some concerns with this analysis. Those concerns and recommendations for remediation of the analysis are as follows:

7-5

**1. Underestimated equipment and hours of use**

Throughout the 21 computer analyses, the equipment chosen reflects the equipment shown in the “total equipment” column of the Township 9 Construction Equipment/ Use Specifications Table.<sup>6</sup> In addition, those analyses show that assumptions were made that equipment modeled will operate 4, 5 or 6 hours per day as opposed to the default value of 8 hours/day. Those timing inputs reflect the statements in the “Average Daily Use” column of the Township 9 Construction Equipment/ Use Specifications Table. For each phase and grouping of equipment, that column contains statements like: “*No more than 50% of the equipment will be used 50% of the time.*” Thus, both the equipment and duration of use of the equipment departs from the District recommendations. There is considerable discounting of equipment usage assumed in the models.

7-6

CEQA demands that the worst case scenario be analyzed by the environmental document. By using this construction schedule and modeling, the proponent is, in essence, committing to the notion that the project’s proposed schedule will, indeed, generate the worst case scenario for this project in terms of air quality. We have concerns that a commitment this detailed cannot realistically be made for a schedule that is 9 years long. For example, how can the proponent be sure that in 2012, when 262 multi family units are being built on parcel 6, that the equipment modeled (off-highway truck, 1 crane, 1 rough terrain forklift) will operate for only 6 hours each day? It is our experience that when expensive construction equipment is available on a site, it is used fully. As a remediation, we suggest that in all cases, equipment be modeled for a full 8 hour schedule.

7-7

In addition, throughout the building construction phase of the entire project, the document estimates that the project will use simply a forklift and 1 truck (3 trips/day) in order to construct the buildings. In some phases, a crane is added. District guidance also suggests that 3 “other” pieces of equipment be modeled for the building construction phase to account for air compressors and portable generators. Depending on the height of that building, the “3 other” pieces should be scaled proportionally. The District’s multi-story protocol (enclosed) discusses

<sup>4</sup> DEIR, Pg 6.2-13

<sup>5</sup> DEIR, Pg 6.2-16.

<sup>6</sup> DEIR, Appendix E

this guidance. We suggest the appropriate amount of portable equipment be added to the current analysis of building construction for parcels 1, 3- 8, and 10- 17. In addition, we wonder if some of the higher rise buildings won't require the use of a pile driver(s).

7-7  
(con't.)

**2. Overall construction schedule**

As stated before, the construction schedule projected in the DEIR spans 9 years, 2007-2016. If the schedule is shortened or if certain construction phases are moved and overlap differently from what is presented here, then this analysis could be altered greatly (emissions underestimated or even overestimated). For example, if part or all of this project is sold to another developer(s) after entitlement, those developers could construct portions of the project according to a different schedule or using different equipment. Even if the Township 9 proponent constructs the entire project, schedules and equipment can change. The document recognizes this uncertainty in its statement that **“Market conditions could expedite or extend the schedule or require an additional phase(s).”**<sup>7</sup> The dilemma is that on one hand, the DEIR uses a very precise methodology for determining impacts and, on the other hand, it states “market forces” could change things. The DEIR seems to suggest the best of two worlds - a stretched out schedule with discounted equipment and, at the same time, flexibility to speed things up.

In an attempt to deal with this uncertainty, the last half of mitigation measure 6.2-1 (e) was written in the following way:

*“Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NOx emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B...If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.”*<sup>8</sup>

7-8

The notion that the proponent or individual developers will contact the District as this schedule changes is not very realistic. The project could take 9 or more years, could be built by many different developers and what is written in a MMRP may well be lost or forgotten. District staff has discussed this issue with Doug Holmen of the City's Site Conditions Unit and believe that an alternative mechanism should be used to the one used in the mitigation measure above. Two suggestions for alternative mechanisms are: the use of building caps or the implementation of a City project-specific construction monitor.

**Building caps:**

The last part of mitigation measure 6.2-1 (e) would impose a building cap on each year's construction. For example, it would call out the # of units and # of square fee per year that could be built. This measure would also be a condition of approval of the project.

This building cap would be repeated on the site conditions map so that the Site Conditions Unit will be reminded in the upcoming years. If the proponent wanted to exceed the proscribed building cap, they would be directed by the Site Building Unit to contact SMAQMD first and recalculate the off-site mitigation fee. The mitigation could read something like the following. The analyst would need to fill in the details of the table within the measure.

**Suggested last half of Mitigation measure 6.2-1**

*“Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NOx emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B...Integral to this fee*

<sup>7</sup> DEIR, Project Phasing, Pg 2-19

<sup>8</sup> DEIR, Summary of Impacts and Mitigation Measures, pg 3-9

is the assumption that the project will hold true to the schedule presented in the DEIR. That schedule mandates yearly building caps listed below. If the projected construction equipment or phases change and the proponent(s) want to increase the annual building cap for any particular year, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. The proponent will then present an SMAQMD- certified letter, showing adjustments to the off-site mitigation fee back to the City before the permit to exceed the building cap is issued.

7-8  
(con't.)

Year	Parcels	BUILDING CAP: # units or sf
2009	Parcel 11 & 12	89 units Parcel 11 & 82 units Parcel 12
2010	Parcels 11 & 12 & 10 & 4 & 3 & 5	45 units Parcel 11 & etc
2011	Parcels 10 & 4 & 3 & 5 & 15 & 16, 13, 14	X units of Parcel 10 & Y units of.... etc
2012	Parcels 15, 16, 13, 14, 17, 6	X units of Parcel 15 & Y units of.... etc
2013	Parcels 17, 6, 7, 8. 1	X units of Parcel 17 & Y units of.... etc
etc	etc	etc

**City Township 9 construction monitor**

An alternative mechanism to the idea of yearly building caps would be the use of a specially-funded, very active City project-specific monitoring system. This idea was actually suggested by Jeanne Corcoran at a recent City-SMAQMD meeting. According to Doug Holmen, the City does not ordinarily have the resources to monitor equipment usage at construction sites. However, this project could have as a condition of approval the funding of a City monitoring position for this purpose on this project. This person would have as his/her duties the monitoring of equipment usage on Township 9. The monitor would report to the City and SMAQMD if the construction schedule deviated from that presented in the DEIR. He/she would then report those deviations to SMAQMD and would mandate that the proponent coordinate with SMAQMD for a recalculation of the fee.

**Use of SMAQMD Methodology for air quality analysis**

A third alternative, of course, would be for the proponent to re-do the URBEMIS analysis(es) and use SMAQMD equipment recommendations and schedule. This analysis would likely show an impact greater than the one identified in the DEIR, but because it followed SMAQMD guidance, there would be much more flexibility in monitoring the actual project as opposed to that modeled in the DEIR. The District assumes its defaults are very conservative and reflect a "worse case scenario" as required by CEQA. It's our understanding such an analysis was performed on this project but was not included in the DEIR. A copy of that early model was provided to us and we believe it may have had too much equipment assigned to the grading phases in particular. Because of that, its associated fee was probably too high. We believe the analysis and fee calculation could be modified and used to forecast and mitigate the construction-related impacts of the project.

7-9

**Other Issues with construction impact analysis:**

**Mitigation fee amount & administrative fee**

Mitigation Measure 6.2-1 (e) (A&B) currently reads:

*"Fees shall be paid based upon the current SMAQMD Fee of \$14,300/ton of NOx emissions generated. The fee shall be paid prior to the issuance of the building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NOx emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B. Fees may be paid on a per/acre basis, in which case the*

7-10

average fee would be approximately \$2,548/acre for both Scenarios A and B. If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.

The first sentence of Mitigation Measure 6.2-1 (e) (A&B) should be re-written as follows:  
*"Fees shall be paid based upon the cost to reduce a ton of NOx at the time the fee is paid. Currently, that cost is \$14,300/ton of NOx emissions generated plus a 5% administrative surcharge. The mitigation fee shall be paid prior to the issuance of the building permit(s)."* ...

Modification to the wording is needed because of several factors:

A. The cost to reduce NOx changes over time and since this project will be built over time, the cost in the mitigation measure should be reflective of the current cost to mitigate NOx.

B. Inclusion of administrative fee

On Jan 8, 2007, SMAQMD announced<sup>9</sup> the inclusion of a 5 % administrative surcharge to projects that involved an off-site construction mitigation fee. The current calculation of \$165,612 does not contain the 5% surcharge. As discussed elsewhere in this letter, the figure of \$165,612 may contain an error and may be underestimated once changes to equipment are made in the computer analysis.

C. Possible error in fee calculation

There may be an error in the fee calculation or addition. In Appendix E, the Construction Emissions Mitigation Fee Calculation spreadsheet which covers Phase 4, years 2013-2016 lists the off-site mitigation fee as \$12,805. However, the "Construction Phase Air Pollutant Emissions and NOx Mitigation Fee Estimates" table in the same Appendix shows the corresponding fee for the same phase to be \$51,220. One of these two figures is in error.

Also, as stated elsewhere, the calculated fee would need to be recalculated if the URBEMIS computer models are revised and include more construction equipment.

**Purpose of off-site construction mitigation fee**

According to the DEIR, "the mitigation fee ...collected under Mitigation Measure 6.2-6 would enable the SMAQMD to buy credits to reduce emissions from other NOx sources off-site..." The term "buying credits" is not accurate here. That term implies there is emission banking involved in this project. There is not. The District uses the mitigation fee money in its Carl Moyer and SECAT programs.

**Particulate Matter**

In the discussion section concerning Particulate Matter, the document states that both Scenario A & B would generate Particulate Matter which would have a significant impact. Table 6.2-5 does not indicate that determination. Furthermore, the document provides mitigation measures which would reduce fugitive dust emissions (6.2-2) and states that the construction particulate impact would be reduced to a less-than significant level. This determination should be supported by dispersion modeling that compares mitigated PM concentrations to the SMAQMD PM threshold.

**II. Operational-related emissions analysis**

<sup>9</sup> Letter to David Kwong and Lezle Buford, dated January 8, 2007

7-10  
(con't.)

7-11

7-12

7-13

The DEIR states that both scenarios (A & B) of the project will result in significant operational air quality impacts. Appendix E contains separate computer modeling for each scenario because the operational impacts will be different. Scenario B, with its office uses, will have greater operational impacts than Scenario A. The draft Air Quality Mitigation Plan (AQMP), dated October 2006, provided in Appendix D provides all "feasible" mitigation for the project. Since the publication of this DEIR, a revised AQMP, dated April, 2007, was re-submitted to the District and is now endorsed. The actual District endorsement letter is attached and should be substituted in the FEIR for the tentative endorsement letter currently there. In addition, the final AQMP should replace the earlier version.

7-13  
(cont.)

Significant operational impacts of ozone precursors were misidentified in the list of "project-Specific Significant and Unavoidable Impacts" on page 3.2 of the DEIR. They were listed as "particulate matter emissions." That statement should be corrected.

7-14

In several locations<sup>10</sup> in the Air Quality section of the DEIR, the District operational threshold is identified as being 85 lbs/day of NOx. That is incorrect. The District threshold of significance for operational emissions is 65 lbs/day.

7-15

**Operational Particulate Matter**

The DEIR states that the proposed project would generate 205.54 pounds per day of PM10 (Scenario A) and 247.02 lbs/day (Scenario B). It goes on to state the project design (high density, mixed use) would serve to reduce particulate matter emissions and concludes this a **less-than-significant impact**. Without the use of dispersion modeling, we believe statements about significance or non-significance are not based in fact.

7-16

**III Greenhouse Gases**

We note that there is no discussion of greenhouse gases in the DEIR nor did the District suggest such a discussion in our response to the Notice of Preparation of a DEIR. However, given the passage of AB32, we recommend some discussion of the issue in the FEIR.

7-17

If you have questions, please contact me at 874-4885 or jborkenhagen@airquality.org

Sincerely,



Jeane Borkenhagen  
Associate Air Quality Planner Analyst

- Enc: SMAQMD protocol regarding estimating equipment for constructing multi-storied buildings
- SMAQMD endorsement letter for AQMP, dated April 2007
- Appendix E: Township 9 construction Equipment / Use Specification
- Copy of letter to David Kwong regarding Administrative Fee for CEQA Construction Mitigation Program

- cc: Larry Robinson                   SMAQMD
- Steve Goodwin                Capitol Station 65 LLC
- Doug Holmen                   City of Sacramento
- Jeanne Corcoran               City of Sacramento

<sup>10</sup> DEIR, for example: pg 6.2-23, 6.2-22, 6.2-24

## 12. How do we estimate building construction equipment for multi-story projects?

Here is an interim methodology for you to consider:

Our suggested equipment inputs for building construction (3 “other” / 10 acres) assume typical suburban development types (one or two story). In the case of multi-story construction, this methodology could underestimate building construction emissions because there is more building activity required for each additional story. Therefore, it would be more accurate to scale equipment based on square footage rather than acreage. However, we don’t have any data to provide equipment estimates based on square footage. That is why we recommend that a project proponent attempt to estimate building construction equipment for a multi-story project based on project specific conditions. If project specific estimates are not possible, you might consider using an “acreage equivalency” to scale the equipment use in multi-story projects.

Here’s an example of “acreage equivalency”:

Assume a project is 5 stories with a total of 171,000 square feet. Assume typical suburban building coverage is 30% of the project site.

Therefore: “equivalent square feet” =  $171,000 \text{ sq. ft.} / 0.30 = 570,000 \text{ sq. ft.}$   
(570,000 sq. ft. is the site size that would be required if the project was typical suburban single story)

Given that 1 acre = 43,560 sq. ft., then:

“equivalent acreage” =  $570,000 \text{ sq. ft.} (1 \text{ acre} / 43,560 \text{ sq. ft.}) = 13.09 \text{ acres}$

So, to estimate building construction equipment in URBEMIS, assuming 3 “other equipment” per 10 acres:

$13.09 \text{ acres} (3 \text{ other equipment} / 10 \text{ acres}) = 3.93 \text{ other equipment}$



Larry Greene  
AIR POLLUTION CONTROL OFFICER

April 17, 2007

Mr. Allan Daly  
Sierra Research  
1801 J Street  
Sacramento, CA 95814

**SUBJECT: SMAQMD endorsement of Township 9 Project, Air Quality Mitigation Plan  
SMAQMD # SAC200600961F**

Dear Mr. Daly:

Thank you for providing the revised Air Quality Mitigation Plan (AQMP), dated April 2007 for the Township 9 project to the Sacramento Metropolitan Air Quality Management District (District). Staff comments follow.

The revised AQMP clearly and competently shows the mitigation measures which are inherent in the design of the project. The exhibits and design guidelines show adequate justification for the air quality mitigation percentages claimed. The AQMP correctly assigns slightly different air quality mitigation points to the two scenarios (A & B) presented in the Township 9 DEIR.

**We enthusiastically endorse the AQMP** and thank you for your cooperation on it. We especially appreciate the proponent's pro-active willingness in crafting this document so that a draft of it was circulated in the DEIR. We expect the April, 2007 version will be included in the Township 9 FEIR.

The District appreciates the high density, mixed-use nature of this project which seems to incorporate Blueprint principles. Its proximity to a proposed Light Rail station and to the proposed Railyards project will encourage the use of alternative transportation and be beneficial to regional air quality.

If you have questions, please contact me at 874-4885 or [jborkenhagen@airquality.org](mailto:jborkenhagen@airquality.org).

Sincerely,

A handwritten signature in cursive script that reads "Jeane Borkenhagen".

Jeane Borkenhagen  
Associate Air Quality Planner Analyst

cc: Larry Robinson            SMAQMD  
     Alberto Esquivel        Capitol Station 65 LLC  
     Ms. Jennifer Hageman    City of Sacramento

Township 9 Construction Equipment/Use Specifications				Average Daily Use	
Project Component	Construction Area Area/Quantity of construction	Duration	Total Equipment	Area Worked	Equipment Used
<b>Entire Site</b>					
Demolition	940,000 sf of buildings	16 weeks	4-trucks, high side demo type 25t 2-excavator 1-water truck	20%-25%	No more than 50% of equipment 50% of the time
Grading / Excavation	130,000 cy 4 phases 13 acres per phase	7 weeks	2-excavators, 235/245 type 15-compact 2-water trucks 1-blade 10 trucks double bottom (semi bottom)	5%-10%	No more than 25% of equipment 100% of the time
<b>Phase I</b>					
Site Improvements	1,450 lf full section roadway and utility	12 weeks	<u>At Beginning (2 weeks)</u> 1-small excavator 1-skip loader 1-blade 1-compact 1-water truck 5-trucks (double bottom) <u>Most of Phase</u> 1-backhoe Pickups & other small equipment <u>At End (2 weeks)</u> 1-paving machine 2-rollers Concrete delivery trucks	15%-20%	No more than 25% of equipment 50% of the time
<b>Phase II</b>					
Site Improvements	2,885 full section roadway 1,100 Richards frontage	10 weeks	<u>At Beginning (2 weeks)</u> 1-small excavator 1-skip loader 1-blade 1-compact 1-water truck 5-trucks (double bottom) <u>Most of Phase</u> 1-backhoe Pickups & other small equipment <u>At End (2 weeks)</u> 1-paving machine 2-rollers Concrete delivery trucks	15%-20%	No more than 25% of equipment 50% of the time
<b>Building Construction (including parking and retail)</b>					
Parcel 11	134 units - low rise 2.63 acres	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 12	124 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
<b>Phase III</b>					
Site Improvements	1,270 lf full section roadway and utility	10 weeks	<u>At Beginning (2 weeks)</u> 1-skip loader 1-blade 1-compact 1-water truck 5-trucks (double bottom) <u>Most of Phase</u> 1-backhoe Pickups & other small equipment <u>At End (2 weeks)</u> 1-paving machine 2-rollers Concrete delivery trucks	15%-20%	No more than 25% of equipment 50% of the time
<b>Building Construction (including parking and retail)</b>					
Parcel 10	145 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 4	172 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
<b>Phase IV</b>					
Site grading, infrastructure	475 lf full section roadway and utility	8 weeks	<u>At Beginning (2 weeks)</u> 1-small excavator 1-small dozer 1-blade 1-compact 1-water truck 5-trucks (double bottom) 1-skip loader <u>Most of Phase</u> 1-backhoe Pickups & other small equipment <u>At End (2 weeks)</u> 1-paving machine 2-rollers Concrete delivery trucks	15%-20%	No more than 25% of equipment 50% of the time
<b>Building Construction (including parking and retail)</b>					
Parcel 3	267 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 5	387 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 15	73 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 16	91 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 13	196 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 14	183 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 17	229 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	18%-20%	No more than 50% of equipment 50% of the time
Parcel 6	262 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 7	118 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 8	86 units - low rise	18 months	1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time
Parcel 1	513 units - mid-rise	18 months	1-crane 1-forklift 1-truck (3 trips/day each)	15%-20%	No more than 50% of equipment 50% of the time

SACRAMENTO METROPOLITAN

Larry Greene  
AIR POLLUTION CONTROL OFFICER

January 8, 2007

Mr. David Kwong  
Planning Manager, Current Planning Division  
City of Sacramento Development Services Department  
915 I Street  
Sacramento, CA 95814

**RE: Administrative Fee for CEQA Construction Mitigation Program**

Dear Mr. Kwong:

As you know, the Sacramento Metropolitan Air Quality Management District (SMAQMD) reviews CEQA documents and recommends air quality mitigation for development projects in your jurisdiction that are expected to exceed the SMAQMD's CEQA thresholds of significance.

Since October 10, 2005, the SMAQMD and local jurisdictions in Sacramento County have accepted a fee to mitigate the air quality impacts from the construction phase of a project as a feasible mitigation measure (after the standard 20% construction mitigation measure is applied).

The mitigation fees collected through CEQA are used to fund emission reduction projects in the Sacramento region such as installing a new engine in an older piece of construction equipment or installing an EPA certified woodstove in the place of a non-certified woodstove in a residential dwelling unit.

SMAQMD has reviewed the amount of staff time devoted to its CEQA construction mitigation program over the past 2 years and determined that those costs should be recovered through an administrative fee in the amount of 5% of the construction mitigation fee assessed. For your convenience, the SMAQMD's construction mitigation fee spreadsheet has been updated to automatically calculate the administrative fee and is available at [www.airquality.org](http://www.airquality.org), click on "CEQA and Land Use."

**This administrative fee should be assessed on all projects that propose a construction mitigation fee in a draft CEQA document that is released for public review on or after February 15, 2007.**

The SMAQMD appreciates your support and cooperation in implementing this administrative fee. Please contact Mr. Larry Robinson of my staff at 916-874-4816 or [lrobinson@airquality.org](mailto:lrobinson@airquality.org) if you have any questions in this regard.

Sincerely,

Larry Greene  
Executive Director/Air Pollution Control Officer

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**LETTER 7: SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT****Response to Comment 7-1**

The 25 “duplicate URBEMIS computer runs” identified by the SMAQMD were purposefully included in Appendix E to ensure that the public had available the full record of the of the emissions estimate calculations as summarized in the lead-off table in Appendix E. Since activity and equipment use would vary among the many project site parcels and construction phases, it was necessary to calculate emissions for 14 selected activity periods to get an accurate idea of the variation of construction emissions over the total 10 years of project construction. In some years, multiple calculations of emissions were necessary during the selected activity periods. In these cases, the emissions from activity on particular site parcels often would not change within the year of interest. Emission calculations were done for all 14 periods and the URBEMIS output files were stored in computer folders named for the date of the activity period. Using this method allows the emissions estimates to be read chronologically and tabulated without having to look at an output file in another folder, which would have increased the potential for reading the wrong file among the relatively large number of output files. The lead-off table in Appendix E is a summary of project construction emissions in chronological order. The table entries for any given emission estimates can be verified by locating the URBEMIS file with the same title, which are in the same order (front to back) in Appendix E as the titles of the runs in the table’s first column (top to bottom). Leaving out the 25 URBEMIS runs would have made it harder for the reader to locate a desired output file in the appendix, and easier for the consultants to make a mistake in totaling the emissions for a given activity period.

**Response to Comment 7-2**

For the most part, the methodology used for estimating project construction phase emissions is identical to that recommended by the SMAQMD, specifically the emission model (URBEMIS) and the included construction equipment emission rates are the same. The differences in the Draft EIR analysis result from using project-specific construction equipment lists, construction phase designations and construction timelines. Using available project-specific data would provide more accurate estimates than using the generic assumptions about equipment use and schedule that the SMAQMD recommend when no project-specific data is available. Using available project-specific data is a method allowed by the SMAQMD.

**Response to Comment 7-3**

The SMAQMD quotes their Guide to Air Quality Assessment that states: “in the initial planning phase of a project, the exact type and number of equipment may be unknown or unavailable for the construction activity.” The SMAQMD also recommends that in cases where the actual equipment and schedule are unknown that CEQA analysis use SMAQMD-default equipment and URBEMIS default construction schedule. In this project’s case, much information about the specific equipment use and construction schedule is known and it was used for the analysis. The statement made in the Draft EIR, as pointed out by the SMAQMD, that “construction equipment was estimated using standard SMAQMD methodology” remains from a previous draft of the document produced at an earlier stage of project planning before any detailed information about equipment and schedule were known. Therefore, the partial paragraph at the top of page 6.2-13 is revised to read as follows:

The SMAQMD has published air quality thresholds of significance for use by lead agencies when making a determination of significance for a project. The SMAQMD thresholds establish standards for three types of impacts – short-term impacts from construction, long-term impacts from project operation, and cumulative impacts. The net increase in emissions generated by these activities and other secondary sources have been estimated and compared to thresholds of significance recommended by the SMAQMD. The methodology for estimating emissions, as described in the SMAQMD Guide and other guidance documents, was used in this analysis. Construction emissions were estimated using accepted SMAQMD models initialized with project-specific information on equipment use and schedules.

See also Response to Comment 7-2.

#### **Response to Comment 7-4**

The comment is noted that SMAQMD cautions that construction emission estimates are very sensitive to the choice of equipment and schedule and that its recommended default equipment list would most likely result in higher emissions and a higher fee.

#### **Response to Comment 7-5**

The SMAQMD acknowledges that the project construction emission and fee calculations scrupulously reflect what was presented about the project phasing and schedule, but they have some additional concerns about the modeling results that were expressed in further comments in the letter. See Responses to Comments 7-2, 7-6 through 7-16. The Air District's concerns have since been addressed. Following submission of the SMAQMD's comment letter, the project applicant worked with the Air District to create additional mitigation measures that would address the District's concerns. For additional discussion of this new mitigation, see Responses to Comments 7-7 and 7-8.

#### **Response to Comment 7-6**

The SMAQMD notes that the modeling assumed in many cases particular pieces of construction equipment would not be operating for an entire work day. This is true. The project modeling followed the data received from the project applicant. It is acknowledged that this is contrary to SMAQMD-default recommendations; however, because project specific information was available, SMAQMD default calculations were not used. Use of project-specific data, when available, is allowed by the SMAQMD. See also Response to Comment 7-2.

#### **Response to Comment 7-7**

The SMAQMD expresses concern that the project's common practice of assigning fractional workday use to many pieces of construction equipment will not produce a worst-case analysis demanded by CEQA and that adherence to fractional use will not be subject to easy verification considering the long construction schedule. The SMAQMD recommends that all equipment be modeled for a full 8 hours and that additional equipment be added to some of the later construction phases to account for the likely undercounting of the true equipment use. Following submission of the comment letter, the applicant worked with the Air District to revise the language in Mitigation Measure 6.2-1 beginning on page 6.2-16 of the Draft EIR is revised to read as follows:

## 6.2-1 (A &amp; B)

- a) *The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NO<sub>x</sub> reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available;*
- b) *The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.*
- c) *The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.*
- d) *Limit vehicle idling time to five minutes or less.*
- e) *The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO<sub>x</sub> that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce*

construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of \$14,300/ton of NO<sub>x</sub> emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NO<sub>x</sub> emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B. Fees may be paid on a per/acre basis, in which case the average fee would be approximately \$2,548/acre for both Scenarios A and B. If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. In order to monitor potential changes in projected construction equipment and/or construction phasing, the applicant shall fund a monitor who shall review a list of construction equipment and construction phasing information provided by the contractor. The review shall occur on a monthly basis over the total construction period and a report of the findings shall be submitted monthly to the City and SMAQMD. If the construction and equipment varies from what is projected, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. The applicant shall be responsible for recalculating the fee and paying any revised fee determined appropriate in coordination with the SMAQMD.

#### **Response to Comment 7-8**

The comment expressed concern that if the project's schedule were shortened or if phases overlapped differently, then project emissions could be underestimated or even overestimated. The comment also expresses concern that Mitigation Measure 6.2-1, as currently written, may not be realistic as it puts the burden on the project proponent or individual developers to contact the District even though the project could take nine or more years to be built and could be built by many different developers. The SMAQMD recommends two mechanisms for assuring effective mitigation of construction emissions: imposition of a building cap on each year's construction and the funding of a project-specific monitoring system to assure accurate emissions estimates and fee payment. As presented and discussed in Response to Comment 7-7, Mitigation Measure 6.2-1 has been revised to include monthly monitoring and reporting to the SMAQMD and the City of project construction equipment and/or phasing over the total construction period. If the construction and equipment varies from what is projected, then the applicant will coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.

#### **Response to Comment 7-9**

As discussed in Response to Comment 7-2, using available project-specific data would provide more accurate estimates than using the generic assumptions about equipment use and schedule that the SMAQMD recommend when no project-specific data is available. Using available project-specific data is a method allowed by the SMAQMD.

As presented and discussed in Response to Comment 7-7, Mitigation Measure 6.2-1 has been revised to include monthly monitoring and reporting to the SMAQMD and the City of project construction equipment and/or phasing over the total construction period. If the construction and equipment varies from what is projected, then the applicant will coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.

#### **Response to Comment 7-10**

As discussed in Response to Comment 7-2, using available project-specific data would provide more accurate estimates than using the generic assumptions about equipment use and schedule that the SMAQMD recommend when no project-specific data is available. Using available project-specific data is a method allowed by the SMAQMD.

As presented and discussed in Response to Comment 7-7, Mitigation Measure 6.2-1 has been revised to include monthly monitoring and reporting to the SMAQMD and the City of project construction equipment and/or phasing over the total construction period. If the construction and equipment varies from what is projected, then the applicant will coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.

With respect to the request that a 5% administrative surcharge be included for project's that involve an off-site construction mitigation fee, the project applicant will pay all officially adopted SMAQMD approved fees that are applicable to the proposed project.

#### **Response to Comment 7-11**

The SMAQMD is requesting that the language that the Draft EIR uses in Mitigation Measure 6.2-6 be revised to state that the SMAQMD will use the mitigation fee money as directed by its Carl Moyer and SECAT programs. The text following Mitigation Measure 6.2-6, beginning on page 6.2-26 of the Draft EIR, is revised to read as follows:

6.2-6 Implement Mitigation Measures 6.2-1(a) through (e).

Implementation of Mitigation Measures 6.2-1(a) through (d) (which are the SMAQMD standard mitigation measures for projects with significant construction-phase NO<sub>x</sub> emissions) would result in a minimum 20% reduction of project NO<sub>x</sub> construction emissions. The implementation of the mitigation fee collected under Mitigation Measure 6.2-1(e) would enable the SMAQMD to ~~buy credits~~ use the mitigation fee money in its Carl Myer and CECAT programs to reduce emissions from other NO<sub>x</sub> sources off-site to offset the project construction NO<sub>x</sub> emissions that exceed the SMAQMD's threshold; this would substantially reduce project emissions. Further, implementation of the SMAQMD standard mitigation measures would be required for all other projects in the Sacramento area with significant construction-phase NO<sub>x</sub> emissions. Therefore, compliance with these measures would reduce the project's contribution to cumulative construction-phase NO<sub>x</sub> emissions to a less than considerable level.

#### **Response to Comment 7-12**

Dispersion modeling is not required by the SMAQMD and would not be required to support the less than significant finding for Impact 6.2-2. Mitigation Measure 6.2-2 requires the applicant to implement emissions controls to reduce particulate matter emissions during construction. With

the imposition of these mitigation measures fugitive dust emissions would be reduced to a less-than-significant level. As further described under Mitigation Measure 6.2-2 on page 6.2-21 of the Draft EIR, the SMAQMD, in the *Guide to Air Quality Assessment in the Sacramento County*, estimates that with implementation of the mitigation measures that particulate emissions would be reduced by up to 75%. Furthermore, the accuracy of dispersion modeling at this relatively early stage of project planning would be limited by the uncertainty about equipment use and phasing.

### Response to Comment 7-13

The final AQMP is included as Appendix C in this Final EIR. The endorsement letter is attached to Comment Letter 7 and is therefore also included in the Final EIR.

### Response to Comment 7-14

The commenter correctly identifies the typographical error. The text on page 3-2 of the Draft EIR and on page 6.2-3 of the DEIR is revised to read as follows:

**6.2-3     ~~Activities associated with the o~~Operation of the proposed project would contribute to generate emissions of particulate matter ozone precursors.**

### Response to Comment 7-15

The SMAQMD asks that statements in the Draft EIR that declare their significance threshold for ozone precursors from operations sources to be 85 lbs/day should be corrected to report the 65 lbs/day true value. The text changes below reflect the 65 lbs/day true value and provide corrections to calculation errors in the Draft EIR for emissions reductions.

The first full paragraph on page 6.2-23 of the Draft EIR is revised to read as follows:

The implementation of the above emission reduction measures would exceed the 15% emission reduction/migration guideline established by the SMAQMD for both Scenario A (18.84%) and Scenario B (21.44% 20.24%). Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design. None of the selected measures listed above would require monitoring beyond completion of proposed project construction. By meeting the 15% guideline the project is considered to have met the “all feasible measures” required under CEQA for significant impact of regional ozone precursor emissions.<sup>4</sup> Even with the inclusion of the above-mentioned design features, NO<sub>x</sub> and ROG emissions associated with either of the two the project scenarios would still exceed the SMAQMD threshold of ~~85~~ 65 lbs/day. Since emissions exceed the threshold, the impact of operational emissions of ozone precursors would be considered *significant*.

The first full paragraph on page 6.2-24 is revised to read as follows:

Implementation of the emission reduction strategies contained in the endorsed AQMP would exceed the 15% emission reduction/mitigation guideline established by the SMAQMD. Ozone precursor emissions for Scenario A would be reduced by 18.84% to

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4     *Township 9 Project, Draft Air Quality Management Plan SMAQMD #SAC200600961D, October 2006, p. 11.*

309.44 306.05 lbs/day of ROG and ~~346.54~~ 275.06 lbs/day of NO<sub>x</sub>. Under Scenario B ozone precursor emissions would be reduced by 21.44% 20.24% to ~~299.49~~ 304.06 lbs/day of ROG and ~~306.40~~ 311.08 lbs/day of NO<sub>x</sub>. Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design; however, the reduction in emissions would not be reduced to below the SMAQMD threshold of ~~85~~ 65 lbs/day. None of the AQMP emission reduction strategies would require monitoring beyond completion of the proposed project.

This revision does not change the conclusions in the Draft EIR because the project operational emissions were far higher than either of the thresholds mentioned above.

#### **Response to Comment 7-16**

PM<sub>10</sub> emissions from electricity generation, fuel combustion, on-road motor vehicles and dust from paved roads account for 22.3 tons/day of Sacramento County's 43.5 tons/day of the PM<sub>10</sub> that influences the County's ambient PM<sub>10</sub> levels. PM<sub>10</sub> from project natural gas combustion and mobile source related sources, as reported above, would amount to a small fraction of Sacramento County's emissions and would have a comparably small impact on County ambient PM<sub>10</sub> levels. Most of the project operational emissions would come from on-road motor vehicles, which would be dispersed over a wide area and would be unlikely to cause or significantly contribute to localized PM<sub>10</sub> standard violations. Further, implementation of the project's AQMP as proposed in Mitigation Measure 6.2-3 would also reduce the project operation emissions of PM<sub>10</sub>. Provision for alternate transit modes would serve to decrease the proposed project's impact to potential receptors and reduce its contribution to ambient air concentrations. According to the SMAQMD, "at least one study indicated that vehicle trips decrease by 15% with a 50% transit subsidy when the destination is within 660 feet of a transit station; by 25% under the same conditions with a 100% transit subsidy." A light rail station would be located right in front of the proposed project, making the project a prime candidate for transit subsidies. Finally, the project design (high density, mixed use) would serve to reduce emissions of all air pollutants, including PM<sub>10</sub>. Consequently, project operational emissions of PM<sub>10</sub> described in Impact 6.2-4 would be considered less than significant.

#### **Response to Comment 7-17**

Comment noted. There is evidence that the Earth's climate has been warming over the past century as a result of the buildup in the atmosphere of greenhouse gases (GHGs) emitted from human activity. The burning of fossil fuels is the largest source of GHGs, particularly carbon dioxide. Greenhouse gases act much like a blanket, trapping the Earth's heat in the atmosphere and resulting in an increase in the global mean temperature. A warmer global climate could have significant effects on local and regional weather patterns, agricultural production, flooding and water resources, and the distribution of plant and animal species among other impacts.

In 2006, California enacted the California Global Warming Solutions Act (Assembly Bill 32). The Act requires California to reduce its emission of GHGs to the statewide level emitted in 1990 by 2020. The Act charges the California Air Resources Board (CARB) with the task of developing, with public input, a plan for reducing GHG emissions and implementing that plan by January 2012.

The City is aware of several recent letters from the California Attorney General's Office stating the need to address the issues of global warming in CEQA documents. The City acknowledges the importance of this issue and believes that any potential impacts related to global warming would be considered cumulative in nature. A cumulative impact consists of an impact, which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The City believes that it is not appropriate to address the issue within the confines of the typical CEQA analysis of cumulative impacts for the following reasons:

- 1) CEQA Guidelines Section 15130(a) states: *"An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a) (3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable."* CEQA Section 15065(a)(3) states: *"Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."*

The very nature of global warming makes it impossible to, pursuant to the CEQA process, to identify either the incremental effect or the effects of other current and foreseeable projects. Therefore, there is no basis for determining what is "cumulatively considerable" which would lead typically lead to a CEQA threshold of significance.

- 2) CEQA Guidelines Section 15130(a) (2) states: *"When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant."*

While advances have been made in the past few years in scientific activity to assess the potential impact of future climate change due to global warming and related potential impacts to issues such as flood risk and water supply, projections of future changes are still highly speculative and dependent on assumptions and generalizations.

- 3) CEQA Guidelines Section 15130(b) (3) states: *"Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used."*

Once again, the fact that the area affected is worldwide makes this requirement irrelevant.

- 4) CEQA Guidelines Section 15130(b) (5) states: *"An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects."*

Lacking the necessary facts and analysis to support a conclusion as to the “significance of global warming, the City is unable to determine the effectiveness of potential mitigation measures.

In addition to the difficulty in following the CEQA requirements described above, to accurately account for carbon dioxide emissions attributable to the project, it would be necessary to differentiate between new sources that otherwise would not exist but for the project, and existing sources that have simply relocated to the project area (presumably from anyplace in the world). The City believes that the appropriate approach to addressing the issue of global warming is through the adoption of policies, ordinances and regulations rather than the imposition of conditions on a project-by-project basis as discussed below.

In part to address deteriorating air quality issues, the City Council adopted Smart Growth Principles into the General Plan in 2001. Smart Growth changes development patterns by supporting projects that incorporate land uses, transportation management, and infrastructure that discourage urban sprawl and promote infill development, reduce vehicle emissions, and improve air quality.

The City’s Infill Program adopts numerical and qualitative infill development goals, targets specific types of infill development, and offers focused procedural and financial incentives to help achieve infill development goals.

As part of the Sustainability Master Plan, currently being prepared, the City will integrate environmentally sustainable practices into City policies, procedures, and operations that will provide tools for measuring the City’s progress towards sustainability. The foundation for the Plan is the United Nations Environmental Accords, a set of 21 actions that the United Nations asked city governments to adopt and implement over a seven-year period. The City’s plan will be adopted by 2008. The pertinent goals and targets identified in the Plan will be incorporated into the City’s General Plan. The goals and targets will serve as a policy framework for the City to ensure that sustainability concerns are incorporated into the City’s decision-making processes.

The City’s Building Department is currently working on an ordinance to adopt the Leadership in Energy and Environmental Design (LEED) Green Building Rating System at the Silver certification standards for new buildings in the City. LEED is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings and promotes a whole-building approach to sustainability by recognizing performance in five key areas: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. To earn certification, a building project must meet certain prerequisites and performance credits within each category. Projects are awarded Certified, Silver, Gold, or Platinum certification depending on the number of credits they achieve. LEED Silver is awarded to projects that achieve at least 50% of the core credits available. Points are earned for certain efficiencies in categories such as Indoor Environmental Quality, Building Materials and Resources, and Energy and Atmosphere.

In addition to City policies and ordinances, existing federal and State programs are credited with reducing green house gases in California. The City requires compliance with the California Energy Commission’s Title 24 energy efficiency standards for buildings, appliance energy efficiency standards, diesel-engine idling restrictions, the required use of E6 fuel (6% ethanol,

94% gasoline), and vehicle emission standards help to reduce the production of greenhouse gases throughout the City

The City is a member of the Sacramento Area Council of Governments (SACOG), which covers a six-county area. SACOG adopted a Metropolitan Transportation Plan (MTP) to provide a regional vision for all modes of surface transportation and a guide for regional transportation investments. The MTP uses State and federal funds that come to the region for programs designed to meet goals that include: clean air; design of communities to encourage local walk, bicycle, and transit travel; and for improvements to main routes that serve longer distance travel around the region - specifically freeways, rail lines, and major roadways and streets that serve regional traffic.

As described in the Draft EIR, the Township 9 project site would be developed either with a mix of residential and retail uses under Scenario A or residential, retail and office uses under Scenario B. The project does not propose any significant stationary sources of greenhouse gas emissions. The most significant potential source of greenhouse gas emissions from the development of the site likely would be CO<sub>2</sub> from mobile sources (i.e., vehicle trips). The project incorporates a number of mitigation measures to control and minimize traffic and air quality impacts. Specifically, under Mitigation Measure 6.2-3, the project applicant would be required to implement emission reduction strategies contained in the project's endorsed Air Quality management Plan (AQMP). The endorsed AQMP includes a number of emission reduction strategies that would be incorporated into the project including, but not limited to bicycle and pedestrian facilities, proximity to existing transit facilities, and buildings that combine residential, office and or retail uses all in one. To the extent that these mitigation measures lead to a decrease in vehicle miles traveled, they have the added benefit of reducing CO<sub>2</sub> emissions from mobile sources. Similarly, traffic and circulation mitigation measures, such as coordinating with the RT to modify bus routes and/or frequency to better serve project residents and including on-site bikeway facilities could also serve to reduce vehicle miles traveled and, therefore, contribute to reducing CO<sub>2</sub> emissions. Design Guidelines would be adopted as part of the project that incorporate some of the LEED measures for reducing the amount of energy needed for operation.



March 21, 2007

10545 Armstrong Avenue  
Mather, CA 95655  
Tele: [916] 876-6000  
Fax: [916] 876-6160  
Website: www.srcsd.com

Jennifer Hageman, Senior Planner  
City of Sacramento, Development Services Department  
2101 Arena Blvd., Suite 200  
Sacramento, CA 95834

Dear Ms. Hageman:

**Subject: SRCSD Comments on Township 9 Draft Environmental Impact Report**

**Board of Directors**  
Representing:

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

- Mary K. Snyder  
District Engineer
- Stan R. Dean  
Plant Manager
- Wendell H. Kido  
District Manager
- Marcia Maurer  
Chief Financial Officer

The Sacramento Regional County Sanitation District (SRCSD) has reviewed the Township 9 Draft Environmental Report.

The Lower Northwest Interceptor (LNWI) and the Upper Northwest Interceptor (UNWI) are separate facilities designed to handle the flows in the SRCSD service area generally in the northeast part of the SRCSD service area and the City of West Sacramento. It does not have any direct bearing on the flows originating in the City of Sacramento combined system.

The City of Sacramento and SRCSD have an operating agreement which addresses the peak flows the City can discharge into the City Interceptor. The City can discharge up to 60 MGD from Sump 2A; up to 38 MGD combined from Sumps 21, 55, and 119; and up to 10.8 MGD from gravity connections further downstream (North Meadowview, South Pocket, South Meadowview, and Delta Shores)...a total of 108.5 MGD to the City Interceptor. The City is responsible for determining if this additional flow will result in a discharge to the City Interceptor that exceeds these permitted (and design) rates.

County Sanitation District 1 (CSD-1), the City of Sacramento and the City of Folsom provide local trunk and wastewater collection, which is then routed to the Sacramento Regional Wastewater Treatment Plant (SRWTP) by interceptors owned by SRCSD, not CSD-1.

If you have any questions regarding these comments please contact me at (916) 876-9994.

Sincerely,

Sarena Deeble  
Associate Civil Engineer  
CSD-1/SRCSD  
Policy and Planning

cc: Michael Meyer, Ruben Robles, SRCSD Development Services, CSD-1 Development Services

Technology in balance with nature

8-1

8-2

8-3



**LETTER 8: SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT****Response to Comment 8-1**

To address the comment, the first full paragraph on page 6.10-11 of the Draft EIR is revised to read as follows:

Currently, improvements are being made to the system in anticipation of future growth and to help relieve the existing interceptor system. The Lower Northwest Interceptor (LNWI) and Upper Northwest Interceptor (UNWI) are separate facilities designed to handle flows in the SRCSD service area that includes the northeast portion of the SRCSD service area (which includes flows from the Northeast, Gibson Ranch, Rio Linda, McClellan, and Natomas areas) and the City of West Sacramento. will convey flows from the Northeast, Gibson Ranch, Rio Linda, McClellan, Natomas, and a portion of the North Highlands drainage basins. These projects will provide relief for the existing interceptor system as well as provide capacity for future growth. However, these facilities would not have any direct bearing on the flows originating in the City's combined system.

**Response to Comment 8-2**

To address the comment, the following information is added under the first complete paragraph on page 6.10-12 of the Draft EIR:

The City of Sacramento and the SRCSD have an operating agreement which addresses the peak flows the City can discharge into the City Interceptor. Under the agreement, the City can discharge up to 60 mgd from Sump 2A; up to 38 mgd combined from Sumps 21, 55 and 119; and up to 10.8 mgd from gravity connections further downstream (i.e., North Meadowview, South Pocket, South Meadowview, and the Delta Shores area) for a total of 108.5 mgd.

**Response to Comment 8-3**

To address the comment, the third paragraph on page 6.10-10 of the Draft EIR is revised to read as follows:

Wastewater treatment within the City of Sacramento is provided by the Sacramento Regional County Sanitation District (SRCSD). SRCSD operates all regional interceptors and wastewater treatment plants serving the City except for the combined sewer and storm drain treatment facilities which are operated by the City of Sacramento. Local ~~and~~ and wastewater collection in the City is provided by County Sanitation District 1 (CSD-1), ~~and the City of Sacramento, and the City of Folsom.~~ Within this area, the CSD-1 serves the community plan areas of South Natomas, North Natomas, and portions of Arcade-Arden, East Broadway, East Sacramento, Airport Meadowview and South Sacramento. The City provides wastewater collection to about two-thirds of the area within the City Limits, which is comprised of two distinct areas; the area served by the combined sewer system (CSS) and the areas served by a separated sewer system. The community plan areas served by the City include the Central City, Land Park, Pocket, North Sacramento, and portions of Arden-Arcade, South Sacramento, East Sacramento, East Broadway and Airport Meadowview.

The fifth paragraph on page 6.10-10 of the Draft EIR is revised to read as follows:

The SRWTP, which is located just south of the City Limits, is owned and operated by SRCSD and provides sewage treatment for the entire City. Sewage is routed to the wastewater treatment plant SRWTP by collections systems interceptors owned by the SRCSD ~~CSD-1 and the cities of Sacramento and Folsom~~. SRWTP is a secondary treatment facility that includes raw influent and effluent pumping, primary clarification, secondary treatment with the high-purity oxygen activated sludge process, disinfection, solids thickening, and anaerobic solids digestion. The SRWTP is permitted to treat an average dry weather flow (ADWF) of 181 million gallons per day (mgd) and a daily peak wet weather flow of 392 mgd. Currently, the facility's ADWF is approximately 150 mgd. The SRWTP also receives an average of 220 mgd during wet weather conditions. The SRWTP 2020 Master Plan projects a population-based flow of 218 mgd ADWF. After secondary treatment and disinfection, a portion of the effluent from the plant is further treated in SRCSD's Water Reclamation Facility and then used for landscape irrigation within the City of Elk Grove. The majority of the treated wastewater is dechlorinated and discharged into the Sacramento River. The SRCSD maintains the regional interceptors that convey sewage to the treatment plant.

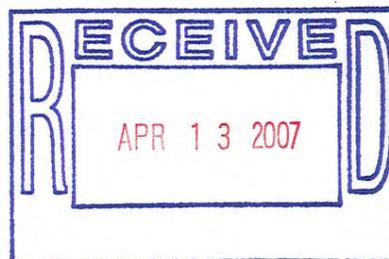


**SAVE THE AMERICAN RIVER ASSOCIATION, INC.**

P.O. BOX 277638 - SACRAMENTO, CA 95827-7638 - (916) 387-1763

April 10, 2007

Ms. Jennifer Hageman, Senior Planner  
City of Sacramento  
Environmental Planning Services  
Development Services Department  
2101 Arena Blvd. Suite 200  
Sacramento, California 95834



Subject: Draft Environmental Impact Report  
Control Number: 03-SAC-05 (P06-047)  
SCH Number: 2006072077  
**Capitol Station 65 Project, also known as Township 9 Project**

Dear Ms. Hageman:

The Save the American River Association, having read the contents of the subject Draft Environmental Impact Report, hereby provides the following review and comments.

According to the Draft Report, the proposed Township 9 Project.....

**"would include approximately 2,982 dwelling units (single-family, apartments, and condominium units) and approximately 145,524 gross square feet of neighborhood-serving retail. The retail uses would be located in the ground floor of residential buildings and would include restaurants and services such as hair salons, dry cleaning, small grocery stores, flower shops, and office-type services. Small professional offices may also be included. Buildings on-site would range from 15 story high-rise mixed-use (maximum of 150 foot high), mid-rise mixed-use (up to five stories), mixed use four-story lofts and home-office use, and three-story town homes. The proposed project also includes an option to develop approximately 809,200 gross square feet of office use (instead of residential) on the proposed lots fronting Richards Boulevard. The two development options are referred to as the Residential/Retail Development Option and the Residential/Retail/Office Development Option.**

**The project would include space for a transit station and tracks for future construction by Sacramento Regional Transit (Light Rail). In addition, the proposed project would include cleanup of the existing trail along the American River, as well as construction of a new overlook that would be located over both the street side and the river side of the levee."**

Also, according to the Draft Report, the subject proposal would require the following entitlements:



**Tentative Map**

**- Rezone.** City approval is required to change the zoning designations (as identified in the Title 17 of Sacramento Municipal Code) on the proposed project site. Existing zoning on the project site consists of American River Parkway - Flood Zone - Special Planning District (ARF-F-SPD); Heavy Industrial Zone -

American River Parkway Corridor - Special Planning District - North Richards Boulevard (M-2-PC-SPD (N)); and Heavy Industrial Zone - Special Planning District - Central Richards Boulevard (M-2-SPD (C). The proposed zoning designations for the project site are Residential Mixed Use - Planning District (RMX-PD) and Open Space - Planning District. No zoning changes are proposed for the ARP-F-SPD parcels.

**- Lot Line Adjustment**

**- Changes to the Richards Boulevard Area Plan (RBAP).** Proposed changes to the RBAP include changing the location and amount of various designations including residential, office, and open space. In addition, the project proposes changes to development standards, including parking requirements, height restrictions, and street standards. The PUD would include detailed PUD Guidelines.

**COMMENTS:**

To the best of our knowledge and based on the information contained in the Notice of Preparation nothing was revealed that the proposed project would involve the sitting of high rise buildings (15 stories) as close as 35 feet from the inland toe of the levee. Nor did the Notice of Preparation mention the construction of a 150 foot tall tower which would be highly visible from the inside of the Parkway.

There are significant discrepancies between the project described in the Notice of Preparation (NOP) and the project described in the Draft EIR.

In the NOP, it is said that buildings on site would range from 15 stories to four stories, with the tall buildings being of no more than 150 high. This figure is contradicted in the Draft EIR's Project Description (see page 2-6) where it is stated that the 15 stories buildings will have a maximum of 180 feet. And, under Scenario B, the tallest structure would be 15 stories, 235 feet tall.

But there are other very significant omissions in the project description contained in the NOP. Nothing is said about the Riverfront Pavilion which includes an informal outdoor performance area with a seating capacity for 2,500 to 3,000 people.

The proposed "overlook" appears to be a physical extension of the outdoor performance area.

We view these discrepancies and omissions as being very serious and possibly in violation of CEQA.

Which project description is correct, that which is described in the NOP or the one described in the Draft EIR?

9-1

**Environmental Impacts of Concern**

SARA is deeply concerned over the lack of adequacy of the environmental assessment of two fundamental issues;

- 1) The partial construction of the proposed overlook in the Parkway, and
- 2) Visual / Aesthetic impacts upon the American River Parkway.

9-2  
(con't.)

The overlook is described in the Draft EIR as follows;

**"... it would be an up to 230-foot-wide cast-in-place concrete construction that could extend up to 60 feet from the centerline of the levee toward the American River. The overlook would not exceed the waterside toe of the levee. The overlook may be in the form of a cantilever that would be supported at the top of the levee, or the overlook could be supported by a retaining wall at its northern edge. If the overlook is a cantilever, all of the construction would be done at the top of the levee. If the overlook is supported by a retaining wall, construction activity would take place no further than 10 feet from the wall location toward the American River. The retaining wall included within the overlook would be designed with neutral colors to blend into the American River Parkway. In addition, native plants and shrubs would be planted along the base of the wall."\_into the natural features of the American River Parkway."**

**COMMENT**

The Draft EIR, on page 4-9 acknowledges that ... "The proposed overlook would be within the Parkway." However, the EIR fails to acknowledge that the proposed overlook facility is not consistent with the Parkway Plan. In fact, on page C-1, where consistency with applicable plans is made, the EIR states... **"The only structures that would be constructed within the Parkway would be support structures for the river overlook. The proposed project would not construct any of the prohibited facilities."**

9-3

That is not correct. The proposed overlook is inconsistent with the Parkway Plan. It is located in an area of the Parkway designated as **Protected Area**. The following policies of the Parkway Plan that are important and applicable to the overlook proposal, are being ignored or misinterpreted.

6.0 Land Use

6.1 Facilities and improvements **shall not** be installed within the Parkway unless consistent with an adopted area plan.

6.6 Brush clearing, mowing of natural vegetation, fire breaks, or similar activities shall be prohibited in the Open Space Preserve Areas, Nature Study Areas, **Protected Areas** and Recreation Reserve Areas, unless a demonstrated need exists to protect the public health, safety, or welfare, as determined by the appropriate fire agency.

9.0 Area Plans

9.1 Area plans shall be reviewed by the County Recreation and Parks Commission when a physical change is proposed in the Parkway, to determine the appropriateness of the change.

9.2 Facilities or improvements shall not be constructed or installed unless specifically designated on the Area Plan Map.

There is nothing ambiguous or difficult to understand about the above policies. Facts;

- The proposed overlook is within the Parkway.
- The area where the overlook is proposed to be constructed is designated in the Parkway Plan as Protected Area.
- The Area Plan for Discovery Park does not show any facility or improvement at the site.
- The Parkway policy 9.2 prohibits any facilities or improvements not designated on the Area Plan Map.

9-3  
(con't.)

Please explain how the EIR can conclude or find that the overlook is consistent with the American River Parkway Plan in light of the facts outlined above. Isn't the Parkway boundary the inland toe of the levee?

Also, the Project Description does not indicate that the project is seeking a new entitlement use from the City of Sacramento under the provisions of the City's Zoning Ordinance applicable to the American River Parkway which, according to the Draft EIR, might allow the construction of the overlook notwithstanding the outlined policies, above. Please explain.

9-4

**Visual / Aesthetics Impacts of the Proposed Project.**

The environmental impact assessment of the potential visual / aesthetic adverse impacts attributed to the proposed project is, in our opinion, completely inadequate and incomplete.

In its summary of impacts, the Draft EIR asks the question - Could the proposed project have a demonstrable negative aesthetic effect?

The stated answer is that the impact is Less Than Significant.

Supporting this conclusion, the EIR offers the discussion contained in the chapter dealing with Aesthetics, Light, and Glare. On page 6.1-12, the following is said;

9-5

**"The site plan and visual simulations for the proposed project were used to evaluate the potential effects of project development on the visual character of the project site and the nearby area."**

**"The positive or negative value attached to changes in visual character is largely subjective".**

**"The perception of a visual impact is personal and subjective; what one person may perceive as a negative impact another may find visually pleasing. Even those experienced in urban design principles and architecture can have differing opinions on the visual "quality" of a particular project.**

**Therefore, because of the subjective nature of interpreting visual impacts, this analysis does not rely on opinion to make a determination as to the significance of impacts. Rather, the analysis relies upon the judgment of the reviewing bodies of the City of Sacramento to apply the City's adopted design goals and policies. It is assumed that compliance with these adopted plans, as deemed appropriate by the reviewing bodies, would ensure that a project would be substantially consistent with existing development and the direction of future development within the City, and, as a result, would not result in significant negative aesthetic effects."**

9-5  
(con't.)

**COMMENT**

It is hard to believe how the EIR concludes that the impact on visual intrusion and aesthetics of the Parkway is Less Than Significant using the analysis contained in the report. The EIR states that..."the perception of a visual impact is personal and subjective." Is that the reason why there is the conclusion that the impact is Less Than Significant?

It is said that the analysis does not rely on opinion to make a determination as to the significance of impacts. Please explain, then, what exactly did the EIR rely upon to conclude that the impacts were Less Than Significant?

Had the preparers of the EIR taken the time to make an adequate investigation, properly reviewed applicable City of Sacramento's planning documents, and exercise an unbiased assessment of the issue, it would be easy to find how the City of Sacramento has characterized the aesthetic values of the Parkway and the steps the City has taken to ensure that development adjacent to the Parkway would not intrude visually into the Parkway and degrade its aesthetic values. These are the applicable documents;

- The American River Parkway Plan has been adopted by the City of Sacramento. The Plan contains policies that guide how the space within the Parkway is used, preserved, and protected.

The Parkway is a unique natural regional park extending some 29 miles, and managed to balance the goals of preserving naturalistic open space in the urban environment, while contributing to the provision of recreational opportunities in Sacramento area. Because of its beauty, serenity, and ambiance, the American River Parkway has been referred to as the "jewel" of Sacramento, and as Sacramento's most precious natural resource.

9-6

- The City of Sacramento adopted a zoning ordinance, Chapter 17.160 Parkway Corridor (PC) Overlay Zone, designed to regulate development adjacent to the Parkway. The Ordinance's Purpose reads as follows;

"Since the American River and its adjacent flood plain are situated within an intensively developed urban area, it is necessary to mitigate the potential adverse environmental impacts associated with contiguous urban development. The special development regulations adopted herein shall serve to reduce those impacts which are incompatible with the maintenance of the American River as a natural resource. In addition, the provisions of this chapter are intended to implement the general plan and the American River parkway plan."

- Richards Boulevard Area Plan, adopted by the Sacramento City Council on December 13, 1994. This planning document recognizes the importance of protecting the American River Parkway from visual encroachment of adjacent development projects by stipulating specific setbacks requirements from the Parkway. The setbacks vary according to the height of the proposed structures.

9-6  
(con't.)

What else do the EIR preparers need to know to learn that the City of Sacramento considers the American River Parkway a very important natural resource needing specific measures to protect it from development projects' visual encroachment impacts?

The precedent setting involving the sitting of multi story buildings close to the levee, overlooking the Parkway, has many potential negative consequences. It is reasonable to assume that if the subject project is approved as proposed, there will be similar projects, in the future, on adjacent properties along the south levee of the American River. The "wall" effect of tall buildings adjacent to the Parkway, no doubt would diminish, in a significant way, the aesthetic values of the Parkway at Discovery Park. Large buildings, in close proximity and encroaching into the Parkway constitute a significant visual impact detrimental to the beauty, serenity, and ambience of the Parkway.

9-7

We strongly recommend that the precedent described above be properly and adequately assessed for its potential environmental impacts.

9-8

We request that the EIR define and evaluate an Alternative to the proposed project which complies with the development requirements set forth in the City's Zoning Ordinance - Parkway Corridor (PC) Overlay Zone, and the Richards Boulevard Area Plan. Land uses on the site may change, but the need to mitigate for visual / aesthetic impacts upon the Parkway remain.

9-9

Please include an Appendix in the Final EIR, the list of individuals, organizations, etc. that were the recipients of your Notice of Preparation.

9-10

Thank you for the opportunity to comment.

Sincerely yours,

Warren Truitt, President, SARA  
Save the American River Association, Inc.

cc:



**LETTER 9: SAVE THE AMERICAN RIVER ASSOCIATION, INC.****Response to Comment 9-1**

The project description contained in Chapter 2 of the Draft EIR is an update to the project description contained in the Notice of Preparation (NOP). As is often the case, project elements are refined as the EIR preparation process progresses, and Draft EIRs analyze the most current, up-to-date version of the project, as was the case with the Township 9 EIR. The project described in Chapter 2 is the project used in the Draft EIR analysis of potential impacts. It should be noted that subsequent to the release of the Draft EIR, the project has been revised. The project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR).

Nothing in CEQA requires the project description contained in the NOP to remain static throughout the course of EIR preparation. In fact, CEQA contemplates such revision. The NOP is the procedural device used to initiate interagency dialogue and, upon receipt of the NOP each responsible or trustee agency has 30 days to respond (Public Resources Code, §210804, subd. (a); CEQA Guidelines, § 15082, subd (b)). No Draft EIR may be circulated prior to the end of the 30 day period while the lead agency waits for comments. While the lead agency may begin work on the Draft EIR prior to the end of the 30 day period, the Draft EIR-in-progress may need revision or expansion after responses arrive and therefore may not be circulated (CEQA Guidelines, §§ 15082, subd. (a)(2), 15103).

With respect to the assertion that the NOP did not indicate proposed building heights and the relationship of buildings to the river or an indication that the project would include a pavilion performance area or overlook, the NOP stated as follows:

Buildings on-site would range from 15 story high-rise mixed-use (maximum of 150 foot height), mid-rise mixed-use (up to five stories), mixed-use four-story lofts and home-office use, and three-story town homes. The proposed project also includes an option to develop approximately 809,200 gross sf of office use (instead of residential) on the proposed lots fronting Richards Boulevard. The two development options are referred to as the Residential/Retail Development Option and the Residential/Retail/Office Development Option.

The project would include space for a transit station and tracks for future construction by Sacramento Regional Transit (Light Rail). In addition, the proposed project would include cleanup of the existing trail along the American River, as well as construction of a new overlook that would be located over both the street side and the river side of the levee.

The NOP also included a site plan as Figure 2. It shows the location of buildings in relation to the River, as well as the proposed pavilion with observation tower and overlook.

The description contained in the NOP was revised as part of the scoping process. The project description in the EIR reflects the proposed project with essentially the same project elements; however there are some revisions to building heights. The Draft EIR describes on pages 2-6

through 2-16 the proposed project elements. Tables 2-1 and 2-2 and Figures 2-4 and 2-5 present the land use plan (including building locations) and include proposed building heights. As described in the Draft EIR, proposed residential building heights would range from 2 to 15 stories with a maximum height of 180. Under Scenario B the tallest structure is a proposed 15-story, 235-foot office building. The Riverfront Pavilion including the outdoor performance venue, tower and overlook are described on pages 2-11 and 2-13 and are shown on Figure 2-6 of the Draft EIR.

As stated in Responses to Comments 5-15 and 5-16 and noted above, in response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the overlook and outdoor performance venue and relocated the proposed tower. As a result, impacts attributed to these features identified in the Draft EIR are not longer applicable.

As stated above, nothing in CEQA requires the project description to remain completely static. In fact, the CEQA process, if working properly, will often result in project changes reducing the severity of environmental effects, as is the case here. “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal. App. 4th 154, 168, fn. 11.)

#### **Response to Comment 9-2**

As stated in Responses to Comments 5-15 the overlook feature is no longer part of the project under consideration. Therefore, impacts attributed to this feature identified in the Draft EIR are no longer applicable.

For a discussion of the adequacy of assessment of aesthetic impacts on the American River Parkway, see Response to Comment 5-8.

#### **Response to Comment 9-3**

As stated in Responses to Comments 5-15 the overlook feature is no longer part of the project under consideration. Therefore, impacts attributed to this feature identified in the Draft EIR are no longer applicable.

See also Response to Comment 5-3 and Appendix B of this Final EIR for a specific discussion of the project’s consistency with the Parkway Plan Update policies for adjacent land uses. And Response to Comment 5-2 regarding the Parkway boundary and County jurisdiction.

#### **Response to Comment 9-4**

As stated in Responses to Comments 5-15 the overlook feature is no longer part of the project under consideration. Therefore, impacts attributed to this feature identified in the Draft EIR are no longer applicable. See also Response to Comment 5-3 and Appendix B of this Final EIR for a specific discussion of the project’s consistency with the Parkway Plan Update policies for adjacent land uses and zoning.

### Response to Comment 9-5

With respect to the discussion of the subjective nature of aesthetic impacts, the Draft EIR merely recognizes that the perception of visual “quality” tends to be personal and subjective; what one person may perceive as a negative visual impact another may find visually pleasing. Although implementation of the proposed project would result in some alteration of the visual character of the proposed project site, many people may consider the proposed project a positive addition to the City riverfront that assists in the creation of a high-quality urban character and complements existing development in Sacramento. However, in the matter of visual resources, people may differ, and some number of individuals viewing the proposed project may consider redevelopment of the proposed project site with larger scale buildings and higher densities a substantial degradation of the visual character of the proposed project site, regardless of the appearance of the buildings. Because people may differ as to the aesthetic value of the proposed project site and whether development of additional urban uses in the area would constitute a substantial degradation of the existing visual character or quality of the site and its surroundings, the Draft EIR used a more objective means of assessing visual impacts.

CEQA case law recognizes the highly subjective nature of an assessment of aesthetic values. According to *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572 (*Bowman II*), the aesthetic merits of a building’s appearance, and its compatibility with neighboring structures, are not the sort of issues that lend themselves to detailed environmental analysis—at least in a highly urbanized setting. Thus, the court reasoned that CEQA does not mandate an EIR to study what are essentially issues of individual and potentially diverse tastes. The court reasoned that these aesthetic impacts are highly subjective and, instead, such issues should be resolved through design review. Because “[v]irtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment’ and architectural or design review ordinances, adopted ‘solely to protect aesthetics,’ are increasingly common,” aesthetic issues regarding the visual quality of a proposed project “are ordinarily the province of local design review, not CEQA” (*Id.* at page 593).

The Draft EIR’s analysis of aesthetic impacts included visual simulations prepared to demonstrate the potential visual change of the site with implementation of the proposed project. Two viewpoint locations were chosen along the north side of the American River to show the change in views from these publicly accessible areas. The site plan and visual simulations for the proposed project were used to evaluate the potential effects of project development on the visual character of the project site and the nearby area. The analysis focused on the manner in which development could change the visual elements or features that exist on the proposed project site. The impacts of the proposed project are analyzed in relation to existing conditions, which are light industrial, office, and municipal uses. The impact was determined to be less than significant.

Subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the American River onto the proposed project (see Figure 4-4 of this Final EIR). Specifically, the exhibit demonstrates that cars on the proposed Riverfront Drive would not be visible from the River.

As is reflected in the proposed Design Guidelines, the project was designed not to exceed the height of the tree canopy in order to further shield the project from the Parkway. The proposed Design Guidelines would define the character of the proposed project, and would be subject to

review by the City, including review by the Design Commission, Planning Commission, and City Council. These reviewing bodies would use the criteria listed in the City's adopted planning documents, including the American River Parkway Plan, the City Zoning Code and the Richards Boulevard Area Plan, in analyzing the proposed project design. The Draft EIR assumes that substantial compliance with these adopted plan policies, as deemed appropriate by the reviewing bodies, would ensure that the proposed project will be substantially consistent with existing development and the direction of future development within the City.

One of the City's goals is to develop the downtown area, including the Project area, as the urban core of the City. Therefore, the aesthetic impacts of urban development in the downtown area are typically considered by the City to be less than significant, as development in the downtown urban area is consistent with the existing or planned uses. This is evidenced by the aesthetic impact analysis of several other projects in the downtown area that have been recently approved by the City. These include The Metropolitan, a 420-foot-tall, 39-story mixed use residential tower located on 10<sup>th</sup> and J Streets; the EPIC Tower, 50-story tower, 638 feet at its tallest point, located on 12<sup>th</sup> and I Streets; The Towers at Capitol Mall, two 600-foot, 53-story towers located at Capitol Mall and 4<sup>th</sup> Street; 500 Capitol Mall, a 25-story, 396-foot tall high rise building. The EIRs for each of these projects is incorporated by reference and are available for review during normal business hours at the City of Sacramento, Development Services Department, 2101 Arena Boulevard, Suite 200, Sacramento, California 95834.

As discussed in Response to Comment 5-3 and in Appendix B of this Final EIR, the proposed project under both Scenarios A and B would be generally consistent with applicable General Plan and American River Parkway Plan policies. The proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance is ensured through the context-sensitive placement of Riverfront Drive (meandering) and the adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. The Draft EIR therefore concluded that the proposed project would not have a demonstrable negative aesthetic effect on adjacent existing uses or views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. Aesthetic impacts would therefore be less than significant. See also Response to Comment 5-8.

#### **Response to Comment 9-6**

See Response to Comment 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the Parkway Plan Update policies for adjacent land uses and zoning. The proposed project is substantially consistent with the American River Parkway Plan and Plan Update policies as they apply to adjacent land uses, the City of Sacramento Overlay Zone and the RBAP. As discussed in Response to Comment 5-2, Section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone (Section 17.136.010). Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code (Section 17.180.050, subdivision (A)(2)). The Schematic Plan and Development

Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan.

Further, as stated in Response to Comment 9-5, the Draft EIR contemplates that City decision-makers will use all of the cited documents to assess aesthetic impacts of the proposed project. Specifically, the Draft EIR's analysis of aesthetic impacts states that the project will be reviewed by the Design Commission, Planning Commission, and City Council and that these reviewing bodies will use the criteria listed in the City's adopted planning documents, including the American River Parkway Plan, the City Zoning Code and the Richards Boulevard Area Plan, in analyzing the proposed project design. The Draft EIR assumes that compliance with these adopted plans and polices, as deemed appropriate by the reviewing bodies, would ensure that the proposed project would be substantially consistent with existing development and the direction of future development within the City.

For a discussion of the adequacy of assessment of aesthetic impacts on the American River Parkway, see Response to Comment 5-8.

#### **Response to Comment 9-7**

For a discussion of the adequacy of assessment of aesthetic impacts on the American River Parkway, see Response to Comment 5-8.

Aesthetic Impact attributed to cumulative development were evaluated in Impact 6.1-3 on pages 6.1-18 and 6.1-19 of the Draft EIR. It is acknowledged that future development would occur in the project area which is currently an urban environment. It is anticipated that any future projects would be generally consistent with the community design pattern established in the City of Sacramento General Plan, Central City Community Plan and Richards Boulevard Area Plan, all of which establish a pattern of increased density that would be larger in scale and height when compared to existing structures. The Zoning Code would ensure that development would be consistent with applicable plan documents in terms of design, massing and building heights. As with the proposed project, all future development would be subject to environmental review. Future development would also be subject to design review which would consider the types and placement of planned development.

See Response to Comment 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the Parkway Plan Update policies for adjacent land uses and zoning.

#### **Response to Comment 9-8**

Comment noted. Environmental impacts of the proposed project were fully evaluated and disclosed in the Draft EIR. For a discussion of the adequacy of assessment of aesthetic impacts on the American River Parkway, see Response to Comment 5-8. Please see also Response to Comment 9-5. Subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the American River onto the proposed project (see Figure 4-4 of this Final EIR). Specifically, the exhibit demonstrates that cars on the

proposed Riverfront Drive would not be visible from the River. The impact is less than significant.

The Draft EIR and responses to comments included in this Final EIR will be provided to the decision-makers for their consideration of project approval.

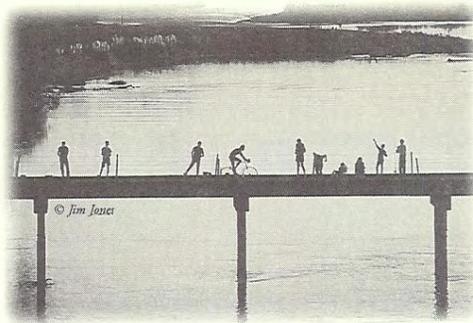
**Response to Comment 9-9**

The comment requests the City to evaluate a project alternative that complies with the City's zoning ordinance and Richards Boulevard Area Plan. See Response to Comment 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the Parkway Plan Update policies for adjacent land uses and zoning.

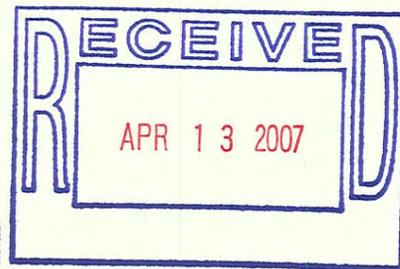
See also Response to Comment 5-17.

**Response to Comment 9-10**

The distribution list for the Township 9 NOP is included as Appendix D of this Final EIR.



"Jim's Bridge"



11 April 2007

Ms. Jennifer Hageman, Senior Planner  
City of Sacramento  
Environmental Planning Services  
Development Services Department  
2101 Arena Blvd. Suite 200  
Sacramento, California 95834

Subject: Draft Environmental Impact Report  
Control Number: 03-SAC-05 (P06-047)  
SCH Number: 2006072077  
Capitol Station 65 Project, also known as Township 9 Project

Dear Ms. Hageman,

The purpose of this letter is to respond to the Draft Environmental Impact Report for the subject project. I have lived in the Sacramento area for over 40 years, and have spent much of my free time on the American River and along it, including the area adjacent to the proposed Township 9 Project. I also have spent a great deal of time during that period trying to protect this most amazing, and priceless resource and am a past president of Save the American River Assoc. as well as sit on its board of directors.

While the project exploits its proximity to the Parkway, and its developers will benefit handsomely from that proximity, it does a poor job of mitigating its impact on the Parkway and parkway users. The impacts have been inadequately considered in the draft EIR and no alternatives have been presented that would minimize these impacts. As such, in this writer's opinion, the EIR is inadequate and does not meet the requirements of CEQA.

As currently proposed, Township 9, with its visual and physical intrusion into the American River Parkway, will be a poor neighbor.

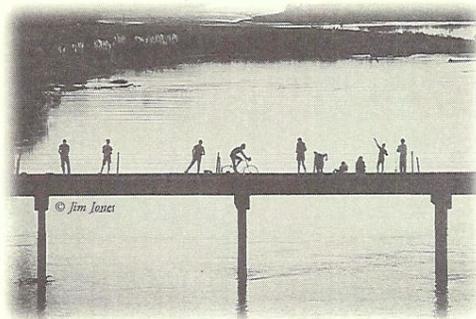
10-1

10-2

JAMES C. JONES

4052 Buchanan Drive • Fair Oaks, California 95628 • 916 967-8111





*"Jim's Bridge"*  
-4-

Thank you for your consideration.

Sincerely,

James C. Jones

↑ 10-2  
(cont.)

JAMES C. JONES

4052 Buchanan Drive • Fair Oaks, California 95628 • 916 967-8111



**LETTER 10: JAMES C. JONES**

**Response to Comment 10-1**

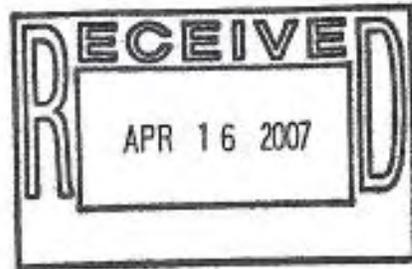
The comment did not provide specific examples of how the impacts were inadequately considered so the City is unable to provide a specific response. Environmental impacts of the proposed project were fully evaluated and disclosed in the Draft EIR (see Chapter 6). Alternatives were evaluated which minimized identified project impacts (see Chapter 7 of the Draft EIR). The Draft EIR and responses to comments included in this Final EIR will be provided to the decision-makers for their consideration of certification of the EIR and of project approval.

Please see also Response to Comment 5-17.

**Response to Comment 10-2**

This comment is noted and it will be provided to the decision-makers for their consideration.





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Kristin Rauh

April 12, 2007

Jennifer Hageman, Senior Planner  
City of Sacramento  
Development Services Department  
2101 Arena Blvd., Suite 200  
Sacramento, CA 95834

Re: Draft Environmental Impact Report  
Township 9 SCH No. 2006072077

Dear Ms. Hageman:

I represent Rudolph L. Bargas, Howard R. Sutton and Heerey C. Gaston, all residents of the City of Sacramento. These are their comments on the Township 9 Project Draft Environmental Impact Report ("DEIR"). We incorporate the comments of all other individuals and entities on the DEIR into these comments. My clients oppose the Project. In addition to the comments included in this letter, we incorporate the traffic comments prepared by Daniel Smith, the historical and cultural resources comments prepared by Barry Price, and the air pollution comments prepared by Greg Gilbert. These consultants' comments are attached. Our additional comments are as follows:

11-1

1. Failure to Consult With Sister Agencies.

Guidelines,<sup>1</sup> Section 15086(a) provides:

"The lead agency shall consult with and request comments on the Draft EIR from: 4) any city or county which borders on a city or county within which the Project is located and 5) for a Project of statewide, regional, or area-wide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the Project. "Transportation facilities" includes: major local arterials and public transit within five miles of the Project site, and freeways, highways and rail transit service within ten miles of the Project site."

11-2

<sup>1</sup> "Guidelines" refers to the CEQA Guidelines Title 14, California Code of Regulations § 15000-15387.

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It appears from the comments on the Notice of Preparation that the City consulted with CALTRANS and perhaps provided the Notice of Preparation to CALTRANS. We assume that the City provided notice to the City of Sacramento and the City of West Sacramento and perhaps also the County of Sacramento. However, it has been the practice of the City of Sacramento not to provide notice to Yolo County. Yolo County is an agency which has a local arterial within five miles of the Project site and freeways and highways within ten miles of the Project site. CEQA requires the City of Sacramento to provide notice to Yolo County.

11-2  
 (cont.)

2. The Project EIR fails to comply with the requirements of law.

The text of a draft EIR should normally be less than 150 pages, or, for projects of unusual scope or complexity, less than 300 pages. (Guidelines, § 15141). EIRs are to follow a "clear format" and be written in "plain language." (Guidelines, §§ 15006(q), (r), 15120, 15140.) EIRs are to be "analytic rather than encyclopedic." (Guidelines, §§ 15006(o), 15142.)

In light of these clear mandates that an EIR be of reasonable length, and understandable, the authors of the EIR for the Township 9 have produced a tome of 564 pages. The EIR appears to include extra pages to discourage the public from reviewing and understanding the Project. Guidelines, § 15123, which describes the summary of the EIR, states as follows:

"The language of the summary should be as clear and simple as reasonably practical." Further, the summary shall identify: "each significant affect the proposed mitigation measures and alternatives that would reduce or avoid that affect." (Guidelines, §§ 15123(a) and (b)."

11-3

Guidelines § 15123(c) states: "The summary shall normally not exceed fifteen pages." In the case of the Township 9 EIR, the summary section is 105 pages. Beginning on page 3-77, the summary table appears to repeat pages 3-55 through 3-76. There does not appear to be any difference between Impact 6.11-1 and Impact 6.11-12. Again, beginning on page 3-90, the Project's summary sheet repeats Impacts 6.11-1 through 6.11-11. The summary table is constructed in such a manner as to be intentionally confusing and repetitive and to discourage public participation in the EIR review process. The summary table needs to be revised to comply with the CEQA Guidelines and the EIR needs to be recirculated so that the Project EIR is sufficiently brief and understandable so that the public may comment on the EIR.

3. The Township 9 Project description is not adequate and complete.

The Project description in an EIR must be accurate and consistent throughout an EIR. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. As the *County of Inyo* court stated:

11-4

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“A curtailed or distorted project description may stultify the objectives of the recording process. Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance.”  
*Id.*, at pps. 192-193.”

The problems with the Project description are numerous. The failure of the EIR to provide an adequate project description is intertwined with the lack of correct analysis in the DEIR’s section on the Land Use Consistency and Compatibility. In the Project Description section of the EIR, the EIR takes the position that the only City approval for the Project to proceed is the issuance of planned unit development zoning. The City’s zoning ordinance defines “Planned Unit Development” to mean “a resident and/or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.” The authors of the EIR have relied on the concept of Planned Unit Development” to alter general plan requirements and other zoning requirements that may not be varied by a planned unit development. A planned unit development does not allow a variance in height regulations. The zoning code specifically states “The zoning administrator shall have the authority to vary setback, lot size, lot coverage or height regulations up to 50% of the original requirement as otherwise provided for in this Title.” (Zoning Code Section 17.216.040.) Therefore, zoning codes specifically requires that an applicant obtain a variance for a height variation

11-4  
 (con’t.)

The Richards Blvd. Area Plan (RBAP) was adopted by the City of Sacramento on December 13, 1994. The Project area is included within the Richards Blvd. Area Plan. An Area Plan is a part of the City’s General Plan, where more specific information and guidelines are provided for a specific area. The Richards Blvd. Area Plan limits residential density from 15 dwelling units per acre to a maximum of 65 dwelling units per acre, and also limits the height of buildings to 75 ft. As stated in the EIR on page 4-16, “As currently proposed the Project’s building heights, densities, and setbacks would not be consistent with the Richards Blvd. Area Plan. However, the creation of a Planned Unit Development (“PUD”) zoning overlay would be required to provide flexibility in project design and would establish guidelines for allowable building heights, densities, and setbacks.” Since the Richards Blvd. Area Plan is part of the City General Plan, the City General Plan must be amended to allow the Project as designed. A general plan cannot be amended by the use of a Planned Unit Development designation. The Richards Blvd. Area Plan standards were implemented through the Richards Blvd. Special Regulations included in Zoning Code Section 17.120.020. The EIR cannot rely on the City zoning ordinance, PUD designation to amend the City’s General Plan.

11-5

The EIR does not find the inconsistency between the Richards Blvd. Area Plan and the Project a significant environmental impact. Nevertheless, the EIR acknowledges one significant inconsistency between the Richards Blvd. Area Plan and the Project. The EIR states:

11-6

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“Demolition of [the cannery] would be in conflict with RBAP Objective 8 which seeks to preserve historic architectural resources.” This conflict between the City’s General Plan and the Project would appear to be a significant environmental impact. Moreover, the goals of the Richards Blvd. Area Plan include: “to allow for the retention and continued operation of industrial and service oriented uses.” The EIR does not explain how the Project is consistent with the goal of the “continued operation of industrial and service oriented uses.”

11-6  
 (cont.)

In the Land Use Consistency and Compatibility section of the EIR, the EIR states that “because the Sacramento Riverfront Master Plan is a study plan and has not been adopted by the City of Sacramento, its blueprint for development along the riverfront is only a vision and its goals and policies are not binding on the proposed project.” However, the City adopted a Master Plan for the riverfront in 1994. The Project EIR completely ignores the existing Master Plan for the riverfront and does not explain how the Project is inconsistent or consistent with the 1994 Master Plan for the riverfront. The Project EIR needs to address the existing Master Plan for the riverfront and the City should recirculate the EIR to address the 1994 Master Plan for the riverfront.

11-7

The EIR’s Project description is inadequate because it fails to provide information as to when the Light Rail station will be constructed, when the Light Rail line will be extended to the Project site, and when the Light Rail line will be connected through North Natomas to the Sacramento Airport. This information is extremely important because many of the Project mitigation measures rely on the construction of the Light Rail line, including mitigation for loss of historical resources and mitigation for lack of adequate traffic circulation and parking facilities. The EIR needs to be revised to include this information.

11-8

4. The EIR’s analysis of low income housing requirements for the Project is inadequate. Application of the City’s zoning code must be consistent with the City’s General Plan and specific plans. The zoning code section 17.190 does not appear to exclude the requirement of low income and very low income housing at the Project site. Zoning Code Section 17.190.020 defines “development project” to mean “any real estate development project in a new growth area that includes market rate residential units.” The Zoning Code further defines “new growth areas” to mean “(1) the newly developed communities identified in the map and attachment A to this Chapter, (2) major redevelopment opportunity areas, including the railyards, planning district and the Curtis Park West railyard site as identified on Attachment A; and (3) any future annexation areas of the City.” In this case, the Richards Blvd. area is not excluded from the low-cost housing area. The Richards Blvd. area is a “major redevelopment opportunity area.” Further, the City’s General Plan requires inclusion of low cost housing in this Project.

11-9

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The City has fallen far short of meeting the City's share of regional housing needs for very low and low income units. On page 3.4-9 of the General Plan, the General Plan reports that by 2007, 772 very low income units are needed, while the City only produced 194 such units between 2000 and 2001. Further, the General Plan reports that in 2007, 2,791 low income units are needed while the City produced only 55 low income units between 2000 and 2001.

The Housing Element Implementation Program of the General Plan includes the following mandate:

Support mixed income development to revitalize lower income neighborhoods. In new growth areas, this goal seeks to create housing affordable to low income people to increase economic diversity and to expand housing near job centers. In downtown Sacramento, this goal has major importance in sustaining the retail, commercial civic life of the central city. Mixed income housing as an element of downtown Sacramento revitalization serves primarily moderate income households (80% to 120% of area median income).

The Project EIR provides no discussion as to how the Project is consistent with the requirement of the General Plan that housing projects in the downtown area are to be mixed income developments that are affordable to low income people. The EIR needs to address its inconsistencies with the Housing Element of the City's General Plan.

Additionally, the EIR is silent on how it is consistent with objective 2. of the housing element of the Richards Blvd. area plan (a section of the City's General Plan), which states, "provide housing affordable to a range of income groups." The EIR includes no discussion of consistency with the Richards Blvd. Area Plan requirement for housing for a range of income groups. Further, objective 3. requires the provision of a diversity of housing types and tenure. Policy 3.7 states: "Integrate low and moderate income housing with market rate units throughout the redevelopment area." There is no discussion of this requirement of the Richards Blvd. Area Plan.

Likewise, Central City Community Plan requires provision in the Central City for housing for low and moderate income people. The City needs to explain how all of the policies of the City's General Plan, the Richards Blvd. Area Plan and the Central City Community Plans that require low and moderate income housing may be ignored in a project that proposes almost 3,000 units. It is evident that the City will never meet its goals for very low income, low income and moderate housing if every major development is excused from this requirement. The EIR needs to explain the consistency or inconsistency between the Project and the Plans that control the Project.

11-9  
(con't.)

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5. The Air Quality Analysis in the EIR does not comply with CEQA.

Guidelines, Section 15125(a) requires an EIR to include a description of the physical environmental conditions in the vicinity of the project at the time the notice of preparation is published from both a local and regional perspective. (See, *Save Our Peninsula Committee v. Monterey Board of Supervisors* (2001) 87 Cal.App.4<sup>th</sup> 99, 125.) An EIR must consider the impact of a proposed project on a site where there are already adverse conditions. (*Los Angeles Valley Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019, 1026.)

The EIR in this case considers the toxic air contaminants (TACs) generated by the Project construction and the operation of the project. The EIR also considers the TACs to be generated from the stationary sources related to the Project once it is operating and also the mobile sources generated by the Project. However, the EIR does not include any analysis of the existing toxic air contaminants that may affect the Project. Richards Blvd. is a trucking corridor and many diesel trucks access warehouses and industrial facilities along Richards Blvd. The amount of use of Richards Blvd. as a diesel trucking corridor, may have a significant impact on the health of the people who live along Richards Blvd. Under the requirements of CEQA, the existing TACs related to truck traffic along Richards Blvd. was not addressed in the EIR and must be addressed in the EIR. The EIR needs to include an analysis of existing TACs to determine if the Project site is an appropriate place for housing.

On page 6.2-15 of the EIR, the EIR states that the City of Sacramento has adopted a standard as follows: "If a project is below the ROG and NO<sub>x</sub> thresholds, it is assumed that the project is below the PM<sub>10</sub> threshold as well." The California Environmental Quality Act does not provide support for such an assumption. If the EIR or the City of Sacramento is relying on a scientific study which supports such an assumption, the scientific study needs to be cited.

With respect to the mitigation measure for construction equipment, the EIR should include a discussion as to how the City will enforce those requirements. It has been the author's experience that frequently the project construction and mitigation measures are not enforced.

The EIR reports that the Project will have a significant impact on the generation of ozone precursors. The EIR should consider additional feasible mitigation measures that may reduce the number of ozone precursors. These may include the requirement of solar collectors on the top of shade structures and building roofs to help generate pollution free electrical energy.

The EIR is vague because it does not discuss whether the emission of 205.54 pounds per day of PM<sub>10</sub> is a significant impact. The standard of significance as set forth in the EIR is "a project would emit 50 micrograms per cubic meter for 24 hours." The EIR includes no information about how many cubic meters of pollution are emitted by the Project and whether or not the 50 micrograms per cubic meter is exceeded. Clearly, the ROG levels and NO<sub>x</sub> levels of significance are vastly exceeded by the Project. The level of significance for ROG and NO<sub>x</sub> is 65 lbs. per day and the Project emits 381 lbs. per day of ROG and 390 lbs. per day of NO<sub>x</sub>. The

11-10

11-11

11-12

11-13

11-14

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EIR reports that the standard of significance is 85 lbs. per day (p. 6.2-24), but the correct threshold should be 65 lbs. per day for operational emissions. The same error is included on page 6.2-23.

11-14  
 (con't.)

With respect to particulates, the EIR states that the 205.5 lbs. per day would be reduced by the transit subsidy and transit station. However, it may be many years before the transit station is built or that the transit subsidy will be effective (due to the absence of a transit station or transit line.) The EIR fails to address whether in the period of time before the transit station is built, the impacts of the Project with respect to PM10s will be significant. The EIR does not state whether the generation of 205.54 lbs. of PM10s (unmitigated) is a significant environmental impact. The EIR needs to set forth a standard of significance with respect to PM10's. It is the City's obligation under CEQA to formulate standards of significance for potential significant environmental impacts. Clearly, the assumption that PM10s are not significant because ROG and NOx are below thresholds does not apply to the Project. Please calculate the standard of significance based upon 50 micrograms per cubic meters for 24 hours so that we can determine whether the Project exceeds or does not exceed that level.

11-15

6. The EIR fails to address mitigation of the Project's generation of greenhouse gases (primarily carbon dioxide).

The effect of global warming is not speculative and scientific studies show that it is a measurable impact. On September 27, 2006, Governor Schwarzenegger signed Assembly Bill 32, the "California Global Warming Solutions Act of 2006." It is now a matter of law in the State of California that "global warming poses a serious threat to the economic well-being, public health, natural resources and the environment of California." (Health and Safety Code §38501(a)). Further, it is a matter of law that "the potential adverse impacts of global warming include the exacerbation of air quality problems [and] a reduction in the quality and supply of water to the State from the Sierra snow pack."

In the recent case of *Massachusetts v. EPA* (2007) \_\_\_ U.S. \_\_\_, the United States Supreme Court stated as follows:

11-16

"The harms associated with climate change are serious and well-recognized. The government's own objective assessment of the relevant science and a strong consensus among qualified experts indicate that global warming threatens, *inter alia*, a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snow pack with direct and important economic consequences, and increases in the spread of disease and the ferocity of weather events."

The court stated that greenhouse gases fit within the Clean Air Act's definition of "air pollutant" and that greenhouse gases are to be regulated as an air pollutant.

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The Project EIR is completely silent on addressing carbon dioxide as an air pollutant that is to be controlled and regulated as part of the project review process. The California Environmental Quality Act requires that all air pollutants, including greenhouse gases, be addressed as part of the Environmental Impact Report. The Environmental Impact Report needs to include a provision concerning the project's generation of greenhouse gases, and it needs to include mitigation measures for greenhouse gases. The mitigation measures may include among the following: 1) banning gas fireplaces in any of the residential units; 2) requiring the use of electric lawn maintenance equipment; 3) requiring that the project generate electricity with solar collectors; 4) requiring the project to meet energy efficiency standards that exceed title 24 by 25%.

11-16  
 (cont.)

The above recommended mitigation measures are only a few of the mitigation measures that may be included as part of the project to reduce its impact on the generation of greenhouse gases.

7. Hazardous contamination.

On page 6.6-10 of the EIR, the EIR states:

“Although the Phase 2 ESA found evidence of [toxic] contamination, the levels of constituents observed were not considered to be a major concern.”

11-17

The EIR should state the toxic contaminants that were identified, the level of the toxic contaminants, and the reasons for the conclusion that such contamination was not considered to be a major concern. An EIR is to analyze and describe environmental impacts that may be significant.

7. The EIR fails to explain how the Project will provide parks in compliance with City of Sacramento standards.

The Richards Blvd. Area Plan requires that projects now be designed and configured with new neighborhood parks to meet the following criteria:

“1. All parks must be a minimum of 4 acres in area, parks should be centrally located within residential areas, and parks should be configured in a matter which reinforces the pedestrian network.”

11-18

The EIR authors explain the inconsistencies between the project design and the requirements of the Richards Blvd. Area Plan by citing accommodation through the PUD zoning. PUD zoning cannot change or amend the requirements of the City's General Plan. The RBAP is a part of the City's General Plan. The EIR does not describe parks that are in compliance with the RBAP. As stated in the EIR, the proposed Project would require a minimum of 19.15 acres of neighborhood serving parks with buildout. Neighborhood parks are generally 5 to 10 acres in size and are intended to be used primarily by residents within a

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half mile radius. The City intends to rely on the development agreement to provide flexibility in the type of dedication required by the Quimby Act. (See p. 6.9-39.) For this reason, the City was required to make the development agreement available for public review at the time it circulated the draft Environmental Impact Report. If the City intends to rely on the development agreement to change the parkland requirements under City Code 16.64 and the Quimby Act, the City was required to make the Development Agreement available as part of the Project description. The City should provide the Development Agreement to the Public and re-circulate the EIR.

The EIR concludes that: "Compliance with the City's Park Development Impact Fund would require that the applicant or developer pay adequate fees to enable the City to finance future neighborhood park construction." On this basis, the EIR concludes that the impact on park facilities is not significant.

The analysis included in the EIR is simply not sufficient. Although the EIR concludes that scenario A would require 19.15 acres of neighborhood serving parks, which would all have to be within the proposed Project, the EIR does not include any discussion as to how many acres of parks would actually be provided. The EIR states there would be 27 acres of public open space, but admits that most would not qualify as parkland under City Code Section 16.64. As an essential element of the description of the Project, the EIR needs to state how many acres of parkland will be provided within the Project.

11-18  
 (cont.)

Payment of mitigation fees (such as contributing to the City's park development impact fund) is only mitigation if the fees actually produce the mitigation, in this case the development of parkland. It is not mitigation to develop parkland outside of the neighborhood. The City's standards and the Richards Blvd. area plan require the parkland within the neighborhood. If the housing within the Project is for a mixture of residents, including families, it would appear that park land is an essential element of the Project. To build the Project without parkland is a significant environmental impact and is also an inconsistency with the Richards Blvd. area plan. The EIR needs to address the issue of neighborhood serving parks in greater detail.

8. Transportation. This Project continues the City's policy of cramming additional housing and projects into the City's central city area without correspondingly approving new traffic mitigation measures. As stated in the attached Report of Mr. Dan Smith, many of the mitigation measures that are deemed infeasible are not infeasible. The developer is free from widening streets on the basis that the Richards Blvd. area is part of the downtown. Yet the Richards Blvd. area is not part of the downtown area, and is more than a mile away. The City zoning ordinance defines the central business district-central planning district as follows:

11-19

"The central business district (CBD or C-3 zone) applies to an approximately 70-block portion of the central city. The CBD or C-3 zone is that area so designated on the map in Chapter 17.96. The area is sometimes referred to in this section as a C-3 or CBD zone. The CBD or C-3 zone is intended for the most intense retail, commercial and office development

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in the city.” The Richard Blvd. area is not in the central city or downtown area. Therefore, the City should require the widening of streets where necessary in order to facilitate traffic flow. In addition, the City should require a contribution from the Project to mitigate the Project’s impacts on the freeway mainlines and freeway ramps. The EIR does not consider the Project’s failure to complete traffic mitigation measures on the generation of greenhouse gases. Additional greenhouse gases are generated by vehicles idling in stop-and-go traffic. As stated in the attached comments of Mr. Dan Smith, the EIR needs to include additional traffic mitigation measures in order to reduce this environmental impact.

11-19  
 (cont.)

9. The EIR fails to include feasible mitigation measures for historical resources.

In the case of *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4<sup>th</sup> 136, the city of San Jose was reversed for approving an environmental impact report that demolished an historical structure similar to the historical resources considered in the Township 9 Project. Respondent Preservation Group claimed the city violated CEQA by failing to analyze a reasonable range of alternatives. The court held that the city’s analysis of a reduced-size alternative was inadequate and that its rejection of the alternative was unjustified and unsupported. The EIR also lacked sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the reduced size alternative that preserved the historical structure.

Just as in *Preservation Action Council*, it appears in this case that the destruction of all of the buildings in the Cannery will have a significant environmental impact. One of the alternatives involves preservation of building 3, which is one of the historic buildings. The EIR states that the “All of the significant and unavoidable project-specific and cumulative impacts identified under the proposed Project would occur under the historical Resources Alternative at approximately the same order of magnitude.” This statement is without explanation. It would appear logical that if one or more of the historical buildings could be preserved intact, then more of the historical significant resources could be preserved.

11-20

CEQA requires as follows:

“A potential alternative should not be excluded from consideration merely because it ‘would impede to some degree’ the attainment of the project objectives, or would be more costly. (Guidelines, Section 15126.6(b).)”

The range of potential alternatives to the proposed Project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed.

If, in fact, preserving one of the buildings was not sufficient to reduce the Project’s impact on historical resources, perhaps the EIR should have selected an alternative that preserved more than one building or a larger piece of the Cannery.

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It would appear that an alternative preserving a substantial amount of the Cannery should have been considered as a historical resources alternative. Further, the EIR found that the reduced density/reduced building height alternative would be superior. While there is an allegation that this environmentally superior alternative might impede the development of the Light Rail station, there is no data to support this assumption. The EIR includes no specific findings that the reduced density/reduced height alternative is infeasible. In light of the fact that it is many years away before the Light Rail line will be constructed, it would appear that the reduced height/reduced density alternative would have many advantages with respect to traffic and air pollution.

11-20  
 (con't.)

As stated in *Preservation Action Council*, the City must have sufficient data to make an infeasibility finding to reject an environmentally superior alternative. The EIR as it is currently written includes no such data to support an infeasibility finding for either the reduced density/reduced height alternative or for the historical resources alternative.

8. The Project EIR fails to consider the potentially significant energy implications of the Project.

An EIR should consider potentially significant energy implications of a project. (Guidelines, Appendix F; Public Resources Code §21100(b)(3).) Guidelines, Appendix F, requires an Environmental Impact Report to evaluate energy impacts including:

1. The Project's energy requirements and its energy use efficiency;
2. The Project's affects on local and regional energy supplies and other requirements for additional capacity;
3. The Project's affects on peak and base period energy demands;
4. The degree to which the Project complies with existing energy standards;
5. The Project's affects on energy resources;
6. The Project's projected transportation energy use and its overall use of efficient transportation alternatives.

11-21

Furthermore, CEQA requires an EIR to discuss energy conservation mitigation measures. Mitigation measures should include measures to reduce wasteful, inefficient, and unnecessary consumption of energy. (Public Resources Code §21100(b)(3).) CEQA Guidelines, Appendix F contains general examples of mitigation measures for a project's potentially significant energy impacts. An EIR's analysis of potential mitigation measures include:

1. Potential measures to reduce wasteful, inefficient, and unnecessary energy consumption during construction, operation, maintenance or removal of the Project.
2. Citing, orientation, and design to minimize energy consumption.
3. Potential of reducing peak energy demand.

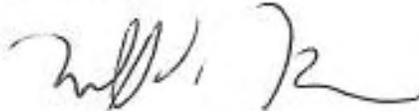
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- 4. Alternative fuels or energy system.
- 5. Energy conservation that could result from recycling efforts.

Failure to include a detailed statement setting forth mitigation measures proposed to reduce wasteful energy consumption as required by Public Resources Code §21100(b)(3) may render an EIR legally inadequate. (See *People v. County of Kern* (1976) 62 Cal.App. 3d 761.)

It is not sufficient to comply with CEQA for the authors of the EIR to simply state that the project will comply with Title 24. Title 24 is the minimum requirement which all buildings must meet.

Sincerely,



WILLIAM D. KOPPER

WDK/lv

11-21  
(cont.)



April 13, 2007

Mr. William D. Kopper  
Attorney at Law  
417 E Street  
Davis, CA 95616

**Subject: Township 9 DEIR Review**

P07006

Dear Mr. Kopper:

Per your request, I have reviewed the draft environmental impact report (hereinafter "the DEIR") for the Township 9 project ("the project") in the City of Sacramento (hereinafter "the City") with particular reference to the transportation and circulation component and other transportation and circulation-related matters. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and thirty-nine years experience as a traffic and transportation engineering consultant in the State. I have both prepared and reviewed the transportation and circulation components of numerous environmental documents and am familiar with the downtown Sacramento area. My resume is attached herewith. My current comments follow.

### **Project Has Massive Significant Deleterious and Unmitigated Impacts on Traffic**

The DEIR reveals that the project, in both its residential and office emphasis versions, would have extensive significant traffic impacts over a broad area and that the impacts would be unmitigated. The project would cause significant traffic congestion on freeway segments, freeway interchanges, freeway ramps, major street intersections and street segments.

Extensive significant and unmitigated traffic impacts are manifest in all of the analysis years: immediate baseline, near term (2013) and long term (2030). In the baseline analysis the project Scenario A (residential) would cause significant and unmitigated traffic impacts at a total of 18 location/analysis periods combinations while Scenario B (office) would cause significant and unmitigated traffic impacts at a total of 24 location/analysis period combinations. In the near term (2013) analysis, the DEIR discloses that project Scenario A would cause significant and unmitigated traffic impacts at a total of 29 location/analysis period combinations and that Scenario B would cause significant and unmitigated traffic impacts at a total of 37 location/analysis period combinations. In the long term analysis the DEIR discloses

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that the project Scenario A would cause significant and unmitigated traffic impacts at a total of 36 location/analysis period combinations and Scenario B would cause significant and unmitigated traffic impacts at 38 location/analysis period combinations.

11-22  
 (cont.)

**The Project's Significant Unmitigated Traffic Impacts Have Severe Consequences**

The importance of the project's traffic impacts goes beyond the unusual number of locations and analysis periods impacted. What is extraordinary is the severity of impacts at many locations affected that the DEIR concludes are not able to be mitigated. For example, consider the levels of delay reported in the DEIR for some key intersections.

At the intersection of 12<sup>th</sup>, 16<sup>th</sup> and Richards – the gateway to the entire central area of Sacramento to and from the Route 160 corridor – in the Baseline analysis year with project Scenario A the delay to drivers passing through this intersection would be, on the *average*, nearly 2 minutes apiece in the AM peak and over 3.5 minutes apiece in the PM peak. For project Scenario B in the same analysis year the delays to drivers, on the *average*, would be over 2 minutes apiece in the AM and over 4 minutes apiece in the PM. By 2013 (the near term analysis year), those average individual delays would be over 3 minutes apiece in the AM and nearly 5 minutes apiece in the PM for Scenario A. For Scenario B the *average individual delays* would be nearly 3.5 minutes apiece in the AM and about 5 minutes apiece in the PM. And this is not an isolated case.

11-23

At 7<sup>th</sup> and F in the 2013 analysis, drivers would be delayed, on the average, over 5 minutes apiece in the PM in Scenario A and over 5.5 minutes apiece for Scenario B just to clear this one intersection. Also in the 2013 analysis, at 6<sup>th</sup> and G, drivers would be delayed, on the average, just 5 seconds short of 5 minutes apiece in the PM in Scenario A and, on the average, nearly 5-and-a-half minutes apiece in Scenario B, just to clear this one intersection. In 2013, at 6<sup>th</sup> and I, the average individual delay to drivers in the PM would be in excess of 3 minutes apiece for Scenario A and over 3-and-a-half minutes for Scenario B.

11-24

In all, the DEIR's 2013 analysis discloses 18 instances in Scenarios A or B of intersections where the average delay to drivers would be in excess of two minutes apiece in AM or PM periods in circumstances where the DEIR concludes that these impacts would not be able to be mitigated. The DEIR 2013 analysis discloses 37 instances in Scenarios A and B where AM or PM delay at intersections would be *more than double* the City's threshold of significant impact and concludes that the impacts are not able to be mitigated.

11-25

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In the Baseline + Project analysis, at 7<sup>th</sup> and Richards, the DEIR predicts that even with a partial attempt at mitigation, drivers would be delayed, on the average, over 2 minutes apiece in the AM and nearly two-and-a-half minutes apiece PM under Scenario A, two-and-a-half minutes apiece in the AM and over 3 minutes apiece in the PM under Scenario B.

11-26

The City of Sacramento's Traffic Impact Guidelines generally recognize a threshold of significant traffic impact when average delays per vehicle at intersections exceed 35 seconds. Given that threshold, it is easy to rationalize that a few seconds more delay here or there really won't matter and to make findings of overriding considerations in order to approve a development project that has other desirable features. However, in this case, the impacts are so pervasive and so severe that no responsible government could reasonably make findings of overriding considerations.

A simple analogy helps place the situation in context. Most people can hold their breath for 35 seconds. Most people can hold their breath for several seconds more. But did you ever try to hold your breath for 3 to 5 minutes?

The DEIR's presentation of traffic impacts tends to focus on the delay by which intersection traffic impacts are measured as if a few seconds delay here and a few seconds delay there were isolated and unrelated events. But the delays are not isolated and unrelated. The significance of the traffic impacts becomes more evident when one considers the effects on someone traveling in a corridor that includes several impacted intersections. Consider the case of a driver traveling south on 7<sup>th</sup> Street from just north of Richards Boulevard through J Street, a distance of about 1.08 miles. In uncongested traffic and with good signal coordination, traveling at 25 miles per hour, a driver could cover that distance in about 2 minutes and 36 seconds. But if one adds in the delays the DEIR projects at the intersections along the way, in year 2013 the 2 minute and 36 second travel time becomes 8 minutes and 46 seconds in the AM (effectively 7.39 miles per hour) and 14 minutes and 29 seconds in the PM (about 4.47 miles per hour) under project Scenario A. With project Scenario B in 2013, the travel time over the same segment of 7<sup>th</sup> Street becomes 10 minutes and 8 seconds in the AM (effectively 8.6 miles per hour) and 16 minutes and 1 second in the PM (effectively 4.05 miles per hour – most people walk faster than this).

11-27

The consequences of the numerous and severe significant traffic impacts the DEIR does disclose go beyond the delay impacts to motorists, although the DEIR fails to disclose this fact. Severe traffic impacts will have significant detrimental impact on emergency service response, public transit operations and public safety as described below.

**Traffic impacts would cause significant adverse impacts to emergency service response.** One consequence of the severely gridlocked conditions the projected levels of delay at numerous key locations reflect is a severe impairment to emergency service response – police, fire and emergency medical response. In pointing out this gravely consequential impact, we also note that the Public Services section of the DEIR is deficient in failing to analyze and disclose the paralytic impact of these traffic impacts on emergency service response.

11-28

**Traffic impacts would cause significant adverse impacts to local transit operations.** The same situation prevails with respect to traffic impacts producing significant adverse impacts on transit services. Given the severe traffic congestion at the numerous locations identified in the DEIR, local transit will be unable to maintain reasonable running times and speeds and unable to maintain reasonable schedule reliability. SRTD routes that would be significantly adversely impacted by the project's traffic impacts include the 2, 3, 6, 7, 11, 15, 29, 30, 33, 34, 51 and 109. The DEIR is deficient in failing to disclose the impacts of traffic on transit running times, speeds and maintenance of schedule reliability.

11-29

**Traffic impacts would cause significant adverse impacts to public safety.** Some forms of traffic congestion are prone to cause particular traffic safety problems. One circumstance, when off-ramp volumes exceed capacity and have queues extending into the freeway mainline lanes, tends to cause particularly severe high-speed-differential collisions and high-speed-sudden-lane-change collisions. The DEIR identifies two freeway ramps where such extensive and hazardous queues would occur, the I-5 northbound Richards Boulevard off-ramp (AM only, both Scenarios A and B, both Baseline and 2013 analysis years) and the I-5 southbound Richards Boulevard off-ramp (both AM and PM periods, both Scenarios, both Baseline and 2013 analysis years). Although the DEIR discloses that these undesirable queue conditions exist, the DEIR is deficient in failing to point out the significant hazard to public safety that these conditions entail.

11-30

#### **DEIR Unreasonably Characterizes Mitigation Infeasible to Shield Project from CEQA Obligations to Mitigate Impacts**

As noted above, the DEIR has disclosed that the project would, both individually and cumulatively cause a plethora of severely significant traffic impacts. These severely significant traffic impacts would occur on State-controlled freeway and highway mainline segments, interchanges and freeway ramps as well as on City-controlled street segments and street intersections. For locations where it discloses significant traffic impacts, the DEIR identifies possible mitigation measures that have the potential to mitigate the traffic impacts. However, in most cases, the DEIR dismisses these mitigation measures as "infeasible" based on flimsy rationalizations and/or unsubstantiated statements of evidently incorrect "facts". These findings of purported "infeasibility" of mitigation enable the DEIR to classify the traffic impacts

11-31

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as "unavoidable". This enables the project to be approved without mitigation through adoption of findings of overriding considerations and would shield the project from its CEQA obligations to mitigate impacts. In the paragraphs below we address the unreasonableness of the mechanisms by which the DEIR seeks to characterize as "infeasible" the mitigation measures it identifies for the significant traffic impacts it discloses.

11-31  
 (cont.)

### **Issues involving mitigation proposals on State highway facilities**

The California Department of Transportation (Caltrans) has identified to the City three central area freeway improvement projects that would help mitigate the identified traffic impacts on the State Highway system of central Sacramento development projects including the subject project. These highway mitigation projects involve:

- I-5 American River Bridge widening to add one lane in each direction and reestablish standard shoulders,
- I-5 HOV lanes from Garden Highway to the I-80 HOV lanes with direct connections, and
- I-5 HOV lanes from the U.S. 50 interchange to Elk Grove Boulevard.

11-32

The other mitigations to roadways under State jurisdiction identified in the DEIR involve widenings of the I-5/Richards Boulevard ramps.

The DEIR has characterized all of these possible mitigations on State highway facilities as infeasible, thereby enabling it to characterize the impacts as "unavoidable". The numbered statements below summarize rationalizations for characterizing the mitigations as 'infeasible' followed in italics by information demonstrating that the 'infeasible' characterization is incorrect and unreasonable.

1. The DEIR claims that although the freeway mitigation projects are included in the Metropolitan Transportation Plan (MTP), the mitigation projects are not guaranteed funding for construction and have not undergone environmental review.

*These claims are misleading. In a letter dated November 27, 2006<sup>1</sup>, Caltrans informed the City that the HOV projects have preliminary approval have for federal funding through construction and that funding is virtually certain as long as the ordinary sequential steps in project development (including CEQA review) are followed. The City is inconsistent in its claim that the proposed freeway mitigations should have cleared environmental review to be considered feasible. In the subject DEIR the City itself assumes that the*

11-33

<sup>1</sup> The referenced November 27, 2006 letter is from Caltrans District 3 Director Jody Jones to Scott Johnson, City of Sacramento Development Service Department, Environmental Planning Services, and is published by the City in the Final Environmental Impact Report for the 500 Capitol Mall Project, December, 2006.

*street infrastructure for the Railyards development project and the Downtown Natomas Airport LRT line MOS segment will be in place to help serve the Township 9 project's transportation needs in the 2013 analysis. Yet neither Railyards nor DNA LRT has yet cleared environmental review as of this date. In general, major transportation mitigations to significant development projects or cumulative groups of projects rarely have already cleared environmental review when they are adopted as project or cumulative mitigation.*

11-33  
(cont.)

2. The DEIR claims that neither the costs of the proposed mitigations nor the project's fair share responsibility for mitigation have not been identified sufficiently to establish a mitigation fee mechanism whereby the project could contribute to the mitigation in a manner that complies with law in regard to nexus and rough proportionality of contribution to share of impact.

*Caltrans letter of November 27, 2006, has already notified the City that it has established and conveyed to the City cost estimates for the mitigation improvements at sufficient refinement for purposes. It also stated the quite evident fact that the information the City has created in its Downtown Traffic Study and the traffic portion of environmental documents of this and other downtown development projects comprise a sufficient basis to establish fee contribution shares that would comply with legal requirements regarding nexus and rough proportionality.*

11-34

3. The DEIR asserts that there is no mitigation fee structure or similar mitigation funding in place or means of assuring that Caltrans, which has sole authority over the State highways, will carry out the mitigations.

*This is simply a nonsensical circular argument. If the City chooses to establish a mitigation structure and enter into mitigation agreements with Caltrans, agreements which Caltrans indicates willingness to enter into, the ported obstacle would not exist.*

4. The DEIR, without substantiation, asserts that mitigation projects that would widen the freeway mainline would create new adverse impacts such as requiring removal of historic buildings in Old Sacramento, potentially requiring modifications to a floodwall/levee, and creating new barriers to access to Old Sacramento and the Sacramento riverfront.

11-35

*The DEIR's assertions in this regard are incorrect, as was known to the City prior to circulation of the DEIR. Caltrans notified the City in its letter of November 27, 2006, that the City was misinterpreting the nature of the proposed mitigation project. It unequivocally states that it does not propose*

*to widen the freeway section in ways that would remove or affect historic buildings, alter the floodwall/levee or constitute new barriers.*

11-35  
(cont.)

5. With regard to the I-5/Richards Boulevard freeway ramp mitigations (ramp widenings), the DEIR asserts that mitigation is infeasible because ramps are under Caltrans jurisdiction, outside the control of the project applicant and the City and because no mitigation fee funding mechanism is in place.

11-36

*This is once again a circular argument. These obstacles to mitigation feasibility exist because the City chooses to cause them to exist. If the City chose to adopt a mitigation fee mechanism and entered into mitigation agreements with Caltrans, there would be no obstacles to mitigation.*

In concluding our comments on this section, we note that Caltrans letter of November 27, 2006 that refutes many of the rationalizations the DEIR employs in characterizing the State highway mitigations as infeasible was in the City's Development Service Department Environmental Planning Services' possession long before the Township 9 DEIR was circulated in February, 2007. It is improper under CEQA for a lead agency to knowingly circulate an environmental document containing false information or to knowingly omit relevant information from the document.

11-37

#### **Local street and intersection mitigations deemed infeasible due to right-of-way requirements**

The DEIR characterizes a number of potential mitigations to traffic impacts on City streets and intersections as 'infeasible' because, in whole or in part, the mitigations are said to require taking of additional right-of-way at locations that are not under control of the applicant. However, the characterization of the mitigations as 'infeasible' because of purported right-of-way requirements may not be appropriate for the following reasons.

1. There has been no apparent effort to determine whether, through modest and normally approved exceptions to design standards (such as, say, reducing each lane width by a foot), the mitigation measure could be squeezed into the existing right-of-way or into a right-of-way taking that could be accomplished without detriment to established buildings and land uses. That is to say, the conclusions of infeasibility may reflect overly rigorous and superficial interpretation of design and right of way requirements. The statement that each lane addition will require availability of an additional 12 feet of width that is repeated at various points in the DEIR analysis is indicative of this rigidity and superficiality.

11-38

2. The notion that it is beyond the power of the applicant to acquire right-of-way it does not own is not sufficient reason to characterize traffic mitigations infeasible. The project is part of a larger pattern of substantial urban re-use development that is concurrently taking place in this portion of the central area and substantial development in downtown Sacramento that cumulatively contribute to the needs for traffic mitigations. It is within the City's power to develop comprehensive traffic mitigation plans, organize traffic mitigation fee measures to fund and implement the mitigations (including right-of-way acquisition when necessary) and to use its powers of eminent domain to acquire right of way. The fact that the City chooses not to do so does not mean the mitigations are infeasible per se; it just means that the City is choosing to conduct itself in a manner that renders them infeasible.

11-38  
(con't.)

**Local street and intersection mitigations deemed infeasible due to characterization as not 'pedestrian-friendly'**

A number of the potential traffic mitigations identified in the DEIR are deemed 'infeasible' because, in whole or in part, they are characterized as not being 'pedestrian-friendly'. Generally, the mitigation involves adding lanes to create four-lane or six-lane streets. However, the City of Sacramento's approved Pedestrian Friendly Street Standards adopted by City Council Resolution 2004-118 on February 24, 2004 includes Pedestrian Friendly Street Standards for four-lane and six-lane arterial streets (see referenced standards, Figures 1-I and 1-J). Since the City has objective standards indicating the proposed mitigations could be implemented as pedestrian-friendly streets, the characterization of mitigations as not 'pedestrian-friendly' as employed in the DEIR is merely subjective and not a valid basis for deeming the mitigation measures as 'infeasible'.

11-39

**Local street and intersection mitigations deemed infeasible due to characterization as inconsistent with 'smart growth' policies**

A number of the potential traffic mitigations identified in the DEIR are deemed 'infeasible' because, in whole or part, they are characterized as being inconsistent with the City's 'smart growth' policies.

11-40

The City's Smart Growth Implementation Strategy is viewable on the City web site at <http://www.cityofsacramento.org/planning/policies-and-programs/smart-growth.cfm> . The Smart Growth Implementation Strategy, among other considerations, emphasizes providing a variety of transportation service options including walking, bicycling and transit. However, nowhere does it indicate that developments should be shielded from obligations to mitigate their traffic impacts or that severe traffic impacts of development should be left unmitigated.

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The City's 'smart growth' policy obviously does not render the proposed traffic mitigation measures 'infeasible' and citation of it in the DEIR for that purpose is obviously an improper application of the policy.

11-40  
(con't.)

**Local street and intersection mitigations deemed infeasible due to characterization as 'wider than the typical roadways found in downtown'**

A number of the potential traffic mitigations identified in the DEIR are deemed 'infeasible' because, in whole or in part, they are characterized as creating roadways 'wider than the typical roadways found in downtown'.

11-41

On its merits, this rationalization is pure nonsense and not a valid basis for characterizing the proposed mitigations as 'infeasible' for CEQA purposes. Moreover, the location of the proposed mitigations is not in downtown proper, but in portions of the central district outside downtown that are undergoing substantial changes in urban reuse and that are, and will be, unlike the downtown in character. Hence, even if maintaining typical roadway widths in downtown were a consideration, it would be inapplicable to the locations in question.

**DEIR Fails to Mitigate Impacts on Transit**

We have noted above the DEIR's deficiency in its failure to disclose, to say nothing of mitigating, the projects traffic impacts on local bus operations including degrading local transit's ability to maintain reasonable operating times, running speeds and schedule reliability on transit routes running through the extensive number of location where the project would have significant unmitigated traffic impacts.

In addition, although the DEIR does acknowledge the fact that existing bus transit services to the project area are sparse and inconsistent with the increased transit ridership demand the project would generate, an impact it discloses as potentially significant, the DEIR fails to propose effective mitigation. Instead, the DEIR states that the City will "coordinate" with RT to increase its routes and or frequencies of services. This implies all the City needs to do is let RT know that the project and its' transit demand is there and RT will dig into its' vast wallet of reserve transit resources to increase route and service frequencies to the project. However, anyone with even a rudimentary knowledge of current transit funding knows that there is no uncommitted reservoir of resources to expand transit operations; all expected transit funds are committed. Unless the City explicitly identifies how it and project sponsors in the area will fund transit service expansions, there can be no presumption that the project's transit impacts will be automatically mitigated by RT route and service frequencies.

11-42

Furthermore, the DEIR incorrectly assumes that the Downtown-Natomas-Airport LRT line service will contribute to mitigating the project's near term (2013) transit

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impacts. RT's latest schedule for development of that service indicates that the service will *not* be available until after 2013<sup>2</sup>. And even when LRT service does finally reach the project area, it will only be on a "minimum operable segment" linking to other light rail services near the Amtrack station (no connection to Natomas or the Airport). Also, RT's plans for the Minimum Operable Segment call for a large temporary park-and-ride lot at the Richards Boulevard station for as long as it serves as the line-end station. This consideration is evidently impacted by the Township 9 development plans but the DEIR fails to disclose or propose mitigation for this potentially significant transit impact.

11-42  
 (cont.)

### **DEIR Overstates Project's Transit Reliance with Consequence That the Project's Traffic Impacts are Understated**

As noted previously, existing bus transit service to the project area is sparse, served by only three routes. RT route 11 provides low frequency service (hourly most daytime hours, half-hourly in peaks) connecting to parts of downtown and to the Natomas area. Route 15 provides 30 minute service in daytime hours connecting to portions of downtown and to the Watt Avenue/ I-80 area northeast of the central area. A disadvantage of service to the project area on both these routes (not noted in the DEIR) is that downtown-bound trips in the AM peak will tend to have most seats full by the time they reach the project site. The DEIR incorrectly describes services to the project on the third route, the 33. The DEIR states that it provides 20 minute service frequency in daytime hours. In actual fact, the 33 only provides service to the project site during the peak hours; most of the day its closest approach to the project site is nearly a half-mile away. And, whether the 33 is operating on its normal daytime or its peak hour alignment, the 33 is just a meandering cross-town route; passengers must transfer to other lines to reach meaningful destination concentrations.

11-43

The DEIR and/or the above sections demonstrate that a) existing transit services are sparse, b) there is no effective mitigation plan to add routes serving the project or improve service frequencies on existing routes, c) because of the abject failure to mitigate the severe traffic impacts that will affect a broad portion of the central area, bus transit operating speeds, travel times and schedule reliability will be significantly adversely impacted over that broad traffic impact area and d) that the planned LRT line will not serve the project until sometime *after 2013*. If high quality transit services are not in place when the project is occupied, people will not develop initial transit-oriented travel habits, and once non-transit travel habits are established, people will be slow to change even if better transit is developed later. Despite all the

<sup>2</sup> RT's current schedule for the Downtown Natomas Airport project and details of the Minimum Operable Segment can be viewed on the internet at [http://dnart.org/pdfs/factsheet\\_spring\\_2007.pdf](http://dnart.org/pdfs/factsheet_spring_2007.pdf). With the draft environmental documents on the project as yet uncirculated and uncertified, and with preliminary engineering, final design and construction phases yet to come, the opening for the Minimum Operable Segment could easily slip beyond the currently targeted Year 2014 estimate.

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evidence that transit service to the project will be poor through the immediate and near term (2013) analysis periods, the DEIR's traffic analysis assumes, without justification, that the project's traffic generation should be discounted by 10 percent to reflect the travel characteristics of downtown Sacramento areas well-served by transit. In fact, not only will the project site be poorly served by transit; it isn't even in downtown. It is a relatively isolated portion of the central district more than a mile from downtown. The analysis should be redone without the trip discounting.

11-43  
 (cont.)

As a result of the unjustified discounting of project traffic generation, the project's significant traffic impacts will be even more severe than the extensive and severe ones disclosed in the DEIR and the consequences in terms of degradation of emergency service response, degradation of transit operations, hazards to public safety as well as inconvenience to travelers will be increased.

### **Project's Significant Parking Impacts Are Not Properly Disclosed or Mitigated**

According to the City's adopted guidelines for determining significant transportation and circulation impacts, parking impacts are considered significant if the proposed project would result in parking *demand* that exceeds the available or planned parking supply. However, the DEIR does not evaluate parking supply in relation to projected parking demand. It only evaluates the supply in relation to City zoning code related to parking. It concludes that for Scenario A, code would require provision of 3890 parking spaces and, since the project proposes to provide a total of 4134 parking spaces in that scenario, there would be no normal parking impact.

However, if the DEIR had evaluated parking impacts relative to parking *demand* as required by the City impact guidelines and used demand data from authoritative reference sources such as *Parking Generation, Third Edition*, it would have found that parking demand, it would have found that the project's parking demand in Scenario A is about 5062 spaces. With only 4134 spaces to be provided, parking provisions as proposed would only meet about 81.6 percent of demand and significant parking impacts would be indicated. As mitigation, the project would need to provide an additional 928 parking spaces.

11-44

In addition to the above, the DEIR indicates that, although it made no specific analysis of the parking demand that would be generated by events at the project's proposed riverside pavilion, it assumes that this parking demand would exceed available supply and that the impacts would be potentially significant. It would be more appropriate if the DEIR stated that the project has made no provision for parking related to proposed events at the riverside pavilion and that any special events of a scale that attract numbers of people from beyond easy walk distance of the project site would likely have significant parking impacts. The proposed mitigation plan, requiring the applicant to develop a special event traffic and parking management plan to be approved by the City Traffic Engineer, is like saying "they

will just have to park somewhere else and we'll figure it out later". This constitutes a deferral of mitigation that is improper under CEQA.

↑ 11-44  
(con't.)

#### **Portions of DEIR Traffic Analysis Based on Obsolete, Understated Traffic Data**

The DEIR indicates some of the traffic data relied on in the analysis dates back to as early as 2004. It is now 2007. In a robust development economy Sacramento is experiencing, traffic data as much as three years old may considerably understate "existing" conditions. The DEIR gives no indication whether the older traffic data was factored by an annual growth rate to estimate existing conditions, or if it was, what growth rate was assumed. If the older traffic data has not been factored to estimate current conditions, project and cumulative traffic impacts may be underestimated. The DEIR should state what growth factoring has been applied to the older traffic data, and should revise the analysis not.

11-45

#### **DEIR Traffic Analysis Failed to Consider Other Locations Where Project Would Likely Cause Traffic Impacts**

South of North B Street, the DEIR does not evaluate any intersections east of 7<sup>th</sup> Street for traffic impacts. However, other environmental documents the City has recently processed indicate that some intersections in the area south of B Street to and including J and east of 7<sup>th</sup> Street to and including 16<sup>th</sup> Street may be LOS – challenged within the time periods analyzed in this DEIR (example: the City's 500 Capitol Mall DEIR indicates that the intersection of 15<sup>th</sup> and J would operate at LOS E in the PM peak in the Baseline + Project condition). Certainly, given its trip generation and its location relative to the street network in the limits described above, the current subject project reasonably appears to be likely to add sufficient traffic to some intersections in the above described area to potentially cause significant traffic impacts there. Given the information known to the City, the DEIR's failure to analyze principal intersections south of B and east of 7<sup>th</sup>, at least as far as 16<sup>th</sup> and J, falls short of the good faith effort to disclose impacts required by CEQA. Analysis should be performed for major intersections in the referenced area.

11-46

#### **Other Technical Considerations**

Page 6.11-34 of the DEIR indicates that the trip distribution for the project was derived from the SACMET 2027 travel demand model. Hypothetical synthesized traffic patterns for a very distant future year were used to project the travel patterns of project trip-makers for the immediate (Baseline + Project) and near term ((2013) analyses. It would have been more reasonable and accurate, and probably less favorable to the project, to have used the known patterns of existing travelers in nearby areas to project the patterns of project travelers in those near-to-present analysis years rather than the hypothetical pattern projected for a distant future year.

11-47

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On page 6-11-74, Table 6.11-23 shows Project Scenario A causing less traffic on freeway system components than the Without Project condition. Entries of concern are for the southbound direction of I-5, in the AM those for the Richards Boulevard off ramp and the I-to-Q weave, and those for the I-to-Q weave in the PM. This type result, that indicates an illogical subtraction of traffic by addition of land use, creates doubt that overall traffic forecasts that underlie the traffic analysis are reasonable. Since there are few tables where actual traffic volume (as contrast with LOS analysis outcomes) are presented, the public has little opportunity to satisfy itself whether the underlying traffic forecasts seem reasonable.

11-47  
 (cont.)

In some instances where the DEIR actually proposes to condition the project to carry out mitigation of traffic, the required mitigation only returns operations to a condition of *deficiency* similar to what would exist in the 'no-project' scenario. It would be desirable for the City, rather than having the project do a band-aid mitigation that maintains a bad situation in status quo, to define an improvement that returns traffic operations to conditions that would normally be considered *acceptable* under the City's traffic impact guidelines (that is, LOS C or better) but only condition the project to make a fair-share contribution to the more extensive improvement.

11-48

**Conclusion**

Because of all of the flaws in the DEIR noted above, we are convinced the DEIR cannot be certified in its present condition. A critical consideration is that the DEIR improperly characterizes many of the potential mitigation measures to traffic impacts as 'infeasible', the project fails to mitigate impacts as required by CEQA. Moreover, we emphasize that the project's unmitigated significant traffic impacts are so extensive and severe, no responsible government could approve the project under findings of overriding considerations.

11-49

Sincerely,

Smith Engineering & Management  
 A California Corporation



Daniel T. Smith Jr., P.E.  
 President



**DANIEL T. SMITH, Jr.**  
**President**

**EDUCATION**

Bachelor of Science, Engineering and Applied Science, Yale University, 1967  
 Master of Science, Transportation Planning, University of California, Berkeley, 1968

**PROFESSIONAL REGISTRATION**

California No. 21913 (Civil)                      Nevada No. 7969 (Civil)    Washington No. 29337 (Civil)  
 California No. 938 (Traffic)                      Arizona No. 22131 (Civil)

**PROFESSIONAL EXPERIENCE**

Smith Engineering & Management, 1993 to present. President.  
 DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.  
 De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.  
 Personal specialties and project experience include:

**Litigation Consulting.** Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

**Urban Corridor Studies/Alternatives Analysis.** Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

**Area Transportation Plans.** Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21<sup>st</sup> century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

**Transportation Centers.** Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

**Campus Transportation.** Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

**Special Event Facilities.** Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

**Parking.** Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

**Transportation System Management & Traffic Restraint.** Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

**Bicycle Facilities.** Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

#### MEMBERSHIPS

Institute of Transportation Engineers      Transportation Research Board

#### PUBLICATIONS AND AWARDS

*Residential Street Design and Traffic Control*, with W. Homburger et al. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

*Residential Traffic Management, State of the Art Report*, U.S. Department of Transportation, 1979.

*Improving The Residential Street Environment*, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

*Strategic Concepts in Residential Neighborhood Traffic Control*, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

*Planning and Design of Bicycle Facilities: Pitfalls and New Directions*, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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November 27, 2006

06SAC0207  
 03-Sac-05 PM 23.425  
 500 Capitol Mall (P05-108)  
 Draft Environmental Impact Report  
 SCH# 2005112038

Scott Johnson, Associate Planner  
 City of Sacramento  
 Development Services Department  
 Environmental Planning Services  
 2101 Arena Boulevard, Suite 200  
 Sacramento, CA 95834

Dear Mr. Johnson:

Re: DEIR for 500 Capitol Mall (SCH No. 2005112038)

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the 500 Capitol Mall Project (Project) (SCH No. 2005112038). The Project is one of eight high-rise projects that were included in the recently completed Downtown Traffic Study (dated June 2006). It is exciting to see the potential of Downtown Sacramento being realized. Because the State highway system provides the primary access to the government, job, and entertainment centers located in the city center, we want to reiterate our desire to work cooperatively with the City of Sacramento to identify potential mitigations for the impacts to the State highway system, that will accompany the planned growth, to ensure that an appropriate level of access and mobility are retained.

The Project is the first submitted to Caltrans for review that includes the Downtown Traffic Study as a basis for its transportation analysis for the environmental impact assessment. Caltrans supported the concept of a consolidated Downtown Traffic Study as an opportunity for all parties to efficiently analyze the impacts of cumulative development and to develop a more comprehensive approach to mitigation for the impacts. We presume that the City of Sacramento (City) intends to consistently apply the results of the Downtown Traffic Study to all projects that were part of the study and to also use the study's results in evaluating additional downtown projects. We are concerned that study does not fulfill its promise and would like to work with the City to modify the findings.

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The City found the Project's impacts to the State highway system mainline to be significant and unavoidable. Caltrans must disagree with this finding. Although the impacts are significant, they are not unavoidable and there are ways the impacts can be reduced and mitigated. Feasible, nexus based measures are available to mitigate the Project's direct and cumulative impacts to the State highway system mainline. The Project, and other projects included in the Downtown Traffic Study, should contribute proportionally towards reasonable mitigation measures.

As noted on Page 5.6-40, the City and Caltrans discussed possible mitigation measures for the Project. Caltrans subsequently submitted mitigation projects that we consider appropriate for mitigation via proportional share funding contributions to the projects:

- Two High Occupancy Vehicle (HOV) lane projects on Interstate 5 serving Downtown Sacramento from the north and south, and
- Widening the Interstate 5 bridges crossing the American River, just north of Downtown.

As reported in the DEIR, Caltrans provided cost estimates to the City for these projects and is available to provide further detail regarding the scope, schedule and cost for each of the projects.

Two additional projects were discussed during our meeting, but Caltrans was unable to determine if the two projects are feasible and was unable to develop cost estimates within the time requirements of the DEIR release date. Caltrans has subsequently determined that one of these two projects (extending the northbound, outside lane between J Street and L Street) is likely feasible, but will require a Project Study Report to adequately scope the project. This potential mitigation project is substantially more complex than simply restriping the lanes. The other project, adding additional mainline freeway lanes through the Interstate 5 Boat Section in Downtown, is still being investigated. It will be several more months before we know if this potential project is feasible.

In finding that the three potential mitigation projects identified by Caltrans are not feasible (Page 5.6-41), the City misinterpreted the Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP), did not acknowledge that the projects are already included in the SACOG Metropolitan Transportation Improvement Program (MTIP) and did not acknowledge that the HOV lane projects are included in the voter-approved "Measure A" program in Sacramento County.

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As noted in the City's discussion, the MTP is the long-range, financially constrained transportation plan for the SACOG region and includes projects to be constructed within the planning horizon of the Plan based on reasonably assured funding. The two HOV projects are included in the MTP for all phases through construction, not just preliminary engineering and environmental as stated on Page 5.6-41. One of the HOV lane projects extends across the American River Bridge to Downtown, and thus, the widening of Interstate 5 across the American River is also included in the MTP.

There is also a companion document to the MTP that the City did not mention in its discussion, the SACOG Metropolitan Transportation Improvement Program (MTIP). The MTIP is the document that programs Federal funding for projects. The current MTIP includes funding for the preliminary engineering and environmental phase of the two HOV lane projects. As is the case with all high-cost transportation projects, such as the HOV lanes, the MTIP does not program funding for all phases of a project at the same time. Programming is implemented as project phases are completed. The City's statement that, "The proposed freeway improvement projects are not currently approved and funded" is not entirely correct. It is correct that the environmental documents for the projects have not been completed and approved, but the project concepts themselves have been approved for development phases and are active.

The lack of reference to Measure A is an important oversight regarding the assessment of mitigation project feasibility and funding. Measure A is a voter-approved transportation sales tax measure that identifies funding for a variety of transportation projects and specifically both of the HOV lane projects recommended by Caltrans as mitigation for the Project. Measure A will be providing 50% of the funding for the HOV lane projects. This status contradicts the City's statement that, "there is no fee or other funding mechanism currently in place for future funding."

Caltrans does not agree as is stated on Page 5.6-41 that "the City cannot determine either the cost of the proposed freeway improvement projects or the proposed project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure." Caltrans has provided the City with cost estimates for the three projects. The fair share proportionality determination is based on the Project's traffic study and should be readily determined from the information provided in the study. As the lead agency, the City is responsible for determining the fair share proportionality, but Caltrans is willing to assist the City to develop both interim and permanent processes for adequate mitigation that will not unnecessarily delay projects.

Scott Johnson  
November 27, 2006  
Page 4

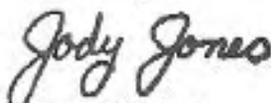
Page 5.6-41 includes a discussion of the adverse impacts of widening Interstate 5 through the Downtown section, commonly known as the "Boat Section." While Caltrans discussed the possibility of modifying the striping of the section so that it might accommodate an additional traffic lane in each direction, we have not proposed widening the actual pavement section by modifying the floodwall/levee or removing historic buildings in the Old Sacramento District. Although we agree that the widening project is not a feasible mitigation strategy, restriping the facility to add mainline lanes is currently being analyzed by Caltrans.

Caltrans disagrees with the statement on Page 5.6-41 that, "the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the proposed project on the three I-5 freeway mainline segments to a less than significant level." We reiterate that the three projects that we suggested are feasible, are actively being developed, are in regionally approved transportation planning documents, and have realistic prospects of full funding. Nexus based proportional share funding contributions from the Project and other pending Downtown projects are a logical and appropriate component of the full funding program. The HOV projects and expansion of the Interstate 5 bridges across the American River are specifically intended to serve peak-hour traffic going to Downtown Sacramento, including to new buildings such as the Project.

The City and Caltrans have limited opportunities to ensure that needed transportation improvements accompany growth. Our recent management consultation meetings with the City regarding major development projects have been productive and have emphasized the importance of a partnership approach to meeting the challenge of maintaining mobility in the Sacramento Region. We would like to continue and expand these efforts. We seek agreement between the City and Caltrans on a consultation and mitigation process that would eliminate much of the uncertainty that accompanies our review of projects, such as the 500 Capitol Mall Project.

Caltrans would be pleased to meet with the City and Project proponents to discuss and resolve these issues so that the Project can quickly move forward with assurance that impacts to the State highway system will be mitigated. To arrange for such a meeting, please contact Wayne Lewis at (530) 741-4337.

Sincerely,



JODY JONES  
District Director

Scott Johnson  
November 27, 2006  
Page 5

- c: Fran Halbakken, City of Sacramento
- Jerry Way, City of Sacramento
- Mike McKeever, Sacramento Area Council of Governments
- Brian Williams, Sacramento Transportation Authority
- Will Kempton
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16 April 2007

Mr. William D. Kopper  
Attorney at Law  
417 E Street  
Davis, CA 95616

RE: Draft Environmental Impact Report for the Township 9 Project

Dear Mr. Kopper:

Per your request, I have reviewed the Draft Environmental Impact Report (DEIR) for the Township 9 Project, which envisions a master-planned, transit-oriented, mixed-use development on 65 acres at the corner of North Seventh Street and Richards Boulevard in the City of Sacramento. The Project would construct 2,900 dwelling units and 145,000 gross square feet of neighborhood-serving retail. The former Bercut-Richards Packing Company canary buildings occupy three of the thirteen parcels in the study area. Project construction would require demolition of these structures. You have requested my assessment of the cultural resources section of the DEIR to determine whether it meets the requirements of the California Environmental Quality Act (CEQA), and whether it proposes feasible mitigation measures for potential impacts to historical resources.

In this regard, I have reviewed Section 6.4 of the DEIR as well as Technical Appendix G concerning the architectural resources and Appendix H, Native American Correspondence. The authors have examined the relevant background archival sources, consulted with the regional Information Center of the California Historical Resources Information System, contacted the Native American Heritage Commission and local tribal representatives, gathered source materials from a variety of other repositories, and compiled the information into a credible document examining the archaeological and historical potential of the project site.

Appendix G, the Historical Resource Inventory and Evaluation Report by JRP Historical Consulting, LLC, thoroughly explores the architectural potential of the project site. The authors have examined the relevant background references, registers, and sources that list known and potential historical resources; reviewed the previous recordation of the packing company in the *Richards Boulevard Area Architectural and Historic Properties Survey* (Boghosian 2000); prepared a historic context describing relevant themes and background information; and evaluated the property under California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP) significance criteria. They concluded that the Bercut-Richards Packing Company property meets the criteria for listing in the CRHR and NRHP for its association with local and regional fruit and vegetable canning industry from the 1930s through the mid 1950s and, thus, is a historical resource for the purpose of CEQA. They further concluded that the Township 9 project will cause substantial adverse change in the significance of the resource. This change is considered to be a significant effect on the environment because structures that contribute to the significance of the property will be demolished.

11-50



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The Historical Resource Inventory and Evaluation Report (Appendix G) meets current professional and technical standards and requirements for an inventory and evaluation of historical architectural resources. It is well written and provides detailed historical background on the extant buildings at the project site. The reasoning behind the significance conclusions is thoroughly explicated, and the report suggests a series of feasible mitigation measures for the City of Sacramento to employ to lessen project impacts.

11-50  
 (con't.)

As noted in the DEIR, implementation of the recommended mitigation measures will not reduce impacts to a less-than-significant level. With the exception of the scale house, however, there is no discussion of preservation and adaptive reuse of the buildings in the Bercut-Richards cannery complex. Such an approach would be consistent with the goals and objectives of the Richards Boulevard Area Plan, Central City Community Plan, and other relevant plans, guidelines, and ordinances described in DEIR Section 6.4, and might reduce impacts to less-than-significant.

11-51

There is no reference in the DEIR to an archaeological inventory of the project area. A records search at the North Central Information Center (NCIC) of the California Historical Resources Information System, concluded that, "...given the environmental setting of the project site (developed, urbanized) there is a low potential for locating additional prehistoric or ethnohistoric-period resources within the project site or within a ¼-mile radius" (EIP 2007:6.4-7). However, because there are previously recorded historic-period resources within ¼-mile, historical structures on the property, and known patterns of significant historical use, the NCIC states that there is a moderate-to-high sensitivity for historic-period cultural resources in the project area (EIP 2007:6.4-8). An archaeological inventory is typically included in cultural resource studies when archaeological deposits may be affected. Given the history of the project site, an archaeological inventory of the project area is highly recommended. In addition to a pedestrian survey of the unpaved areas for archaeological remains, historical background research should be conducted to determine whether buried cultural resources may exist within the project area.

11-52

As stated in the DEIR (2007:6.4-23), the impact analysis for prehistoric and historic-period archaeological resources is based on the findings and recommendations of the cultural resources records search, only. Because the proposed project could affect the significance of previously unknown archaeological resources, mitigation measure 6.4-2 provides discovery and evaluation procedures to follow in the event subsurface historical resources are uncovered during earth-moving activities. However, this discovery clause is inappropriate given the potential identified by the NCIC. At a minimum, a qualified archaeologist should monitor ground disturbance in areas that may contain historical archaeological remains. Preferably, monitoring should be preceded by the kind of background research described above to identify sensitive locations. Additionally, this mitigation measure should state that if data recovery is the only feasible mitigation, CEQA Guidelines Section 15126.4(b)(3)(C) requires that a data recovery plan be prepared prior to excavation. The mitigation measure also should stipulate provisions for reporting and artifact curation.



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Thank you for the opportunity to review and comment on the cultural resources analysis of the DEIR for the Township 9 Project. Please contact me if you have any questions on the comments offered above, or wish to discuss the project further.

11-53

Sincerely,

A handwritten signature in cursive script that reads "Barry A Price".

Barry A Price, M.A., RPA  
Vice President  
Applied EarthWorks, Inc.



**BARRY A. PRICE, RPA**

Applied EarthWorks, Inc.

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(559) 229-1856 • bprice@appliedearthworks.com

**EDUCATION**

M.A. Cultural Resource Management, Sonoma State University, 1994.

B.A. Anthropology (with honors), Sonoma State University, 1976.

**Specialized Training**

- 2004 "CEQA for the CRM Professional." American Cultural Resources Association/Hicks and Company.
- 2003 "The California Environmental Quality Act: How Does It Fit in Historic Preservation Efforts?" Planning and Conservation League and the Educational Foundation of America.
- 1999 "The New 36 CFR Part 800: Highlights of Changes." Advisory Council on Historic Preservation.
- 1995 "California Environmental Quality Act: A Step-by-Step Approach to Compliance," University of California, Davis, Land Use and Natural Resources Program
- 1995 "Cultural Resources Industry Outreach Training Course," Federal Energy Regulatory Commission (FERC) Office of Pipeline Regulation
- 1994 "Advanced Seminar on Preparing Agreement Documents under Section 106." U.S. General Services Administration and the University of Nevada, Reno
- 1992 "Federal Projects and Historic Preservation Law," Advisory Council on Historic Preservation
- 1992 Lithic Technology Workshop, Dr. Jeffrey Flenniken, California State University, Fresno

**PROFESSIONAL EXPERIENCE**

- 1997– **Vice President, Principal Archaeologist, and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for projects throughout the western United States. Ensure compliance with federal and state laws and regulations, and certify technical quality of reports and other documents. Serve as principal liaison with clients and government agencies. Direct divisional marketing, new business development, and personnel management. Supervise preparation of bids and proposals, engage in contract negotiations, and manage budgets and workscopes. Also fulfill corporate administrative duties assigned by the president and board of directors.
- 1995–1996 **Senior Archaeologist and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for a corporate division encompassing California, southern Oregon, and western Nevada. Prepare bids and proposals, negotiate budgets and workscopes, and serve as principal liaison with clients and government agencies. Ensure regulatory compliance and technical quality of reports and other documents. Participate in marketing and new business development, personnel management, and other duties assigned by the president.

- 1991–1995 **Vice President (1992–1995)/Assistant Vice President (1991–1992), INFOTEC Research, Inc., Fresno, California.** Project administration and technical management for a variety of large and small projects throughout the western U.S. Ensure technical quality of reports and other documents. Prepare bids and proposals and manage budgets and worksopes. Serve as principal liaison with clients and government agencies. Participate in marketing and new business development, personnel management, and other duties assigned by the president.
- 1989–1991 **Senior Archaeologist/Program Manager for Nevada, INFOTEC Research, Inc., Fresno, California.** Various administrative and technical functions relating to project design, data acquisition, laboratory analysis, report preparation, and technical management.
- 1984–1989 **Principal Archaeologist and Project Director, Retrospect Research Associates, Ely, Nevada.** As owner/operator of a small cultural resources consulting firm, directed nearly 200 archaeological projects on private and federally-administered property, under contract to both federal agencies and to a variety of oil and gas, mining, and other private firms. A wide variety of projects were completed, including large and small surveys, test excavations at both historic and prehistoric sites, literature reviews, data analyses, architectural and historical surveys, and preservation-oriented feasibility studies and development plans.
- 1985–1988 **Historical and Archaeological Collections Manager, White Pine Public Museum, Ely, Nevada.** Served as technical consultant to the Museum Board of Directors. Developed and implemented a collections management policy covering acquisition, registration, storage, preservation, curation, and deaccession of Museum collections.
- 1986 **Consultant, Henderson to Boulder City Rail Line Reuse Feasibility Study.** Under subcontract with Shortline Enterprises and the Nevada State Department of Museums and History, conducted an analysis of the state-owned railroad line between Henderson and Boulder City, Nevada. Responsible for researching the line's history, reviewing and contrasting it with other similar lines throughout the nation, exploring potential uses of the property, and investigating the legal liabilities and ramifications of reuse.
- 1985 **Project Supervisor, Lower Osceola Historic Site Evaluation.** Under contract to the U.S. Department of Interior (Bureau of Land Management), conducted a non-disturbing archaeological evaluation of 26WP1674. Archival and field data were used to address site significance, research potential, and National Register eligibility. Site management alternatives including protection, data recovery, and interpretation were presented.
- 1984–1985 **Principal Investigator and Project Director, Downtown McGill Historic Survey.** Under a grant from the Nevada Division of Historic Preservation and Archaeology, conducted an historical and architectural survey of McGill, Nevada, a twentieth-century company mining town. An inventory of historically significant buildings, structures, and sites was produced, and the National Register eligibility of the district was evaluated.
- 1984 **Principal Investigator and Project Director, Nevada Northern Railway Tourism Complex Development Plan.** Produced a feasibility study and development plan for historic railroad properties in East Ely, White Pine County, Nevada. The study included preparation of plans and cost estimates for restoration of buildings, rolling stock, and other equipment, an estimate of the cost of establishing excursion service, and an assessment of other expenses involved in establishing the facility as a major historic/recreational railroad attraction.
- 1984 **Principal Investigator, East Ely Historic Revitalization Project.** Under grants from several state agencies, directed a survey of 80 locations in East Ely, producing an inventory

of historically significant buildings, structures, and sites, and a plan for preserving and developing an historic district organized around the Nevada Northern Railway complex.

- 1983-1984 **Staff Archaeologist, Bureau of Land Management, Ely District.** Conducted cultural resource clearance surveys on a variety of range-related projects including spring developments, fencelines, and pipelines. Assisted the District Archaeologist in clearances of mining notices and plans of operation.
- 1983-1984 **Field Director, Intermountain Research, Silver City, Nevada.** Directed 12 cultural resource clearance surveys on federal property in eastern Nevada.
- 1982-1983 **Archaeological Specialist/Historian, California Department of Parks and Recreation, Sacramento.** Excavation of sealed historic deposits (1850-1860) beneath the Fallon Hotel, Columbia State Historic Park. Inventory of nearly 200 historic sites in Calaveras and Tuolumne Counties.
- 1982 **Field Technician and Laboratory Analyst, Infotec Development, Inc., Sonora, California.** Conducted field mapping and excavation of five prehistoric sites in the Stanislaus National Forest. Lab responsibilities included cleaning, sorting, cataloguing, and describing artifacts. Also reprocessed and reanalyzed material from previously excavated sites.
- 1981 **Archaeologist, Stanislaus and Mendocino National Forests.** Conducted cultural resource clearance surveys in advance of timber sales and other Forest projects.
- 1981 **Field Technician, Infotec Development, Inc., Sonora, California.** New Melones Reservoir Project. Excavation of prehistoric village sites in Calaveras and Tuolumne counties, California.
- 1979-1981 **Staff Archaeologist, Archaeological Resource Service, Novato, California.** Served as field director or crew chief on a variety of cultural resource management projects in the San Francisco Bay Area and North Coast Ranges, California. Responsible for proposal writing, administration and budget, field direction, and report preparation.
- 1977-1979 **Staff Archaeologist, Cultural Resources Facility, Sonoma State University Foundation.** Field directed and/or administered more than 30 contracts for archaeological and historical studies in the San Francisco Bay Area and North Coast Ranges of California. Clients included federal, state, and local agencies as well as private businesses.
- 1976-1977 **Archaeological Technician, Bureau of Land Management, Redding and Ukiah Districts.** Conducted cultural resource clearance surveys for timber sales, leaseholds, land exchanges, recreation sites, and other BLM projects.
- 1975-1977 **Curatorial Assistant, Anthropology Laboratory, Sonoma State University.** Coordinated field and lab projects and supervised the analysis and curation of archaeological specimens. Also assisted the program director in a variety of other capacities including project administration, budget and personnel management, research planning, and data processing and distribution.

#### ARTICLES PUBLISHED/PAPERS PRESENTED

- 2005 **Fashionably Late: Chronological and Cultural Definitions of the Late Period on the Central California Coast.** Paper presented at the 39th Annual Meeting of the Society for California Archaeology, Sacramento.

- 2004 (with Susan K. Stratton and M. Colleen Hamilton) Hazardous Site Archaeology: A Case Study of a Manufactured-Gas Plant. *Proceedings of the Society for California Archaeology* 14: 21–24.
- 2002 A Clovis Point from the Sierra National Forest. *Society for California Archaeology Newsletter* 36(1):15–16.
- 2000 (with Susan K. Stratton and M. Colleen Hamilton) Hazardous Site Archaeology: A Case Study of a Manufactured Gas Plant. Paper presented at the 34th Annual Meeting of the Society for California Archaeology, Riverside.
- 1998 Two Cupule Rock Art Sites in Elko County, Nevada. In *Rock Art Studies in the Great Basin*, edited by Eric W. Ritter. Coyote Press Archives of Great Basin Prehistory Number 1.
- 1997 Evidence for a 200-Year-Long Late Holocene Drought Along California's Central Coast. Paper presented at the 31st Annual Meeting of the Society for California Archaeology, Rohnert Park.
- 1996 Late Holocene Climatic Fluctuations along the California Coast: The Paleoenvironmental Data from CA-SBA-2696. Paper presented at the 30th Annual Meeting of the Society for California Archaeology, Bakersfield.
- 1995 Archaeological Investigations for the Mission Hills/Santa Ynez Extension of the Coastal Aqueduct. *Society for California Archaeology Newsletter* 29(2): 9–10. Fullerton.
- 1994 (with Timothy W. Canaday) Predictive Models and Site Survey: A 1,000 Mile Transect. Paper presented at the 59th Annual Meeting of the Society for American Archaeology, Anaheim, California.
- 1994 California Archaeology: The Future of the Past. Paper presented to the Archaeological Institute of America for California Archaeology Week, May 1994.
- 1991 Archaeology in the Oil Patch: A Research and Management Agenda for Trap Spring. *Nevada Archaeologist* 9. Reno.
- 1990 The Boulder Creek Cupules. Paper presented at the 22nd Biennial Great Basin Anthropological Conference, Reno, Nevada.
- 1989 McGill, Nevada: An Example of Company Town Architecture as Social History. Paper presented at the Building the West Conference on Vernacular Architecture West of the Rockies, Reno, Nevada.
- 1988 (with Sarah E. Johnston) A Model of Late Pleistocene and Early Holocene Adaptation in Eastern Nevada. In *Early Human Occupation in Far Western North America: The Clovis-Archaic Interface*, edited by J. Willig, C. M. Aikens, and B. Fagan, pp. 231–250. Nevada State Museum Anthropological Papers 21, Carson City.
- 1987 Nevada's Black Gold. *Reno Gazette-Journal*, 2 March: 1E–5E. Reno, Nevada.
- 1987 (with Walter E. Cuchine) *Ethnic Cultures of White Pine County, Nevada*. Nevada Humanities Committee, Reno.
- 1986 Paleoindian Site Types and Settlement Patterns in Eastern Nevada. Paper presented at the 20th Biennial Great Basin Anthropological Conference, Las Vegas, Nevada.
- 1986 *Boom Towns and Copper Camps: An Archaeological Survey of Historic Sites in White Pine County, Nevada*. Nevada Division of Historic Preservation and Archaeology, Carson City.

- 1985 *The Pony Express in Nevada*. In *Nevada: 1864-1985, The Official Publication of the Nevada Day Celebration*. Southern Nevada Memorial Hospital Foundation, Inc., Las Vegas.
- 1985 *Red Metal Railroad: The History of the Nevada Northern Railway*. Nevada Governor's Office of Community Services and White Pine County Chamber of Commerce.
- 1984 *Upland Site Utilization in the Western Pluvial Lakes Tradition*. Paper presented at the Annual Meeting of the Nevada Archaeological Association, Ely, Nevada.

## TECHNICAL REPORTS

Baloian, Mary Clark, Randy Baloian, Michael J. Moratto, and Barry A. Price

- 2006 *Cultural Resources Survey and Evaluation on the Sumner Peck Ranch for the Tesoro Viejo Project, Madera County, California*. Applied EarthWorks, Inc., Fresno, California. Prepared for Tesoro Viejo, Inc., Fresno, California.

Lebow, Clayton G., Nathan E. Stevens, Barry A. Price, Rebecca L. McKim, Wendy M. Nettles, Leeann G. Haslouer, Michael H. Imwalle, and Jason M. Fancher

- 2006 *Archaeological Investigations Supporting Consultation with the State Historic Preservation Officer for the Privatization of Military Family Housing on Vandenberg Air Force Base, Santa Barbara County, California*. Applied EarthWorks, Inc., Lompoc, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Nettles, Wendy M.

- 2006 *The Copelands Project: Neophytes, Shopkeepers, and the Soiled Doves of San Luis Obispo*, with contributions by M. Colleen Hamilton, Barry A. Price, Rachael Nixon, Virginia S. Popper, Kholood Abdo-Hintzman, Mary Clark Baloian, John D. Goodman II, Sherri M. Gust, Ann M. Munns, Dina M. Coleman, and Keith Warren. Applied EarthWorks, Inc., Fresno, California. Submitted to City of San Luis Obispo Department of Community Development, San Luis Obispo, California.

Price, Barry A., Sandra S. Flint, and Michael J. Moratto

- 2006 *Cultural Resources Treatment Plan for the Kern Delta Water District Water Banking and In Lieu Water Supply Program, Kern County, California*. Applied EarthWorks, Inc., Fresno, California. Prepared for Kern Delta Water District, Bakersfield, California, Jud Monroe Consulting Services, San Anselmo, California, and Black & Veatch, Overland Park, Kansas.

Flint, Sandra S., Barry A. Price, Randy Baloian, Mary Clark Baloian, and Kathleen Jernigan

- 2005 *Archaeological Investigations at CA-SMA-109/H, CA-SMA-151, and CA-SMA-347, Pillar Point Air Force Station, Santa Mateo County, California*. Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Gerber, Joyce L., Barry A. Price, Clayton G. Lebow, and Mary Clark Baloian

- 2005 *Cultural Resources Management Plan for Pillar Point Air Force Station, San Mateo County, California*. Preliminary Final. Applied EarthWorks, Inc., Fresno, California. Submitted to U.S. Air Force, 30 CES/CEVPC, Vandenberg AFB, California.

Jernigan, Kathleen, Randy Baloian, and Barry A. Price

- 2005 *Cultural Resources Inventory for the Spring Hill Ranch Subdivision, Mariposa County, California*. Applied EarthWorks, Inc., Fresno, California. Prepared for Rod Hylton, Fresno, California.

Lloyd, Jay B., Randy Baloian, Barry A. Price, and Mary Clark Baloian

- 2005 *Extended Phase 1 and Phase 2 Archaeological Investigations, Cachuma Lake Boat Launch Ramp Facilities Improvements, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Santa Barbara County Parks, Santa Barbara, California. Submitted to U.S. Bureau of Reclamation, Mid-Pacific Region, Sacramento, California.

Lloyd, Jay B., and Barry A. Price

- 2005 *Archaeological Evaluation Proposal for Phase II Test Excavations at CA-SBA-1229, Paradise Road Emergency Repair Project, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for County of Santa Barbara County Public Works Department, Santa Barbara, California.

Lloyd, Jay B., Joseph Schuldenrein, and Barry A. Price

- 2005 *Archaeological Testing at CA-SLO-879 for the Estero Marine Terminal Source Removal Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Rincon Consultants, Inc., San Luis Obispo, California.

Price, Barry A.

- 2005 *Cultural Resources Management Review for Rancho San Marcos Golf Course Improvements, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Rincon Consultants, Inc., Ventura, California.
- 2005 *Revised Report of Archaeological Monitoring at CA-MAD-652, 46066 Sutton Drive, Lot 37, Fresno River Estates, Oakhurst.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Madera Planning Department, Madera, California.

Price, Barry A., and Carole Denardo

- 2005 *Resource Interpretation and Public Awareness Plan.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base, vol. 4, edited by Michael J. Moratto and Barry A. Price. Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Price, Barry A., Jay B. Lloyd, Sandra S. Flint, Mary Clark Baloian, Michael Mirro, Randy Baloian, David Earle, and Alan Garfinkel

- 2005 *Final Eligibility and Effects Assessment at CA-LAN-192, Stephen Sorenson Park, Los Angeles County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Rincon Consultants, Inc., Ventura, California. Submitted to Community Development Commission of the County of Los Angeles, Monterey Park, California.

Tanaguchi, Christeen, and Barry A. Price

- 2005 National Register of Historic Places Registration Form: San Joaquin Light & Power Corporation Building, 1401 Fulton Street, Fresno, California. Applied EarthWorks, Inc., Fresno, California.

Baloian, Mary Clark, Wendy M. Nettles, Barry A. Price, and Dina M. Coleman

- 2004 *Archaeological Investigations at the Wawona Hotel Complex, Yosemite National Park, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Yosemite Concession Services Corporation, Yosemite, California.

Baloian, Mary Clark, and Barry A. Price

- 2004 *Historic Properties Management Plan for the Crane Valley Hydroelectric Power Project in Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Nettles, Wendy M., and Barry A. Price

- 2004 *Phase 2 Evaluation of the NTU Mine Site (CA-SBA-3725H) in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Santa Maria Pacific, LLC, Santa Maria, California.

Price, Barry A.

- 2004 *Historic Property Survey Report for the Turri Road Bridge Replacement Project in San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Essex Environmental, San Luis Obispo, California. Submitted to County of San Luis Obispo Department of Public Works, San Luis Obispo, California, and California Department of Transportation District 5, San Luis Obispo, California.

Price, Barry A., Randy Baloian, and Peggy Beedle

- 2004 *Historical Resources Analysis for the Estero Marine Terminal Source Removal Project, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Rincon Consultants, Inc., San Luis Obispo, California.

Price, Barry A., Sandra S. Flint, and Randy Baloian

- 2004 *Cultural Resources Management Plan for the Topock Compressor Station Expanded Groundwater Extraction and Treatment System, San Bernardino County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, San Francisco, California.

Price, Barry A., and Wendy M. Nettles

- 2004 *Historical Resources Analysis for the Old Armenian Town Redevelopment Project in Fresno, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to URS Corporation, Fresno, California.

Brady, Jon L., with contributions by Wendy M. Nettles and Barry A. Price

- 2003 *Historic Property Survey for Proposed School Site N.* Applied EarthWorks, Inc., Fresno, California. Submitted to Fresno Unified School District Facilities Management and Planning Department, Fresno, California.

Livingstone, David M., with contributions by Wendy M. Nettles, Barry A. Price, and Randy Baloian

- 2003 *Historic Property Survey for Fresno Unified School District Proposed Elementary School Site D-2, Fresno, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Fresno Unified School District Facilities Management and Planning Department, Fresno, California.

Lloyd, Jay B., Daniel Hart, and Barry A. Price

- 2003 *Archaeological Testing and Evaluation for the Shell Pipeline Company, LP, Marsh Creek Pipeline Replacement Project in Contra Costa County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Essex Environmental, San Luis Obispo, California.

Price, Barry A., and Randy M. Baloian

- 2003 *Positive Archaeological Survey for a Proposed Bridge Replacement on Jalama Road in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Public Works Department, Santa Barbara, California.

Price, Barry A., and Carole Denardo

- 2003 *Resource Interpretation and Public Awareness Plan.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base, vol. 4, edited by Michael J. Moratto.

Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Price, Barry A.

- 2003 *Negative Archaeological Survey Report for the Old Coast Highway Bridge Replacement Project, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Public Works Department, Santa Barbara, California.
- 2003 *Negative Archaeological Survey Report for the Black Road Bridge (51C-0051) Replacement Project in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Department of Public Works, Santa Barbara, California.

Flint, Sandra S., Barry A. Price, Jay B. Lloyd, Dina M. Coleman, Wendy Nettles, and Mary Clark Baloian

- 2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Testing and Evaluation Report and Historic Properties Treatment Plan for the Northern Loop in Modoc County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, Walnut Creek, California.

Nettles, Wendy M., M. Colleen Hamilton, and Barry A. Price

- 2002 *Archaeological Research Design and Testing/Mitigation Plan for the Copelands Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to City of San Luis Obispo Community Development Department, San Luis Obispo, California.

Price, Barry A.

- 2002 *Management of Cold War Resources.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base, vol. 3, edited by Michael J. Moratto. Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.
- 2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Exclusionary Fencing at Rock Disposal Areas MA 52 and MA 53, Modoc County, California.* Northern Loop Letter Report 2—Addendum 1. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.
- 2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Four Additional Temporary Work Spaces, Two Ancillary Areas, and Three Access Roads in Shasta County, California.* Southern Loop Letter Report 5. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California, and State Office of Historic Preservation, Sacramento.
- 2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Nine Additional Temporary Work Spaces (MA 48, 49, 50, 52, 53, 60, 70, 73, and 82) and Nine Access Roads (MR 1, 3, 5, 6, 8, 15, 16, 17, and 18) in Modoc County, California.* Northern Loop Letter Report 2. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.

- 2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Six Ancillary Areas near Tionesta in Modoc County, California.* Northern Loop Letter Report 5. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.

Price, Barry A., and Carole A. Denardo

- 2002 *Archaeological Investigations for the Olde Towne Nipomo Enhancement Project, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Essex Environmental, San Luis Obispo, California.

Price, Barry A., Sandra S. Flint, and Jay B. Lloyd

- 2002 *PGT-PG&E Pipeline Expansion Project Line 401 Capacity Loops: Supplemental Archaeological Inventory and Evaluation and Historic Properties Treatment Plan for the Southern Loop in Shasta County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, Walnut Creek, California.

Price, Barry A., Wendy M. Nettles, and Carole Denardo

- 2002 *Cultural Resources Inventory for the Copelands Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to City of San Luis Obispo, Department of Community Development, San Luis Obispo, California.

Coleman, Dina M., Mary Clark Baloian, Wendy M. Nettles, and Barry A. Price

- 2001 *Preliminary Evaluation Report: Archaeological Investigations at Washburn Cottage, Wawona Hotel Complex, Yosemite National Park, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Yosemite Concession Services Corporation, Inc., Yosemite, California.

Flint, Sandra S., and Barry A. Price

- 2001 *Archaeological Survey Report for the Friant Road Improvement Project, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for The Twining Laboratories, Inc., Fresno, California. Submitted to County of Fresno Public Works Department, Fresno, California, and California Department of Transportation, District 6, Fresno.

Lebow, Clayton G., Mary Clark Baloian, Douglas R. Harro, Rebecca L. McKim, Carole Denardo, Jill Onken, Eugene Romanski, and Barry A. Price

- 2001 *Final Report of Archaeological Investigations, Reaches 5B and 6, Coastal Branch Aqueduct, Phase II, with contributions by Jeff A. Parsons.* Applied EarthWorks, Inc., Fresno, California. Prepared for Central Coast Water Authority, Buellton, California.

Palmer, Kevin (Lex), Barry A. Price, and Sandra S. Flint

- 2001 *Historic Study Report for the Friant Road Improvement Project, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for The Twining Laboratories, Inc., Fresno, California. Submitted to County of Fresno Public Works Department, Fresno, California, and California Department of Transportation, District 6, Fresno.

Palmer, Kevin (Lex), Keith Warren, and Barry A. Price

- 2001 *Cultural Resources Inventory for the San Luis Obispo County Administration Building, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Morro Group, Inc., San Luis Obispo, California.

## Price, Barry A.

- 2001 *Archaeological Survey Report for the Ramajal Creek Bridge (51C-016) Seismic Retrofit Project on Jalama Road, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Santa Barbara County Department of Public Works, Santa Barbara, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.
- 2001 *Architectural Assessment of the Cottonwood Creek Bridge (41C-006), Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Letter report to Madera County Road Department, Madera, California.
- 2001 *Cultural Resources Assessment for a Proposed Communication Tower Site, Denverton/CA-1595C, Solano County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to ASR Engineering, Inc., Fresno, California.
- 2001 *Cultural Resources Investigation of Proposed Prison Site, Orange Cove, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Conestoga-Rovers & Associates, Baton Rouge, Louisiana.
- 2001 *Historic Property Survey Report for the Balsam Creek Bridge Replacement Project, Huntington Lake Road, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for W. Koo & Associates, Orange, California. Submitted to Fresno County Department of Public Works, Fresno, California, and California Department of Transportation, District 6, Fresno, California.
- 2001 *Historic Property Survey Report for the Carpinteria Class II Coastal Bike Path on Via Real, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Bengal Engineering, LP, Goleta, California, and City of Carpinteria Department of Public Works, Carpinteria, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.
- 2001 *Historic Property Survey Report for the Ramajal Creek Bridge (51C-016) Seismic Retrofit Project on Jalama Road, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Santa Barbara County Department of Public Works, Santa Barbara, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.
- 2001 *Negative Archaeological Survey Report, Clark Avenue and Highway 101 Park and Ride, Orcutt, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Santa Barbara County Department of Public Works, Santa Barbara, California.

Price, Barry, Mary C. Baloian, and Michael J. Moratto, with contributions by Dina Coleman, Wendy Nettles, and Lyn Meckstroth

- 2001 *Research Design for Archaeological Investigations at the Wawona Hotel Complex, Yosemite National Park, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Yosemite Concession Services Corporation, Inc., Yosemite, California.

Price, Barry A., Sandra S. Flint, and Christopher Ryan

- 2001 *Archaeological Investigations at Chepo Saddle, Road 222 Reconstruction Project, Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to U.S. Department of Transportation, Federal Highway Administration, Lakewood, Colorado.

Denardo, Carole, and Barry A. Price

- 2000 *Cultural Resources Survey for the Cathedral Oaks/Glen Annie Signal Project, Goleta, California.* Applied EarthWorks, Inc., Lompoc, California. Submitted to County of Santa Barbara, Public Works Department, Santa Barbara, California.

Flint, Sandra S., Wendy M. Nettles, Stefani D. Hooper, Mary Clark Baloian, Barry A. Price, Carol Brill, and Shari Alberg

- 2000 *Heritage Resources Inventory, Archaeological Survey on Tahoe National Forest, Nevada County, California, for Pacific Gas and Electric Company Transmission Line Separation Project on National Forest Lands.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Flint, Sandra S., Wendy M. Nettles, Stefani D. Hooper, Barry A. Price, Mary Clark Baloian, and Carol Brill

- 2000 *Heritage Resources Inventory, Archaeological Survey on Sequoia National Forest, Fresno and Tulare Counties, California, for Pacific Gas and Electric Company Transmission Line Separation Project on National Forest Lands.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Flint, Sandra S., Wendy M. Nettles, Stefani D. Hooper, Barry A. Price, and Carol Brill

- 2000 *Heritage Resources Inventory, Archaeological Survey on Sierra National Forest, Fresno and Madera Counties, California, for Pacific Gas and Electric Company Transmission Line Separation Project on National Forest Lands.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Flint, Sandra S., Wendy M. Nettles, and Barry A. Price

- 2000 *Archaeological Survey of Selected Portions of the Santa Margarita Ranch, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Santa Margarita Ranch LLC, San Luis Obispo, California.

Flint, Sandra S., Barry A. Price, Stefani D. Hooper, Wendy M. Nettles, Mary Clark Baloian, Carol Brill, and Jason Brown

- 2000 *Heritage Resources Inventory, Archaeological Survey on Plumas National Forest, Plumas and Butte Counties, California, for Pacific Gas and Electric Company Transmission Line Separation Project on National Forest Lands.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Flint, Sandra S., Barry A. Price, Wendy M. Nettles, Stefani D. Hooper, Mary Clark Baloian, Carol Brill, and Shari Alberg

- 2000 *Heritage Resources Inventory, Archaeological Survey on Eldorado National Forest, El Dorado and Amador Counties, California, for Pacific Gas and Electric Company Transmission Line Separation Project on National Forest Lands.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Palmer, Kevin (Lex), Barry A. Price, and Sandra S. Flint

- 2000 *Historic Study Report for the Friant Road Improvement Project, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Fresno Public Work Department, Fresno, California.

Price, Barry A.

- 2000 *Historic Property Survey Report for the Balsam Creek Bridge Replacement Project, Huntington Lake Road, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Draft submitted to ENSR, Camarillo, California.

Price, Barry A., Sandra S. Flint, and Christopher Ryan

- 2000 *Archaeological Investigations at Chepo Saddle, Road 222 Reconstruction Project, Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to U.S. Department of Transportation, Federal Highway Administration, Lakewood, Colorado.

Wyss, Marilyn, and Barry A. Price

- 2000 *Cultural Resources Investigations at CA-SBR-9998 near Needles in San Bernardino County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to ASR Engineering, Inc., Fresno, California.

Flint, Sandra S., and Barry A. Price

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## PROFESSIONAL MEMBERSHIPS

Register of Professional Archaeologists  
 Society for American Archaeology  
 Society for Historical Archaeology  
 Society for California Archaeology  
 Nevada Archaeological Association  
 Fresno County Archaeological Society  
 San Luis Obispo County Archaeological Society  
 Mining History Association  
 National Trust for Historic Preservation

## GRANTS, AWARDS, AND HONORS

Nevada Division of Historic Preservation and Archaeology survey and planning grants for historical and architectural surveys in White Pine County, Nevada, 1983–1987. Three projects totaling \$28,067.

Nevada Humanities Committee grants for humanities related projects in White Pine County, 1984–1987. National Endowment for the Humanities funds for two projects totaling \$37,818.

Nevada Governor's Office of Community Services grants for tourism and economic development. One project totaling \$8,750.

Sonoma State University Department of Anthropology research grant for \$500 to analyze prehistoric cultural remains from Mendocino County, California, 1981.

National Science Foundation Fellowships in Microbiology and Bioscience, LaSalle College and Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania, 1968–1969.

Comments  
On

Air Quality Impacts and Discussion  
Within  
Draft Environmental Impact Report

For the  
Township 9 Proposal

Submitted by Greg Gilbert  
Autumn Wind Associates, Inc.

Comments are submitted to the City of Sacramento by Autumn Wind Associates, Inc. regarding air quality-related information, analysis, and mitigations contained within the Draft Environmental Impact Report for the Township 9 project (PO-6-047, SCH2006072077).

At **DEIR Volume 1, page 2-9**, information is provided regarding the Riverfront Pavilion that will include an "Outdoor Performance Venue" with informal lawn seating for 2500 – 3000 people. It is likely that vendors will provide refreshments, outside acts will be booked for presentations, and audience members will be attracted from outside the development since no restrictions against any of these are discussed in the DEIR as a condition of approval of the Township 9 land use proposal. Emission impacts from an increase in trips per day will result from participants, acts, and vendors. These emissions, not discussed in the DEIR nor estimated via URBEMIS modeling, represent potential to increase project-specific and cumulative emission impacts. Environmental analysis for Township 9 should be revised to reflect effective estimation and review of emission impacts and potential mitigation for this emissions source.

11-54

At **DEIR Volume 1, page 2-14 forward**, new infrastructure to serve the Township 9 development is mentioned, including a network of 12" water mains, 8" – 10" sewer lines to connect to a 33" sewer main at Richards Blvd., a network of 12" – 24" piping and inlets for storm water collection and drainage, and installation of electric, gas, telephone and cable utilities to and across the project area. As noted at the top of page 2-16, on- and off-site improvements will be required: "It is anticipated that upgrading/upsizing of existing utilities would occur on streets immediately adjacent to the project site....in order to serve the project". There is nothing in the DEIR that shows infrastructure emissions were included in the emissions estimates supplied by the DEIR consultants. These emissions would not be covered in default URBEMIS construction modeling assumptions for either on- or off-site construction; URBEMIS2002 provides relatively rudimentary construction emission defaults for site grading, and the DEIR's Air Quality element fails to specify whether or how wet/dry utility installation emissions were quantified. The Township 9 DEIR provides no information, as an example, of pipeline and utility trench heights, widths, lengths on- or off-site for manual trenching emission calculations. Emission factors for trenching can be calculated using Bay Area Air Quality Management District (BAAQMD) CEQA

11-55

Guidance<sup>1</sup> or other means, but must be effectively estimated and reviewed to ensure CEQA's environmental review objectives are met. Further, SMAQMD's construction mitigation fund used to offset Township 9's construction emissions beyond 85 lbs/day (NOx) relies on accurate construction emission estimates for its effectiveness. Based on the absence of a comprehensive assessment of all construction emissions-generating tasks to occur with project approval, infrastructure improvements to and on the site must be estimated and evaluated in Township 9's environmental documentation.

11-55  
(cont.)

At **DEIR Volume 1, page 2-16**, under **Construction Considerations** demolition of 1.4 million square feet of existing buildings is specified. Yet at top of the fourth page of the unpaginated PDF'd Appendix E, demolition of 940,000 square feet is specified over a term of 16 weeks and using four 25-yard trucks, two excavators, and one water truck. At page 20 of Appendix E, however, cubic feet of the demolition area is given as 14,100,000—which, left to the reader's speculation may (or may not) be the square footage number above multiplied by a single-story height of 10' (which, based on photographs of buildings now at the project site, appears inaccurate). At pg. 2-16, this first-listed URBEMIS2002 model output indicates a demolition term of five months, use of two excavators, one "other" piece of equipment, and one tractor/loader/backhoe. These temporal and equipment differences are not explained in the DEIR, and particularly not within the Air Quality element where they should be provided. In fact, a number of pieces of important information are not provided in the Air Quality element to explain assumptions made by the URBEMIS modeler. Why, for instance, was the roundtrip distance for demolition trucks changed without explanation from the URBEMIS default (30 miles) to 16 miles, a sizable decrease in travel distance (and related incremental emissions)? Why does the first portion of Appendix E stipulate use of 4 heavy-duty 25-yard trucks for (presumably) transport of demolition materials, while the URBEMIS modeling several pages further on indicates use of only one truck? These discrepancies fail to provide the accuracy in impact estimation envisioned by CEQA, and confound the public's ability to verify data or findings. Based on mis-modeling, particularly for demolition, construction emissions are likely underestimated.

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<sup>1</sup> Heavy and Light-Duty Construction Equipment Exhaust Emission Factors, Table 7, page 29, BAAQMD; December, 1999

Autumn Wind Associates, Inc.

Comments on Adequacy of Air Quality Analysis for the Township 9 DEIR

April 14, 2007

Further, at **DEIR Volume 1 page pg. 2-16**, Township 9's construction emissions, modeled extensively for emissions in lbs/day units with a complex schedule for a large number of discrete, time-limited phases and sub-phases, is confounded with this statement: "*As with the construction phasing plan, market conditions could expedite or extend the schedule or require an additional phase(s)*". The limitless flexibility envisioned by this statement does a huge favor to the project developer but effectively renders the four major phases (and scores of sub-phases) of URBEMIS construction emission modeling (comprising several hundred pages in Appendix E), all carefully tied to specific time periods over nine years, essentially meaningless to air quality standards and violations (NOx and PM10 particularly), since compression of the construction schedule would increase the amounts and concentrations of daily emissions and possibly cause violations of air quality standards (local and federal). It would also contradict land use guidance and CEQA thresholds of the SMAQMD that are designed to prevent and reduce quantitatively the project's daily emissions. CEQA anticipates a best reasonable effort in characterizing a project's direct and indirect, short- and long-term environmental impacts, yet in this case the construction emissions of Township 9—along with mitigations to reduce their impacts in keeping with SMAQMD CEQA land use guidance and thresholds—are simply too complex in how they have been described within the DEIR to allow the flexibility envisioned in the excerpt above. If the lead agency wants to ensure flexibility for the developer in the ensuing years, it must provide adequate discussion (beyond the one sentence quoted above) and mechanisms specifying how emissions, impacts, and mitigations will change under various expedited or extended construction schedules. As currently written, no language in the Mitigation Monitoring Plan (MMP) limits the developer from compressing construction phasing and sub-phasing, and it is certain that compression would increase daily quantities (and, likely, ambient local concentrations) of important emissions. Any considerable increase in any pollutant of concern could lead to exceedances of air quality standards and would render the analysis, mitigations, and findings in the DEIR inaccurate and ineffective. Similarly, no information is found in the DEIR that details responsibilities and methods for enforcement of this or other air quality mitigations. What agency will check to ensure that no scrapers or graders will be used during mass- or secondary grading activities at Township 9, since none were modeled for the DEIR? What agency will be responsible, liable, and provide for routine equipment inspections across the nine years envisioned for the project, and limit that equipment reasonably to the equipment and hours of operation specified in the extensive URBEMIS modeling contained in the DEIR or its appendices? Based on our extensive analysis of construction equipment used on CEQA-reviewed

11-57

projects in the Sacramento region, it is virtually certain that construction equipment used for Township 9 URBEMIS modeling will not even remotely reflect the size, variety, or quantity of diesel-powered equipment that will actually build the project described in the DEIR. Correspondingly, emissions estimates in the DEIR for construction are inaccurate.

11-57  
(cont.)

At **DEIR Appendix pdf page 16** URBEMIS modeling output information specifies offroad demolition equipment for modeling purposes that does not match equipment shown at pg. 4 of the same document, noted under the table Township 9 Equipment/Use Specifications. At page 16, 128,182.5 cubic yards of demolition per day will be processed; URBEMIS anticipates 75% reduction of this volume during demolition and this should translate to about 1187 cubic yards/day required to move through the recycling facility on site or to Kiefer Road landfill. The Air Quality element fails to explain how the URBEMIS modeling, using one truck, will transport 59 truck loads (at 20 cu yds/load) per day at a reduced (and unexplained) roundtrip distance of 16 miles. If all materials are transported offsite with one truck across a hypothetical 12-hour workday, each roundtrip would need to be completed every twelve and a half minutes. Realistically, nearly all of the buildings will be demolished within a number of days by use of a higher number of dozers and excavators than were modeled for the DEIR, and it is highly likely that nearly all of the materials will then be transported to the landfill since the time and labor costs for sorting recycled materials at the site are virtually certain to exceed transport and landfilling costs. Moreover, information at DEIR pg 2-19 "Temporary Recycling Facility" reflects that the great majority of recyclables will be earthen and cementitious materials, with transport offsite of wood material to an offsite cogeneration facility or to Kiefer Road Landfill and demolition materials presumably to the landfill. No information is provided on the location of the cogeneration facility but it is likely located in Woodland, a roundtrip distance of more than forty miles. Kiefer Road Landfill reflects a roundtrip of at least thirty-five miles. While URBEMIS modeling inputs in Appendix E for demolition do not appear to match equipment information elsewhere in Appendix E or to information at DEIR pg. 2-19, the assumptions behind the inputs chosen for URBEMIS modeling should have been fully explained in the DEIR's Air Quality element—yet virtually no information is provided there explaining the assumptions used by the modeler, nor does the Air Quality element even mention recycling and how it would affect mobile source emissions estimates.

11-58

Additionally, the DEIR's air quality section provides no discussion and almost no information on the major construction tasks requisite for URBEMIS modeling assumptions and model inputs, and at least one major construction emission source was missed altogether. As an example, Scenario A or Scenario B will result in the construction of millions of square feet of new cement-and-steel structures, in a number of buildings up to fifteen stories in height, across most of the sixty-five acre site—yet no modeling was conducted to estimate emission impacts from the thousands of transit-mix trucks that will produce scores of thousands of truck trips regionally in direct support of the project's construction. These heavy-duty diesel emissions are relevant to the environmental review process and are, as a discrete portion of the project's construction emissions, almost certain to be a large portion of the project's construction emissions. Estimates of quantities of cement for project buildings, along with truck travel routes and distances, should have been undertaken in the DEIR, irrespective of whether the scale of the project is already considered by the lead agency as having passed the point of producing significant and unavoidable emission impacts. CEQA requires robust and comprehensive analysis of all reasonably foreseeable project-related emissions and impacts, and cement-related mobile source emissions would not be difficult to evaluate using relatively straightforward information obtainable from project developers or their engineering and building-design consultants.

11-59

Discrepant and missing construction emissions-related information between the sections of the DEIR, and particularly with how URBEMIS emissions estimates were produced, renders its emissions estimates unreliable. Accurate estimates are necessary for the determination of fees to be paid to SMAQMD for construction mitigation offsets, and to ensure that impacts do not cause exceedances of emission standards as required by CEQA guidance at Appendix G. The CEQA Guidelines, Appendix G, reflect that air quality-related impacts are significant if a project would violate ambient air quality standards or substantially contribute to an existing or projected violation.

Operational emissions information from URBEMIS modeling for Scenarios A and B of the Township 9 project is not found in Appendix E, and it has not been located in Appendices C- N, supplied by the lead agency on a CD using Adobe (software) search functions (searching for "operational"). Operational emission estimates are found in Appendix E only under the heading "Emissions Modeling Outputs for Reduced Height/Reduced Density Alternative", and thus must be assumed to apply only to the less-intense project alternative. Without operational emissions

11-60

modeling information and URBEMIS outputs, the estimates of operational emissions found at DEIR Table 6.2-5 cannot be confirmed or cross-checked for completeness or accuracy. Operational modeling outputs and information may be found somewhere within the thousands of pages of environmental documentation for the Township 9 project--the sheer volume of information provided by the lead agency for this project confounds its organization and effective review--but I have been unable to locate them in materials supplied by the lead agency. If operational emissions-related information was inadvertently left out of the DEIR or its supporting and publicly-released documentation by the lead agency, this would seriously compromise the public's ability to participate in the effective CEQA review process and would reasonably require public recirculation of the missing information.

11-60  
(cont.)

At DEIR Volume 1 pg 2-22 construction is modeled for emissions over a nine year period through 2016. Toxic air contaminants in the Air Quality element are discussed beginning at DEIR Volume 1 pg. 6.2-7, with TAC impacts assessed "over a constant 24 hours per day for 70 years for residential receptor locations", and "For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold". Potential exposures to diesel particulate matter, with the determination of risks through a Health Risk Assessment (HRA) using dispersion modeling, is given inadequate review at DEIR pg 6.2-14. There the DEIR states "Construction of the proposed project would generate TACs through the burning of diesel fuel. Diesel particulate has *recently* (emphasis added) been identified as a TAC by the CARB. While there are some components of diesel particulate that could conceivably cause short-term acute impacts, the biggest concerns regarding diesel impacts are the potential chronic impacts that can occur with long-term exposure." Diesel particulate was identified as a TAC by CARB in 1998<sup>2</sup>--nearly ten years ago, and this fact tends to reflect that the Township 9's air quality element was prepared using cut-and-paste methods from much older CEQA review documents. The DEIR also provides information regarding the establishment by CARB of background levels of TACs in ambient air (with estimated inhalation risks of cancer set at between 750 and 1500 cases per one million people in 2010), implying that the relative increased contribution of TACs from Township 9 will be insignificant in comparison. However, CEQA requires the estimation of new impacts for the proposed project in comparison to the

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<sup>2</sup> California Air Resources Board, Resolution 98-35, August 27, 1998.

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emissions profile of the current land use—and not in comparison to existing ambient TAC risks for the broader area. What is certain with regard to the Township 9 project proposal is that TAC emissions will occur from diesel construction vehicles in combination with operational diesel vehicles, since the project will be phased over a projected nine year period during which construction of new phases will mix with operational emissions of completed project buildings—and therefore the DEIR's limited discussion of construction diesel-related emissions independent of one another reflects inadequate environmental review. The DEIR also fails to establish a clear toxic air contaminant (TAC) threshold of significance, and it must be noted that other CEQA environmental reviews for commercial project developments (e.g. the Promenade project, City of Sacramento) have conducted HRAs for construction emissions. Further, HRA analysis is not limited to seventy years of exposure as the Township 9 DEIR implies; this is reflected in air district (e.g. BAAQMD, SCAQMD) guidance applied to CEQA construction emission reviews. To exemplify, BAAQMD guidance for estimation of shorter-term cancer risk reflects that "The project is acceptable if the annual emissions associated with the project would result in an incremental cancer risk equal to or less than  $1.0 \times 10^{-6}$  (one in one million), *were the exposure to continue for 70 years*<sup>3</sup> (emphasis added)". These policies have been applied when estimating cancer risks, specifically, for construction projects. SCAQMD air toxics guidance from Rule 1401 similarly reflects the notion that toxics exposures estimated for seventy years are significant at lesser yearly increments: The South Coast Air Quality Management District's ("SCAQMD's") toxic rule, Rule 1401, requires a lifetime exposure duration for cancer risk assessment but stipulates that "The risk per year shall not exceed 1/70 of the maximum allowable risk specified in (d)(1)(A) or (d)(1)(B) at any receptor location in residential areas<sup>4</sup>". In other words, a 70-year exposure duration is reasonably parsed to evaluate risks from shorter-term TAC (such as diesel particulate matter from construction project) exposures. The state Office Environmental Health Hazard Assessment (OEHHA) provides guidance to characterize health risks of TAC exposures over nine years<sup>5</sup>— the period for construction identified for the Township 9 project. Residential receptors for TAC exposures are directly south of the Township 9 project area; diesel emissions from construction and operational diesel engine and vehicle activities will overlap and may easily surpass the standard HRA cancer risk threshold of ten in a million. The Township 9 DEIR fails to identify a TAC significance threshold, evaluate for overlapping project-related TAC emissions

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<sup>3</sup> Bay Area Air Quality Management District (BAAQMD), Bay Area AQMD Risk Management Policy for Diesel-Fueled Engines, Revised January 11, 2002

<sup>4</sup> South Coast Air Quality Management District (SCAQMD), Rule 1401, § 1401(d) (4.)

<sup>5</sup> Office of Environmental Health Hazard Assessment (OEHHA), The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments; June 2002

(particularly from diesel operation during construction and operational phases), or evaluate substantively the potential for Township 9 to cause unacceptable TAC-related health risks. This is a major breach in the lead agency's responsibilities under CEQA and must be corrected.

11-61  
(cont.)

At DEIR Volume 1 pg. 6.2-13 **Construction**, construction "equipment was estimated using standard SMAQMD methodology". Further, at DEIR pg. 2-19, 130,000+ cubic yards of cut-and-fill are identified for the project site. This amount is significant, qualifying the project as a large cut-and-fill operation, and is well beyond the capacity of the one tractor/loader/backhoe noted for grading in URBEMIS modeling outputs noted at Appendix E (PDF page 25). SMAQMD's CEQA guidance document (SMAQMD Guide to Air Quality Assessment for Sacramento County, 2004) at pg. 3-5 lists a motor grader, scraper, dozer, and water truck for large cut-and-fill and grading operations, and there is little likelihood that scrapers will not be used at the site, since they are the primary type of grading equipment used to excavate and move dirt from one portion of the site (as with the area of cuts identified in the DEIR along Richards Boulevard) to the area of fill adjacent to the levee at the north section identified for filling. Scrapers are high-horsepower, high duty-factor, and are the most common offroad equipment used to move soils during mass grading. Graders are used to finish grade building sites and, especially, roads prepared for paving and are virtually certain to be used extensively at the project. Neither piece of equipment appears to be listed in the 500 pages of URBEMIS modeling outputs in Appendix E; this is not consistent with SMAQMD guidance nor is it typical of construction grading practices employed near-universally at projects of this size in the region. In all likelihood, graders and scrapers *will* be used at the project site, without their emissions having been characterized in Township 9's environmental review documents. URBEMIS allows the modeler to choose a wide variety of equipment for modeling, yet inaccurate and underestimated types and numbers of equipment will yield artificially low emissions estimates. In turn, this underestimates project emissions and has the effect of reducing mitigation offset fees paid to the SMAQMD in those instances (such as at Township 9) where construction emissions significance thresholds are exceeded. To correct the deficiencies contained within the DEIR's construction emissions modeling and findings, equipment profiles should be sought from Teichert and Sons or other firms in the Sacramento region who routinely provide grading and paving services, and accurate equipment inventories to the SMAQMD for projects of this type; discussion with SMAQMD land use planning staff familiar with construction equipment profiles and practices in the region must

11-62

also be undertaken. Corrected, representative equipment information should then be used to re-model Township 9's construction emissions.

↑ 11-62  
 (cont.)

At **Appendix E PDF page 553**, NOx operational emissions for Scenario B are estimated to exceed 292 lbs/day. This is well beyond the SMAQMD's significance threshold. In contrast, NOx emissions from heavy industrial land uses that could be built on the approximately 53 developable acres of Township 9 would yield less than 7 lbs of operational NOx/day, a rate roughly forty-seven times lower. The Sacramento Federal Ozone Nonattainment Area (SFONA) has failed to meet state and federal ozone emission standards for more than fifteen years, has been redesignated to "serious" ozone nonattainment under the 8-hour federal standard, and evaluation of ozone monitoring values from various sites in the Sacramento area reflect, at best, relatively static or only slightly improving ozone measurements. In light of the substantial population growth in the region and historical failures to meet ozone emission requirements, the recommended determination that the project's operational emission impacts are significant and unavoidable ignores mitigations or the need to reduce mobile source NOx and PM emissions. It also ignores that CEQA projects in other locations have mitigated their significant land use projects with a no-net-increase mitigation for operational emissions (e.g. Tejon Industrial Complex, Kern County, CA), using air district-approved offsets obtained by reducing emissions of mobile sources serving or proximate to the development area. The Township 9 DEIR fails to evaluate all potential mitigations using CARB-certified technologies to reduce heavy-duty vehicle NOx and PM emissions; a number of technologies are available and have qualified as cost-effective retrofits under the Moyer Program (referenced within the Township 9 Air Quality Element at pg. 6.2-11) pioneered by the SMAQMD. On the basis of the area's relatively poor air quality history and monitoring data near the project site that show slow or little ozone improvement year-to-year, and by virtue of more effective "no-net-increase" mitigation having been determined as reasonable and feasible in other complex land use proposals, Township 9's environmental documents should be revised to reflect more effective long-term ozone mitigation strategies.

11-63

At **DEIR Volume 1 pg. 6.2-26** cumulative emissions are discussed in limited detail: "Ozone precursors is (sic) a regional pollutant, therefore, the cumulative context would be the existing and future development of the SVAB". This is incorrect since ozone nonattainment for the project site is characterized for the six-county Sacramento Federal Ozone Nonattainment Area

11-64

(SFONA), a subset of the larger Sacramento Valley Air Basin. Additionally, land use reviews under CEQA must attempt to characterize a project's cumulative emissions in context to CEQA Guidelines Appendix G's requirement that a project not cause or contribute to violations of air quality standards. SMAQMD CEQA land use guidance (pg. 5-24) reflects significance if the concentration of project-related emissions at the project area causes more than a 5% ambient increase of health standards contained within the California Ambient Air Quality Standards. Cumulative emissions should also be qualitatively reviewed in context to land use developments identified for the surrounding Sacramento City and County area. With respect to PM10 and PM2.5 emissions from construction equipment operation, concentration modeling is recommended by the SMAQMD, yet no discussion is found regarding this fact in the DEIR's Air Quality element despite estimates of high daily amounts of construction and operational particulate matter. While the Township 9 DEIR mentions several of these developments (pg 8-8) in the CEQA Considerations section, it fails to mention or qualitatively evaluate the project's emissions in context to these or any other developments within the surrounding area. The DEIR fails to consider the project's cumulative emission impacts in context to the historical failures of the region to attain ambient air quality standards, in context to the considerable population growth in the area, or to the emissions impacts that can be reasonable expected from the developments noted at DEIR page 8-8.

11-64  
(cont.)

At **Appendix E, PDF pg 553**, a trip rate for strip mall is listed as 64.54 per 1000 sq. ft. Our review of URBEMIS2002's trip rate employed for a strip mall yields a value of 42.94/1000 sq. ft. This is a significant discrepancy.

11-65

At **DEIR Volume 1 pg. 6.2-4** Sacramento regional exceedances of state and federal air quality standards are shown. No information is provided regarding PM2.5, a pollutant regulated under state and federal Clean Air Acts. EPA has established ambient air quality standards for seven criteria pollutants, including PM2.5. PM2.5 emissions monitoring information for the Sacramento area is obtainable from CARB.<sup>6</sup> PM2.5 represents relatively greater health impact than PM10 since the smaller fraction is typically generated from internal combustion engine operation and includes ultra-fine respirable diesel-related materials that are toxic. The Sacramento area has a substantial number and history of violations of PM2.5 air quality state standards. The Township

11-66

<sup>6</sup> California Air Resources Board; "Characterization of Ambient PM10 and PM2.5 in California Technical Report 2005"; July 1, 2005; <http://www.arb.ca.gov/pm/pmmeasures/pmch05/sacv05.pdf>

9 project must be substantively evaluated for its PM2.5 emissions and in context to regional violations.

11-66  
(con't.)

At **DEIR Volume 1 pg. 6.2-5**, Table 6.2-3 "Air Quality Standards Attainment Status Chart for Sacramento County" lists "Inhalable Particulates (PM10)" but appears to provide primary standard values for PM2.5. No state PM10 standards information is found. Other criteria pollutants are described prior to page 6.2-5 for characteristics, health effects, conditions of formation, etc., yet no substantive information is provided in the Air Quality element regarding PM2.5. This is another indication that large portions of the Township 9's air quality section have been cut-and-pasted from other, older CEQA project reviews since PM2.5 is the latest criteria pollutant to be regulated under state and federal Clean Air Acts.

11-67

At **DEIR Volume 1 pg. 6.2-9** the Sacramento federal ozone nonattainment area (SFONA) lists five counties and omits El Dorado County. All or parts of six counties are contained with this area, including a portion of El Dorado.

11-68

At **DEIR Volume 1 pg. 8-6**, under **Impacts of Induced Growth**, the project will increase the City's population by 6,040 or 7,661 people. The DEIR fails to effectively characterize the superior air quality advantages theoretically possible with the "Smart Growth" mixed-use scenario (Scenario B) that would add substantial offices to the Township 9 project. At DEIR pg 5-9, Scenario B "represent a jobs/housing relationship closer to balance than the county as a whole, which tends to be an importer of employees living in other counties". If the Township 9 project wishes to believe that it embraces SACOGs Blueprint for new development, it must commit to rejecting Scenario A since the project effectively fails to provide more than a miniscule number of jobs in relation to increased residences.

11-69

At **DEIR Volume 1 pg 6.1-14**, "While the scale and density of site development would be greater than current conditions, it would not substantially change the visual character or the views to and from the site. No six to fifteen story buildings currently occupy the project site. How is it that new twelve to fifteen story buildings won't change the visual character or views to and from the site? This is counter-intuitive, with no explanation for the statement quoted above.

11-70

At **DEIR Volume 1 pg. 6.2-28** cumulative levels of particulate from the project are discussed, including the statement “The only operational measure available would be a significant reduction in motor vehicle trips” as a means to reduce cumulative PM10 emissions. This is grossly inaccurate since technologies to reduce tailpipe emissions have historically been exponentially more effective to improving mobile source-related emissions than convincing people to reduce their vehicle use. Importantly, the cumulative PM emissions resulting from the approval of the Township 9 project could be fully offset with mitigations designed to purchase diesel particulate filters for heavy-duty diesel vehicles or for offsetting the costs of newer, lower-emitting diesel equipment and vehicles serving in or near the project area. Placer County APCD operates an offsite mitigation program, the SJVUAPCD requires significant new developments to reduce operational PM10 emissions by nearly 50% directly or through payment of offsetting fees (that are then converted to low-emission heavy-duty vehicle projects by the air district), and the SMAQMD operates a mitigation program using fees to offset their significant construction emissions via air district low-emission vehicle projects. The DEIR fails to consider these programs as potential mitigation options to reduce Township 9’s cumulative PM emission impacts, and it fails to consider CARB-certified technologies that reduce 85% or more of heavy-duty diesel particulate emissions—these technologies could be required of all diesel vehicles serving the project over its lifetime, including retrofitting of vehicles such as school buses and refuse trucks that serve or operate near the project. Similarly, Cleaire technology ([www.cleaire.com](http://www.cleaire.com)) and other technology providers provide diesel aftertreatments that reduce both NOx and PM10 very substantially. Low-emission vehicles using natural gas, propane, and other alternative fuels are also available, with emissions rates significantly below those of older, and even new, diesel vehicles. Similarly, the SMAQMD has funded the availability of a large-capacity, ultra-low emitting propane-fueled genset for construction projects that may be rented (Cummins West, San Leandro, CA).

11-71

At **DEIR Volume 1 pg 7-14**, the DEIR mischaracterizes the value of what should be considered substantial and valuable emission benefits of the Reduced Density/Reduced Height alternative. There, the DEIR attempts to rationalize the 65% - 71% reductions in criteria pollutant emissions as insignificant, since even with those reductions the project would exceed applicable CEQA thresholds and therefore cause significant and unavoidable impacts. Realistically, however, the environmental effects of the reduced height/density alternative will be greatly reduced over those of the larger, City-supported project—and thus the smaller project is, without any substantive

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arguments in the DEIR to the contrary, environmentally superior by comparison. Moreover, the argument that the larger project is somehow superior to the reduced height/density project since both would cause significant and unavoidable impacts is moot, regardless, since either project configuration is virtually certain to result in the issuance of the same CEQA override by City Council. If the lead agency believes that the larger project size is environmentally superior for air quality impacts in comparison to the reduced height/density alternative, it should provide meaningful information that justifies the ~68% relative increase in operational emissions.

11-72  
(con't.)

At **DEIR Volume 1 pg 7-16**, the Reduced Density/Height project alternative is evaluated against project objectives and determined to be inferior to the larger, higher-emitting project alternative since the smaller project is assumed to be too small to qualify a light rail station for federal transit agency funding. Here the DEIR states "In order to provide this transit line, the City would need federal funding. Federal funding for light rail projects is extremely competitive and is usually not available unless the transit service would immediately serve at least a minimal service population. Thus, the project needs to include densities that would support the line and make funding feasible." Importantly, the DEIR fails to provide any evidence that the reduced density/height alternative would be too small to qualify the light rail objective for federal funding. No definition of a "minimal population" is provided, and thus is meaningless as evidence that the smaller project alternative would be likely to cause a loss of federal transportation funds. Without meaningful information or evidence that the smaller alternative would not provide a minimal service population sufficient to qualify for federal funding, the determination in the DEIR that it is inferior is not supported. If the lead agency wishes to argue that a minimum project threshold exists for federal transit funding (and that the reduced density/height alternative falls beneath it), it should provide specific excerpts from federal guidance or regulation to prove the assertion quoted above.

11-73

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## STATEMENT OF QUALIFICATIONS

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### **Education**

University of California, Santa Barbara; B.A., Env. Studies, 1982

### **Professional History**

Greg Gilbert has consulted on air quality land use planning and mobile source issues and projects to private and public clients since forming Autumn Wind Associates in 2001. Previously he was marketing director for a specialty emissions catalyst manufacturer and between 1990 and 2000 worked in two California air agencies, most recently as project manager in the Mobile Source Division of the Sacramento Metropolitan Air Quality Management District. While at the SMAQMD, Mr. Gilbert was responsible for assisting in the development and implementation of the District's heavy-duty vehicle low-emission incentive program that would later serve as a model for creation of the statewide Moyer Program. Additional responsibilities at the District included evaluating air quality emission impacts and control strategies, developing CEQA mitigations and updating CEQA guidance, and creation of the first in-lieu mitigation fee program. Since leaving the SMAQMD he has provided consulting expertise to the District with detailed analysis of construction activities and related emissions from completed large development projects, and continues to provide expertise involved in revisions to the URBEMIS model. Mr. Gilbert continues to provide expert air quality analysis related to mobile source emissions issues, land use development, and CEQA reviews to a broad variety of clients including diesel and alternative fuel engine and fuel industry entities, air agencies, other consultancies, environmental organizations, homeowner's associations, attorneys, and members of the development community.



**LETTER 11: WILLIAM D. KOPPER**

**Response to Comment 11-1**

Comment noted. Please see responses to comment letters 1 through 14.

**Response to Comment 11-2**

The complete distribution list for the Township 9 NOP and Draft EIR are included as Appendix D of this Final EIR. Copies of the NOP and Draft EIR were sent to adjacent local jurisdictions, including the City of West Sacramento and Yolo County. No comments were received from any adjacent local jurisdictions with the exception of Sacramento County. Responses to Sacramento County's comments are included in this Final EIR.

**Response to Comment 11-3**

Section 15141 of the CEQA Guidelines is included under Article 10. "Considerations in Preparing EIRs and Negative Declarations." Since this section of the Guidelines was written the environmental analysis conducted for projects has become more sophisticated. Also, due to the number of CEQA lawsuits being filed a considerable amount of additional information, analysis, and evaluation is included in an EIR as required by the courts.

The Draft EIR prepared for the Township 9 project includes an analysis of eleven technical issue areas along with a review of two non-technical issue areas (Land Use and Population and Housing). Due to the unique location of the project site and the unique issues associated with developing the site the EIR provides a thorough evaluation of all the potential project impacts. As stated in Section 15121 of the Guidelines, "[A]n EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project". It is important that an EIR be thorough and disclose all aspects of construction and future operation of a project and identify all potential impacts associated with project implementation. It was not possible to address many issue areas in the Initial Study; therefore, the EIR contains an analysis of all of the environmental issue areas contained in the Environmental Checklist (Initial Study) with the exception of Mineral Resources. This contributed to making the document longer than the preferred 150 to 300 page limit established in the Guidelines.

As required by the CEQA Guidelines (see Section 15123) an EIR shall include a Summary that contains a review of the proposed actions and consequences of the proposed project along with an overview of the project's significant effects and proposed mitigation measures. Chapter 3, Summary of Impacts and Mitigation Measures, includes a brief description of the project; a summary of effects determined to be less than significant; a summary of both project-specific and cumulative impacts of the project determined to be significant and unavoidable; a list of project alternatives; and, a brief summary of potential areas of concern. This brief overview of the project is provided in a total of 4 pages. Pages 3-5 through 3-106 includes a comprehensive table listing all of the project impacts and identifying the significance of the impact both prior to and post mitigation. This table is designed to assist the reader to quickly and easily identify project impacts. It is not designed to intentionally confuse the reader or to discourage public participation in the EIR review process. Many lead agencies prefer to have a table up front that lists all the project impacts and the level of significance both before and after mitigation.

In response to the statement that the summary table appears to repeat pages 3-55 through 3-76; there is no difference between Impact 6.11-1 and Impact 6.11-12; and Impacts 6.11-1 through 6.11-11 are repeated beginning on page 3-90 the commenter appears to be confused. In the traffic analysis (see Section 6.11, Transportation and Circulation, in the Draft EIR) there are three traffic scenarios analyzed: 1) Existing plus Project or Baseline Conditions; 2) Cumulative – Near Term Year 2013 plus Project; and, 3) Cumulative – Year 2030 plus Project. Impacts 6.11-1 through 6.11-11 address the Existing plus Project scenario; Impacts 6.11-12 through 6.11-17 address the Near Term 2013 plus Project scenario; while, the Cumulative analysis through Year 2030 is analyzed in Impacts 6.11-18 through 6.11-24. The traffic analysis, prepared by Dowling Associates, did not differentiate in the impact statements between these three different scenarios. Therefore, it may appear to the reader that the summary table is repeating statements, but in actuality the same traffic issues are being evaluated under each scenario.

The provision of a table that summarizes all the project and cumulative impacts and indicates the level of significance both before and after mitigation does not preclude the public from being able to comment on the adequacy of the EIR. No other comment letters received indicate that the summary table was confusing or hindered the public's ability to review or comment on the Draft EIR.

#### **Response to Comment 11-4**

The comment states that the Project Description is inaccurate because “the EIR takes the position that the only City approval for the proposed project to proceed is the issuance of a planned unit development zoning” and asserts that the project requires a variance from zoning code height restrictions. In fact, the Project Description states that project approval would require several discretionary actions of the City, including entering into a development agreement with the applicant for allocation of infrastructure costs, park dedication requirements, the applicant's contribution toward funding a Light Rail extension, and turn key agreements; approval of a rezone to change the zoning designations on the proposed project site; approval of a planned use development (“PUD”) designation for parcels designated Residential Mixed Use and Open Space along with adoption of development guidelines and a schematic plan; approval of a tentative map to subdivide approximately 65 gross acres into 20 lots; and approval of a water supply assessment (see Draft EIR pages 2-22 to 2-26). The Project Description also states that the proposed project would require a recommendation to the City Council from the Design Commission to approve the PUD Guidelines and Schematic Plan; as well as review by the Preservation Commission for a recommendation regarding demolition of structures on the site that are 50 or more years old.

With respect to the appropriateness of using a PUD versus a zoning variance, the City Zoning Code, Chapter 17.180 sets forth the PUD regulations. Section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone (Section 17.136.010) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code (Section 17.180.050, subdivision (A)(2)) The Schematic Plan and Development

Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan.

Thus, although the Richards Boulevard SPD for the Residential Mixed Use Zone limits building heights to 75 feet, residential densities to 65 dwelling units per acre and impose a 25 foot setback along North 7<sup>th</sup> Street, all of those limits are changed via the PUD. The base zone and SPD function primarily to impose allowable use prohibitions that are not in the PUD, and for any other requirements that are not inconsistent with the PUD, such as a special permit for certain types of allowable uses.

#### **Response to Comment 11-5**

The Richards Boulevard Area Plan is a policy document. The Land Use Standards and Design Guidelines in the Richards Boulevard Plan are guiding principles rather than zoning regulations. The Richards Boulevard SPD was enacted to implement the Plan. As noted above, the PUD regulations specify that they control over conflicting SPD zoning regulations. As long as the zoning regulations are consistent with the policies and objectives of the Plan, the zoning can be amended without amending the Plan.

The Township 9 project is consistent with the land use designation of industrial/residential which provides for new residential development to occur at existing industrial sites. The consistency chart included as Appendix B of this Final EIR indicates that the proposed project is generally consistent with the policies and objectives of the Richards Boulevard Plan.

#### **Response to Comment 11-6**

See Appendix B of this Final EIR. The project is consistent with this Objective of the RBAP. The mitigation measures provided in the project's environmental impact report require an extensive list of measures designed to preserve the historical resources. These measures include documentation and recordation, an oral history project, deconstruction, salvage and reuse, and implementation of design guidelines. The design guidelines for the project take into account that the project is removing a historically significant cannery and industrial site. The Guidelines encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. In addition, the project has been reviewed and was favorably received by the City's Historic Preservation Commission. A copy of the transcript from the Historic Planning Commission review is attached as Appendix E of this Final EIR. The Commission voted unanimously to endorse the mitigation for historic resources proposed by the applicant. Neither the commentors nor their attorney appeared at the hearing.

With respect to the continued operation of industrial and service oriented uses, Policy 2.1 under Objective 2 states that opportunities within the Richards Boulevard area for service business and start-up or incubator businesses should be preserve and enhanced and Policy 2.2 states that existing manufacturing and processing uses should be allowed to remain and expand within the area. The project is consistent with these policies. Existing uses on the site include industrial, warehouse commercial and office uses. Current active business on the Project site

include a livestock feed supplier, offices of the project applicant, cold storage, concrete storage and delivery, hay bail compression and delivery, and a warehouse occupied by the Sacramento Habitat for Humanity. These uses will not continue as part of the project; however, the RBAP plans for the phase out of these uses and the development of new mixed use projects. The Project will provide for mixed uses, including neighborhood serving retail, residential, and office uses.

Policy 2.2 identifies the Cold Storage facilities located in the Project area as an exiting use that will eventually redevelop in a mix of urban uses. The RBAP “allows for the continued use of the site for food processing as well as development of new residential and office uses, should the owners wish to redevelop the site in a mix of urban uses at some future time (RBAP, page 28).

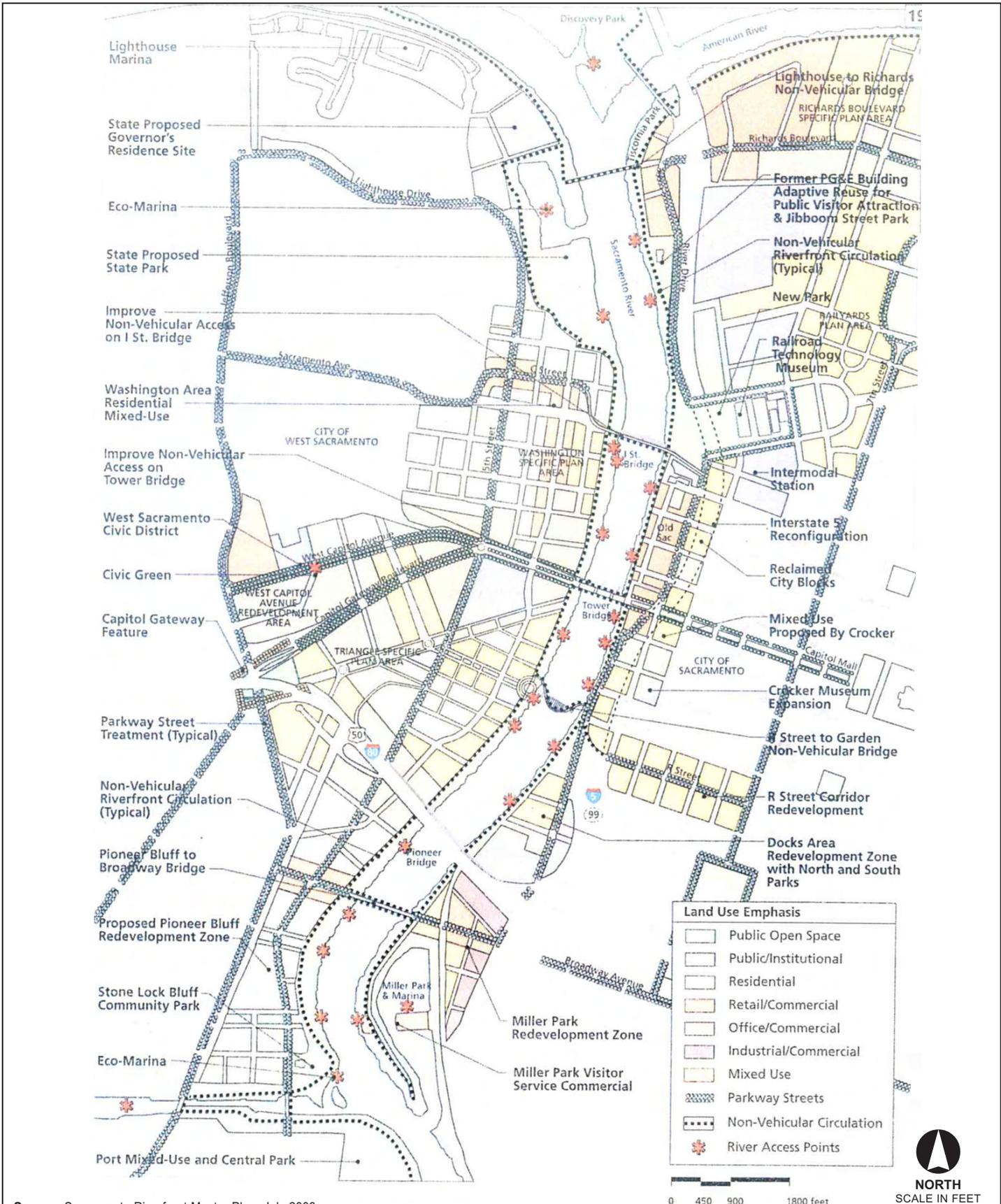
Similarly, Objective 2 acknowledges that development in the area has replaced existing industrial uses, and anticipates that future development will also move away from industrial and toward office and other uses that can afford to pay higher market rents. Although the plan recognizes the need to set aside land for the continuation of industrial and service commercial uses, such uses are not planned for areas designated R-3, such as the Project area. In the R-3 areas, the RBAP calls for new housing in the area north of Richards Boulevard, particularly mixed use development and residential development that incorporates parks, small scale retail development, and convenient access to transit. In addition, in R-3 areas along the Riverfront, the RBAP calls for new land uses along the riverfront which will enhance the American and Sacramento Rivers as public recreation and open space amenities. New uses along the riverfront should be “active and publicly oriented, such as restaurants, lodging and multi-family residential uses, so as to attract people throughout the day and night hours and improve accessibility to the river corridor.”

#### **Response to Comment 11-7**

As stated in the Draft EIR, the Sacramento Riverfront Master Plan (SRMP) is a study planning document produced by the Cities of West Sacramento and Sacramento in July 2003 (see page 4-12 of the Draft EIR). The 2003 SRMP updates the 1994 Riverfront Master Plan cited in the comment. The 2003 Master Plan was completed for the West Sacramento Redevelopment Agency and the Sacramento Housing and Redevelopment Agency and is not a regulatory plan (SRMP, page 7-8). The Plan provides an overall vision for the riverfront that can be implemented in accordance with market conditions (SRMP, page 8). The SRMP is intended as a blueprint for possible future actions that may be considered discretely as opportunities and resources arise, but it does not have a legally binding effect on future actions.

With respect to the Richards Boulevard District, the SRMP calls for a refinement of the Richards Boulevard Area Plan for the redevelopment of the riverfront edge and, in particular, the highway commercial/hotel zone adjacent to the I-5 interchange. These properties should be redeveloped as denser projects that face towards the river. Additionally, the area as a whole should be pedestrian in scale and orientation and less vehicle-dominated. The idea of densification and reorientation should be applied to the Sacramento River edge and can also extend as the district turns the corner on to the American River (SRMP, page 45).

The boundaries of the SRMP extend only partially into the project site (see Figure 4-5 of this Final EIR). The Plan does not, however, apply to the portions of the project site that are adjacent to the American River Parkway. Rather, the SRMP’s eastern boundary lies between



Source: Sacramento Riverfront Master Plan, July 2003.

**FIGURE 4-5**  
**Sacramento Riverfront Master Plan Boundaries**

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5<sup>th</sup> and 7<sup>th</sup> Streets, including only a portion of the project site. Further, to the extent that the SRMP applies, the portion of the project site within the SRMP boundary is consistent with the SRMP's designation for the site of Mixed Use, and is consistent with the goals of higher density, pedestrian-friendly neighborhood oriented toward the River. See also Response to Comment 5-3.

### **Response to Comment 11-8**

The Draft EIR includes a discussion of the timing of construction of the Light Rail station and the DNA line in the Transportation and Circulation chapter. The Draft EIR states that the proposed 13-mile DNA corridor includes plans for a Richards Boulevard station to be located between 5<sup>th</sup> and 7<sup>th</sup> Streets, adjacent to the proposed project site. The transit service is expected to open between 2014 and 2027, depending on funding availability. The Richards Boulevard station has been included in the first phase of the DNA corridor project, and may begin construction as early as 2012 (Draft EIR pages 6.11-3 to 6.11-4). The Township 9 EIR cannot be more specific regarding the timing of construction as Regional Transit is responsible for construction of the station and tracks. Commencement of construction would depend on the process for obtaining Federal funding, which is extremely competitive and depends on Regional Transit's ability to show that the transit service would immediately serve at least a minimal service population. Development of the Township 9 Project could help to expedite construction as it would provide a population to be served by the station. In fact, as discussed in Response to Comment 3-4, the City, Regional Transit and Caltrans have worked together to develop a mitigation measure for the project that will require the project applicant to provide a "fair share" contribution to help fund the local share of the DNA project costs. This measure reduces impacts to I-5 and the I-5/Richards Boulevard Interchange, and is also expected to help expedite construction by providing an influx of funds for the DNA line. The amount of the contribution will be based on the project's projected transit trips in relation to the DNA project's capacity for the first phase of the DNA project, referred to as the Minimum Operable Segment (MOS), which will extend the existing light rail line from Downtown to the Richards Boulevard light rail station at the Township 9 project.

The comment states that the Draft EIR relies on construction of the Light Rail line as a mitigation measure for loss of historical resources and mitigation for lack of adequate traffic circulation and parking facilities. The comment is not entirely accurate with respect to its statement about mitigation for historical resources. The Draft EIR includes several measures to address impacts to historical resources; however, none of these include construction of the Light Rail line. Rather, the Draft EIR includes a menu of measures that may be implemented to reduce impacts to cultural resources including the use of interpretive displays, signage and plaques installed in highly visible public areas such as the property's parks, the North 7<sup>th</sup> Street portion of the proposed project, or in public areas on the interiors of buildings. The mitigation measures also list de-construction, salvage, and reuse of architectural features, including the scale house, from the existing cannery complex and, to the extent that it is reasonable and feasible as determined by the City, incorporation of those architectural features in the design of highly visible public areas, such as on the exterior of buildings along the proposed North 7<sup>th</sup> Street portion of the proposed project (Draft EIR page 6.4-26 to 6.4-32). As is clear from the Draft EIR, these measures may be integrated into the design of the area near the light rail station, but they do not rely on construction of the station for implementation. As noted earlier, the Historic Preservation Commission was enthusiastic about the applicant's proposed mitigation for historic resources.

With respect to traffic mitigation, the Draft EIR indicates that freeway mainline operations along the I-5 freeway would remain at the same level of service with project traffic added to the baseline conditions. However, because some of the freeway mainline segments are at level of service D or worse under the baseline conditions, the California Department of Transportation (Caltrans) has requested that the City impose a freeway congestion mitigation requirement as a condition of approval of the project.

In a letter dated April 16, 2007, Caltrans recognized that the extension of the existing light rail system along the adopted Downtown-Natomas-Airport alignment would help alleviate congestion on the mainline segments of the I-5 freeway. The Phase 1 of the DNA project, referred to as the Minimum Operable Segment (MOS), would extend light rail service from the existing system at the Sacramento Valley Station (and the future Sacramento Intermodal Transportation Facility) along 7th Street to Richards Boulevard, with a station to be located at the Project site. The DNA MOS project is scheduled to be completed in 2014, which is when the build-out of the Project is anticipated.

The City will require a “fair share” contribution to help fund the local share of the DNA project costs to address the proposed project’s incremental impacts on the congested segments of the mainline I-5 freeway. The amount would be based on the proposed project’s projected transit trips in relation to the DNA project’s capacity for the first phase of the DNA project. The project applicant would reserve a right of way needed for the light rail alignment and station within the Township 9 project boundaries and the applicant would receive credit for the fair market value of the easement for the station against its fair share DNA contribution.

See also Responses to Comments 3-2 and 3-4.

### **Response to Comment 11-9**

Chapter 17.90 in the City-Wide Programs Division of the City of Sacramento Zoning Code (the Code) provides direction that “residential projects in *new growth areas* contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidy to assist in this effort, and to implement the mixed income policies of the housing element of the city’s general plan.” (Emphasis added.) Residential development that is exempted from the provision of affordable housing, as well as alternatives to the Standard Inclusionary Housing Component regulations are defined in the Code.

Section 17.190.070 provides exemptions from the requirements of the mixed income housing requirements. Development projects outside of a new growth area generate no obligation to provide a mixed income housing component (17.190.070 B). New growth areas are defined as (1) the newly developed communities identified on the map in Attachment A to Chapter 17.190; (2) major redevelopment opportunity areas, including the railyards special planning district and the Curtis Park West railyards site as identified on Attachment A; and (3) any future annexation areas of the City (17.190.020). The map referenced in this definition does not indicate that the proposed project site is either in a new growth area or a major redevelopment opportunity area. The proposed project is therefore not subject to the affordable housing requirements of Chapter 17.190 of the Zoning Code.

The City Council held a workshop on May 1, 2007 to present an assessment of the City's Mixed Income Ordinance and consider possible improvements. The Staff Report from the Sacramento Housing and Redevelopment Agency (SHRA) presented to Council during the workshop states that through implementation of the Ordinance, as well as other affordable housing strategies in existing neighborhoods, the City has made significant strides toward meeting its Regional Housing Needs Allocation (RHNA). As of 2007, the City had met 98 percent of the goal through the year 2007. Staff suggested that the Ordinance has been successful because it is an effective tool for new growth areas, but also recognized that several other methods for ensuring an adequate supply of affordable housing are available and have been successful in other areas of the City. The Staff Report is incorporated by reference and it is available for review during normal business hours at the City of Sacramento, Development Services Department, 2101 Arena Boulevard, Suite 200, Sacramento, California 95834.

During the workshop, the question of implementing the Ordinance on a City-wide basis, and specifically in the Richards Boulevard Area was addressed. Staff confirmed that the area is not currently subject to the requirements of the Ordinance, and no recommendations were made to change that, particularly since the Richards Boulevard Area is already subject to the inclusionary housing requirements of State redevelopment law, including the 20% tax increment revenue program specified. In the 2005, Richards Boulevard Redevelopment Project Area Implementation Plan Update.

The comment states that the City has fallen short of meeting its share of regional housing needs for very low and low income units. The most recent RHNA numbers for the City encompassed the years 2000-2007 and showed an overall need of 19,313 units Citywide. Each year, City staff returns to the Council with an Annual Progress Report on Implementation of the Housing Element. In February 2007, the City Development Services Department brought the 2005 Housing Element Annual Report to the City Council, which summarized the production of new and substantially rehabilitated housing units through 2005. As of 2005, the City had met its very low income obligation and nearly met its low income obligation, with 1,009 new very low income units and 650 new low income units constructed to meet the RHNA obligations.

The comment also questions the proposed project's consistency with policies of the General Plan, Richards Boulevard Area Plan (RBAP) and Central City Community Plan (CCCP) related to the provision of mixed income developments that are affordable to low income people. To the extent the policies cited by commenter apply to require low income housing in new growth areas, as discussed above, the project site is not a new growth area and is therefore not subject to those policies.

The project is consistent with General Plan, RBAP and CCCP policies, which all call for a wide range of unit types and densities, such as townhouses, "stacked flats" (units located above another unit) (25 dwelling units per acre) and multi-family podium prototypes (45 dwelling units per acre), as well as high rise apartment and condominium projects in excess of 100 dwelling units per acre. The project provides for new housing along the American River and north of Richards Boulevard. Under Scenario A, the project includes development of approximately 2,921 dwelling units. Under Scenario B, 2,350 residential units will be developed. Under both scenarios, the proposed residential uses provide a variety of housing opportunities including apartments, condominiums, townhomes, and live/work units. Consistent with the General Plan, RBAP, and CCCP, the residential high-rise development along Riverfront Drive ranges from 100 dwelling units per acre to 283 dwelling units per acre. The townhomes located central to the

project range from 73 DUA to 136 DUA. The high-rises along Richards Boulevard average 210 DUA. These housing opportunities will serve the Central-City based workers and their families, which is the focus of these City policies.

### **Response to Comment 11-10**

Exhaust from diesel-powered trucks contains diesel particulate matter (DPM), which has been designated as an important toxic air contaminant (TAC) by the California Air Resources Board (CARB). However, the CARB has not declared, as a consequence, that every diesel truck and every facility that accommodates diesel trucks in any number are significant sources of TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* identified the following TAC sources as potentially significant with recommendation for buffer zones between them and nearby sensitive land uses:

- Freeways and urban roads with traffic volumes greater than 100,000 vehicles per day. Advisory recommendation: avoid siting new sensitive land uses within 500 feet.
- Warehouses and distribution centers that accommodate more than 100 trucks per day. Advisory recommendation: avoid siting new sensitive land uses within 1000 feet.

As described on page 6.2-15 of the Draft EIR, the proposed residential (sensitive) uses would be located over 2,500 feet from I-5, well beyond the 500-foot threshold for siting new sensitive uses. In addition, even though trucks use Richardson Boulevard and there are warehouses and industrial facilities along Richardson Boulevard that accommodate trucks, neither the truck traffic volume on this road nor the number of trucks serving any particular local warehouse/industrial facility come close to the CARB thresholds. Therefore, the requirement for a health risk assessment (HRA) for this project is not triggered.

### **Response to Comment 11-11**

The comment requested the citation of a scientific study that supports the assumption that if a project is below the ROG and NO<sub>x</sub> thresholds, it is assumed that the project is below the PM<sub>10</sub> threshold as well. The City relies on the *Guide to Air Quality Assessment in Sacramento County* (Guide) (2004), prepared by the Sacramento Metropolitan Air Quality Management District (District) for the evidence. The purpose of the Guide is to provide lead agencies with uniform procedures for assessing potential air quality impacts of proposed projects and for preparing the air quality section of environmental documents (Page 2-1, Guide).

The District included a methodology for evaluating emission concentrations to determine projects that can be conservatively assumed not to exceed, or contribute substantially to an exceedance of, an existing or projected ambient air quality standard (Pages 2-1 and 2-10, Guide). Therefore, air pollution modeling is not necessary for emissions addressed through screening (Page 5-2, Guide). In the case of PM<sub>10</sub>, the District states that PM<sub>10</sub> emissions are considered not significant if they are below the screening levels in Table 4.2, 'Project Sizes with Potentially Significant Emissions' (Page 4-3, Guide).

### **Response to Comment 11-12**

Appendix E of the Draft EIR contains the most accurate specifications for the project's construction phasing, equipment use, and timeline, which were obtained from the project

applicant. Any departures from these specifications that would affect construction phase air pollutant emissions will be noted by the project contractor in monthly reports to the SMAQMD together with their effects on NO<sub>x</sub> emissions and the fees paid for such excess NO<sub>x</sub> emissions will be adjusted accordingly. See Responses to Comments 7-7 and 7-8.

In addition, the City has prepared a Mitigation Monitoring Plan (MMP) that will track the implementation and monitoring of adopted mitigation measures.

### **Response to Comment 11-13**

The Draft EIR presented a detailed Air Quality Management Plan (AQMP), which has been endorsed by the SMAQMD (see Appendix C of this Final EIR and Comment Letter 7), that specified measures to reduce project ozone precursor emissions by about 20 percent. These measures, together with their non-scaled point values (percent reduction) included the following:

- Provision of bicycle lockers and/or racks in non-residential uses (0.5 point);
- The proposed project is located within ½-mile of an existing Class I or Class II bicycle lane and provides a comparable bikeway connection to the existing facility (1.0 point);
- The project provides for pedestrian facilities and improvements such as overpasses and wider sidewalks (1.0 point);
- The project provides a display case or kiosk displaying transportation information in a prominent area, accessible to employees or residents (0.5 point);
- High density residential, mixed, or retail/commercial uses are located within ¼ mile of existing transit, linking with activity centers and other planned infrastructure (1.0 point);
- The proposed project provides the minimum amount of parking required (1.0 point);
- The project provides parking lot shading 20 percent over the code requirements (1.0 point);
- The project provides commercial office floor area ratio of 0.75 or greater within 1/4 mile of a transit stop (1.5 point);
- The project minimizes setback distances between development and transit, bicycle, or pedestrian corridors (1.0 point);
- The project's average residence density exceeds 7 DU. per acre (4.5 point);
- The project design includes multiple and direct street routing (grid style) (2.5 point);
- Development of the proposed project is predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential uses recombined in a single building or single site (3.0 point);
- The project provides neighborhood serving as a focal point with parks, schools, and other civic uses located within a ¼ mile (0.5 point);
- The project includes separate, safe, and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses (2.0 point); and

- The project provides a development pattern that eliminates physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential uses that impede bicycle or pedestrian circulation (1.0 point).

The AQMP found that implementation of these measures under Scenario A would result in an emissions reduction of 18.84 points (18.84 percent); and under Scenario B these measures would result in an emissions reduction of 20.24 points (20.24 percent). By exceeding the 15 percent reduction goal established for an effective AQMP, the project is considered to have implemented “all feasible measures” required under CEQA to mitigate significant regional ozone precursor emissions. The Draft EIR recognized that controls would not reduce project operational ozone precursor emissions below the SMAQMD significance threshold and identified the project’s post-mitigation ozone impacts as significant and unavoidable (see Draft EIR pages 6.2-22 through 6.2-24).

#### **Response to Comment 11-14**

See Responses to Comments 7-16 and 11-11 for a discussion of the thresholds of significance used for PM<sub>10</sub> and support for the less than significant conclusions reached in Impact 6.2-4. The comment is correct in that the Draft EIR stated incorrectly on pages 6.2-23 and 6.2-24 that the SMAQMD’s and the City’s operational significant threshold for ozone precursors is 85 lbs/day. See Response to Comment 7-15.

#### **Response to Comment 11-15**

Dispersion modeling analysis of a project’s PM<sub>10</sub> impacts is rarely recommended by the SMAQMD. Please see Responses to Comments 7-6 and 11-11.

PM<sub>10</sub> emissions from electricity generation, fuel combustion, on-road motor vehicles and dust from paved roads account for 22.3 tons/day of Sacramento County’s 43.5 tons/day of the PM<sub>10</sub> that influences the County’s ambient PM<sub>10</sub> levels. PM<sub>10</sub> from project natural gas combustion and mobile source related sources, as reported above, would amount to a small fraction of Sacramento County’s emissions and would have a comparably small impact on County ambient PM<sub>10</sub> levels. Most of the project operational emissions would come from on-road motor vehicles, which would be dispersed over a wide area and would be unlikely to cause or significantly contribute to localized PM<sub>10</sub> standard violations. Further, implementation of the project’s AQMP as proposed in Mitigation Measure 6.2-3 would also reduce the project operation emissions of PM<sub>10</sub>. Provision for alternate transit modes would serve to decrease the proposed project’s impact to potential receptors and reduce its contribution to ambient air concentrations. According to the SMAQMD, “at least one study indicated that vehicle trips decrease by 15% with a 50% transit subsidy when the destination is within 660 feet of a transit station; by 25% under the same conditions with a 100% transit subsidy.” A light rail station would be located right in front of the proposed project, making the project a prime candidate for transit subsidies. Finally, the project design (high density, mixed use) would serve to reduce emissions of all air pollutants, including PM<sub>10</sub>. Consequently, project operational emissions of PM<sub>10</sub> described in Impact 6.2-4 would be considered less than significant.

## Response to Comment 11-16

See Response to Comment 7-16 for a discussion of greenhouse gas emissions and global warming (climate change). As discussed in Response to Comment 7-16, the proposed project does not include any significant stationary sources of greenhouse gas emissions. The most significant potential source of greenhouse gas emissions from the development of the site likely would be CO<sub>2</sub> from new mobile sources (i.e., vehicle trips). The project incorporates a number of mitigation measures to control and minimize traffic and air quality impacts. Specifically, under Mitigation Measure 6.2-3, the project applicant would be required to implement emission reduction strategies contained in the project's endorsed AQMP. The endorsed AQMP includes a number of emission reduction strategies that will be incorporated into the project including, but not limited to bicycle and pedestrian facilities, proximity to existing transit facilities, and buildings that combine residential, office and or retail uses all in one. To the extent that these mitigation measures lead to a decrease in vehicle miles traveled, they have the added benefit of reducing CO<sub>2</sub> emissions from mobile sources. Similarly, traffic and circulation mitigation measures, such as coordinating with the RT to modify bus routes and/or frequency to better serve project residents and including on-site bikeway facilities could also serve to reduce vehicle miles traveled and, therefore, contribute to reducing CO<sub>2</sub> emissions.

The comment suggests the following mitigation measures: (1) banning gas fireplaces in residential units; (2) requiring use of electric lawn maintenance equipment; (3) requiring use of solar collectors to generate electricity; (4) require the proposed project to meet energy efficiency standards that exceed Title 24 by 25 percent. The City will not require the project applicant to implement these measures as the applicant is already complying with all relevant existing regulations of the Sacramento Metropolitan Air Quality District and Title 24. Further, the applicant has indicated that these measures would be infeasible. (Pub. Resources Code, §§ 21002, 21081, subd. (a) (public agencies required to adopt *feasible* mitigation measure to lessen or avoid significant environmental impacts) (emphasis added).)

In addition, the Township 9 project applicant has been selected to submit an application for participation in the "Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program." The LEED Green Building Rating System™ 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.

Although LEED places primary emphasis on architecture and design, many of its categories substantially overlap or influence CEQA issue areas. Appendix F, Energy Conservation, of the CEQA Guidelines requires that project planners assess energy usage and take steps to reduce inefficient uses of energy-an issue that can be directly addressed by LEED energy and atmosphere credits, which require reductions in energy use and promote renewable sources of energy. LEED-certified projects incorporate the intent of CEQA to seek project alternatives that reduce impacts to natural resources and protect the health of humans and other species. Furthermore, LEED-certified projects demonstrate some of the most innovative approaches to incorporating sustainable principles in project design.

The applicant's participation in the LEED pilot program demonstrates leadership in the design of neighborhoods that encompass smart growth, new urbanism, and green building design. The project applicant expects to earn LEED "Green Construction" credits in Building Reuse and Adaptive Reuse, Heat Island Reduction, and Light Pollution Reduction. In addition, the project applicant expects to earn "Smart Location and Linkage" credits for Preferred Location, Reduced Automobile Dependence, Bicycle Networks, and Housing and Job Proximity, as well as LEED "Neighborhood Pattern and Design" credits for Walkable Streets, Street Networks, and Transit Facilities. These credits meet the CEQA goals of energy conservation by decreasing reliance on oil and encouraging use of public transit and alternative modes of transportation. Further, the project utilizes energy conservation measures including siting, orientation, and design to minimize energy consumption. Participation in the LEED Pilot Program demonstrates compliance with the goals of Appendix F and furthers wise and efficient use of energy.

Moreover, the project is consistent with SACOG Preferred Blueprint Scenario,<sup>5</sup> a bold vision for growth that promotes compact, mixed-use development and more transit choices as an alternative to low density development and, in turn, reduces individual projects' CO<sub>2</sub> emissions and decreases greenhouse gasses. Indeed, the primary purpose of the Blueprint is to reduce vehicle miles traveled, and is therefore consistent with the goals of AB 32 to reduce greenhouse gas emissions. The Blueprint is the product of a three-year, award-winning public involvement effort and is intended to guide land-use and transportation choices over the next 50 years as the region's population grows from its current population of 2 million to include more than 3.8 million people. The Preferred Blueprint assumes certain levels and locations of "reinvestment" (i.e., additional development on already-built parcels); the project-area is contemplated for development of retail, residential and mixed use projects. The Blueprint map depicts a regional growth plan through the year 2050 in a manner generally consistent with the growth principles summarized below. The proposed project fits squarely within the type of growth contemplated for the Preferred Blueprint.

**Transportation Choices.** Developments should be designed to encourage people to sometimes walk, ride bicycles, ride the bus, ride light rail, take the train or carpool. Use of Blueprint growth concepts for land use and right-of-way design will encourage use of these modes of travel and the remaining auto trips will be, on average, shorter.

**Mixed-Use Developments.** Buildings homes and shops, entertainment, office and even light industrial uses near each other can create active, vital neighborhoods. This mixture of uses can be either in a vertical arrangement (mixed in one building) or horizontal (with a combination of uses in close proximity). These types of projects function as local activity centers, contributing to a sense of community, where people tend to walk or bike to destinations and interact more with each other. Separated land uses, on the other hand, lead to the need to travel more by auto because of the distance between uses. Mixed land uses can occur at many scales. Examples include: a housing project located near an employment center, a small shopping center located within a residential neighborhood, and a building with ground floor retail and apartments or condominiums on the upper floor(s).

**Compact Development.** Creating environments that are more compactly built and use space in an efficient, but aesthetic manner can encourage more walking, biking, and public transit use, and shorten auto trips.

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5 Letter from Mike McKeever, Executive Director, SACOG to Raymond L. Tretheway III, Sacramento City Councilmember, District 1, September 12, 2006, on file with the City of Sacramento.

**Housing Choice and Diversity.** Providing a variety of places where people can live – apartments, condominiums, townhouses, and single-family detached homes on varying lot sizes – creates opportunities for the variety of people who need them: families, singles, seniors, and people with special needs. This issue is of special concern for the people with very low-, low-, and moderate-income, often our teachers, other public employees and professionals, as well as retail employees, service workers and other people for whom finding housing close to work is challenging. By providing a diversity of housing options, more people have a choice.

**Use of Existing Assets.** In urbanized areas, development on infill or vacant lands, intensification of the use of underutilized parcels (for example, more development on the site of a low-density retail strip shopping center), or redevelopment can make better use of existing public infrastructure. This can also include rehabilitation and reuse of historic buildings, denser clustering of buildings in suburban office parks, and joint use of existing public facilities such as schools and parking garages.

**Quality Design.** The design details of any land use development - such as the relationship to the street, setbacks, placement of garages, sidewalks, landscaping, the aesthetics of building design, and the design of the public right-of-way (the sidewalks, connected streets and paths, bike lanes, the width of streets) - are all factors that can influence the attractiveness of living in a compact development and facilitate the ease of walking and biking to work or neighborhood services. Good site and architectural design is an important factor in creating a sense of community and a sense of place.

**Natural Resources Conservation.** This principle encourages the incorporation of public use open space (such as parks, town squares, trails, and greenbelts) within development projects, over and above state requirements; along with wildlife and plant habitat preservation, agricultural preservation and promotion of environment-friendly practices such as energy efficient design, water conservation and stormwater management, and shade trees to reduce the ground temperatures in the summer. In addition to conserving resources and protecting species, this principle improves overall quality of life by providing places for everyone to enjoy the outdoors with family outings and by creating a sense of open space.

#### **Response to Comment 11-17**

The comment expresses some concern that the EIR analysis does not include an adequate description of the level of toxic contaminants identified on the site and the reasons why the contaminants were not determined to be a major concern.

As discussed in Section 6.6, Hazardous Materials and Public Safety, of the Draft EIR, a Phase I Environmental Site Assessment (ESA) was prepared for the project site in 1999 and again in May 2006 by Ground Zero Analysis, Inc. In the early 1990s Sacramento County conducted an investigation of the project site and in December 1997 the site was closed for remediation. Based on the information provided in the 2006 ESA there was no evidence of soil or groundwater contamination on the site. However, in response to concerns raised by ADR Environmental Group, Inc. that the contamination on the site had not been remediated successfully, Ground Zero Analysis prepared a Phase II ESA and collected soil samples from 10 areas within the project as well as groundwater samples. Based on the findings it was determined that elevated levels of contaminants were not high enough to be considered a major concern and further action was not recommended. However, because there is always the

potential to encounter previously unidentified soil or groundwater contamination Mitigation Measure 6.6-3 requires specific actions be taken in the event any potentially hazardous materials are identified during site preparation and construction.

Because the evidence provided in the Phase I or Phase II ESAs did not indicate that contaminants identified were of significant levels detailed information on the specific contaminants was not included in the EIR analysis. In order to keep the EIR a reasonable length a copy of the Phase I ESA and a summary of the Phase II ESA were appended to the EIR as Appendix J.

### **Response to Comment 11-18**

As described under Impact 6.9-13, 6.9-14 and 6.9-15 on pages 6.9-39 through 6.9-42, the project would provide approximately 27 acres of public open space and 0.09 acres of private open space. Public open spaces would include urban parks and plazas, parkways, and natural open space along the American River. Private open spaces would consist of central courtyards that would serve as common open space for residential buildings. As further discussed, the 27 acres does not meet the City's definition of parkland. Therefore, the project applicant would be required to pay fees in accordance with the City's Park Development Impact Fund to ensure that adequate park facilities are provided in the City (see Mitigation Measures 6.9-13 through 6.9-15).

Policy 1.5 of the Richards Boulevard Area Plan requires a minimum 10 acre park at the terminus of North 7th Street; the project proposes a 5-acre park at the terminus of North 7<sup>th</sup> Street. As discussed in Response to Comment 5-3, section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Development Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan. The council interprets and sets policies and can allow a project to vary from a policy if it so chooses without having to eliminate or revise that policy because the existing policy may be desired to apply to other future projects.

In addition, the proposed project does adhere to the intent of RBAP Policy 1.5 by providing 27 acres of a variety of park land throughout the entire project site

With respect to the comment that the Development Agreement (DA) should have been available for public review, the DA will be included in the documents that will be made available to the public in advance of Planning Commission and City Council hearings for the project.

**Response to Comment 11-19**

As mentioned in the Draft EIR Chapter 4 page 4-4, the project site is included in the Central City Community Plan (CCCP), which includes the area bounded by the Sacramento River to the west, the American River to the north, Sutter Landing and Alhambra Boulevard to the east and the Broadway to the south. As the commenter mentioned the Richard Boulevard is not in the Central Business District (CBD) but it is within the CCCP. As mentioned in the Draft EIR, widening roadways beyond the planned widths of the approved plans would be inconsistent with the City of Sacramento goals and objectives to create pedestrian friendly streets and the Smart Growth Strategy and principles.

The comment states that many of the mitigation measures deemed infeasible in the Draft EIR are not actually infeasible. However, the comment does not identify the specific mitigation measures in question.

See Response to Comment 3-4 regarding the proposed mitigation to reduce impacts on the I-5 mainline and I-5/Richards Boulevard interchange.

See Response to Comment 11-16 regarding greenhouse gasses.

**Response to Comment 11-20**

The comment expresses concerns regarding the Historical Resources Alternative – Preservation of Building 3, which assumes that the proposed project site would be developed as proposed, except that Building 3 would be retained and rehabilitated for contemporary use. The comment states that the finding in the Draft EIR that all of the significant and unavoidable project-specific and cumulative impacts identified under the proposed project would occur under the Historical Resources Alternative at approximately the same order of magnitude is without explanation. However, the explanation is provided under the subheading “Comparative Environmental Effects” on page 7-17 of the Alternatives chapter in the Draft EIR. The text that follows this subheading provides an analysis of the expected environmental effects of the Historical Resources Alternative as compared to those of the proposed project. With regard to comparative effects on historical resources, as stated on page 7-18, the Historical Resources Alternative includes demolition of most of the existing buildings on the former cannery property and only modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery under the proposed project. As stated in the Draft EIR, preservation and rehabilitation of Building 3 would retain a portion of the physical characteristics of the resource that convey its historical significance, but the alternative would still cause substantial adverse change in the significance of the historical resource (i.e., the cannery complex as a whole). Therefore, significant and unavoidable project-specific and cumulative impacts on historical resources identified under the proposed project would occur under the Historical Resources Alternative at approximately the same order of magnitude.

The comment further states that if one or more buildings could be preserved, then more of the significant historical resources could be preserved and an alternative that preserved a substantial amount of the cannery should have been considered. With regard to the preservation of more significant historical resources, there is only one (not multiple) historical resource on the project site. As stated on page 7-5 of the Alternatives chapter, the cannery

complex as a whole is considered an historical resource under CEQA, and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register. Preserving one building or several buildings would not reduce the impact to less than significant. However, the City recognizes its duty to mitigate to the extent feasible in order to reduce or eliminate the impact, and therefore devoted much attention to the selection of an alternative that would both reduce (but not eliminate) the impact and meet some or most of the project objectives. The Historical Resources Alternative was selected by the City due to the fact that Building 3 was considered to be in fairly good repair and constituted a building generally characteristic and representative of the cannery complex, and the alternative would likely meet most of the project objectives. Although the City considered at the outset whether to analyze an alternative that preserved half of the cannery site as suggested by the commenter, most of the cannery structures are in poor repair and would require extensive rehabilitation and, in many cases, rehabilitation would not be possible. Moreover, the City was mindful of CEQA's requirement to analyze a range of alternatives that could feasibly attain most of the basic objectives of a project. (CEQA Guidelines section 15126.6.) Had the EIR analyzed a "half preservation" alternative, such alternative would not meet any of the project objectives and therefore would not lend itself to meaningful analysis under CEQA. In fact, the Draft EIR does consider an alternative that would include total preservation of all 12 buildings that contribute to the significance of the Bercut-Richards cannery complex (see "Historical Resources Alternative – Total Preservation" on page 7-4). However, this alternative was dismissed from further consideration because preservation of these buildings would be infeasible due to the fact that most of the buildings are in poor condition and would require extensive rehabilitation, and would fail to meet the project objectives.

The requirement to discuss project alternatives in an EIR is tied to CEQA's substantive mandate that significant environmental damage be substantially lessened or avoided where feasible (Public Resources Code, §§ 21100, subd. (b)(4), 21002). To effectuate this substantive requirement, an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, that "could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects [of the project]" (CEQA Guidelines, § 15126.6, subd. (c)). 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 (f)(1)). Finally, an EIR is not required to analyze alternatives when the effects of the alternative "cannot be reasonably ascertained and whose implementation is remote and speculative" (CEQA Guidelines, §15126.6 (f)(2)(3)).

"The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice" (CEQA Guidelines, § 15126.6, subd. (f)). CEQA allows considerable flexibility in fashioning a range of alternatives, in that "[n]o ironclad rules can be imposed regarding the level of detail required in the consideration of alternatives" (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745).

The EIR is consistent with the discussion of alternatives in *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1351, cited by commenter. In that case, the court noted that an EIR should set forth the alternatives that were considered by the lead agency and rejected as infeasible during the scoping process, and the reasons underlying the agency's

determination. Here, the Draft EIR identified project-specific and cumulative significant and unavoidable impacts to historical resources as defined in CEQA Guidelines, § 15064.5 (Impact 6.4-1 and Impact 6.4-3). Consistent with CEQA, primary consideration was given to alternatives that would reduce these significant impacts while still meeting most of the project objectives. Those alternatives that would have impacts identical to or more severe than the proposed project, or that would not meet most of the project objectives, were rejected from further consideration. The following alternatives were considered but rejected from further analysis and include the total preservation alternative suggested by commenter:

**Historical Resources Alternative – Total Preservation:** As stated in the Draft EIR, this alternative would include total preservation of the Bercut-Richards cannery complex, which qualifies as an historical resource under CEQA. Under this alternative the 12 buildings that contribute to the property's historical significance (Buildings 1 to 12) would be retained and rehabilitated for contemporary use. The buildings would have a mix of residential and commercial uses. This alternative would also entail new construction on other portions of the property and in non-contributing portions of the historically significant buildings. This new construction would be designed and built in a manner that would not diminish the historic integrity of the property. This alternative would not cause substantial adverse change in the significance of the historical resource and thus would not be considered a significant effect on the environment because the significance of the historical resource would not be materially impaired. Preservation of these buildings would likely be infeasible due in part to the fact that most of the buildings are in poor condition and would require extensive rehabilitation.

In addition, this alternative would not meet most of the project objectives, including those related to development of a transit oriented, pedestrian friendly, mixed-use development that is generally consistent with SACOG's Blueprint development plan and those related to the provision of a variety of housing types and densities along the DNA line. This alternative would preserve all 12 buildings that contribute to the property's historical significance, including Buildings 1 and 2. Preservation of these buildings would likely be infeasible due in part to the fact that most of the buildings are in poor condition and would require extensive rehabilitation, and in part to the fact that full preservation would preclude development at the height and density proposed by the applicant. Moreover, Buildings 1 and 2 are located within the Sacramento Regional Transit District (RT) right-of-way for a future street and for the planned DNA line and would thus preclude construction of the line as presently envisioned by the City. Due primarily to this alternative's incompatibility with the proposed light rail, this alternative would not achieve most of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA light rail transit line.

Please refer to the Draft EIR, pages 7-4 to 7-5.

**Historical Resources Alternative – Preservation of Building 1:** The Draft EIR also considered an alternative that would include preservation of Building 1 of the Bercut-Richards cannery complex, which qualifies as an historical resource under CEQA. Under this alternative, Building 1 would be retained and rehabilitated for contemporary use. The building would serve a mix of residential and commercial uses. While the cannery complex as a whole is a considered an historical resource under CEQA and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register, Building 1 was recommended for review by the City of Sacramento Historic Preservation Director based on

information provided by JRP Historical Consulting. Building 1 was selected because it historically represented the public facade of the Bercut-Richards cannery complex and is one of the more representative buildings within the cannery resource. A preserved and rehabilitated Building 1 would potentially be used as a focal point for historical interpretation on the property. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 1 would be designed and built in a manner that would be as compatible as possible with the building's historic character.

Because this alternative includes demolition of most of the existing buildings on the former cannery property, it only modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. Specifically, this alternative would cause substantial adverse change in the significance of the historical resource — the Bercut-Richards cannery complex. This change would be considered a significant-and-unavoidable effect on the environment because the significance of the historical resource would be materially impaired as a result of development under this project alternative. The historical resource would be materially impaired through the demolition of most of the historical resource's physical characteristics (other than Building 1) that convey its historical significance and that justify its inclusion in the California Register of Historical Resources (CRHR). In addition, due primarily to this alternative's incompatibility with the proposed light rail, this alternative would not achieve most of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA light rail transit line. Therefore, the impact would remain significant and unavoidable and this alternative is dismissed from further consideration (Draft EIR page 7-5).

**Historical Resources Alternative – Preservation and Relocation of Building 1:** Finally, the Draft EIR considered and rejected from further review an alternative that would include preservation of Building 1, but would require that Building 1 be moved north into the footprint of the proposed new buildings at the southeast corner of the proposed project site facing North 7th Street. By moving Building 1 from its present location, this alternative would preserve Building 1 without interfering with the right of way for the future light rail. Under this alternative, like under the Preservation of Building 1 Alternative discussed above, Building 1 would be retained and rehabilitated for contemporary use. The building would serve a mix of residential and commercial uses. It would potentially be used as a focal point for historical interpretation on the property. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 1 would be designed and built in a manner that would be as compatible as possible with the building's historic character. While this alternative includes demolition of most of the existing buildings on the former cannery property, it modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Preservation and relocation of Building 1 would retain a portion of the physical characteristics of the resource that convey its historical significance.

Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, although this alternative may partially reduce impacts to historical

resources, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. This alternative would still materially impair a historical resource (i.e., the Bercut-Richards cannery complex) through the demolition of most of the historical resource's physical characteristics that convey its historical significance and that justify its inclusion in the CRHR. Moreover, the project objectives include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. Objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under this alternative, the applicant's ability to meet all of these project objectives is limited by reducing density near a planned light rail line. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. Under this alternative, the range of housing opportunities would be reduced. Therefore, the impact would remain significant and unavoidable and this alternative is dismissed from further consideration (Draft EIR page 7-5 to 7-6).

After explaining why the foregoing alternatives were infeasible, the Draft EIR went on to analyze a total of four representative alternatives, each intended to reduce or eliminate one or more of the significant impacts identified for the proposed project:

**No Project / No Development Alternative**, which assumes that the proposed project would not be built and there would be no new development of the site. This alternative assumes the existing buildings and uses on the site would remain.

**No Project/Existing Zoning Alternative**, which assumes that the proposed project site would be developed consistent with currently allowable land uses, zoning, and development intensities.

**Reduced Density/Reduced Height Alternative**, which assumes that the proposed project site would be developed at a lower density than the proposed project through a reduction in the maximum allowable building height.

**Historical Resources Alternative – Preservation of Building 3**, which assumes that the proposed project site would be developed as proposed, except that Building 3 would be retained and rehabilitated for contemporary use. The building would include retail uses only; however, Building 3 could also be used as focal point for historical interpretation on the property.

As noted above, an EIR is legally adequate if it analyzes a "reasonable range of alternatives to the project" and need only set forth alternatives "necessary to permit a reasoned choice" (CEQA Guidelines, § 15126.6, subds. (c)(f)). Thus, in devising a range of alternatives to be addressed in an EIR, the lead agency may take into account site suitability, economic viability, availability of infrastructure, general plan consistency, and consistency with other plans or regulatory limitations, among other factors (CEQA Guidelines, § 15126.6, subd. (f)(1)). The City maintains that the four alternatives analyzed in the Draft EIR constitutes a reasonable range of alternatives.

The comment goes on to state that the EIR should have included specific findings regarding the infeasibility of the reduced density/reduced height alternative, especially with respect to the statement that this alternative might impede development of the Light Rail station. The comment states that the EIR does not include information to support an infeasibility finding for either the reduced density/reduced height alternative or for the historic resources alternative. An EIR is an informational document prepared by lead agency staff and consultants, which is ultimately provided to lead agency decision-makers as part of the overall administrative record on which they can base their actions and determinations. Nowhere does CEQA mandate that the EIR itself also contain an analysis of the feasibility of the various project alternatives or mitigation measures which it identifies ((*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689, 690; see also CEQA Guidelines, § 15126.6, subd. (f)(1)). Such determinations will be properly contained in the City's CEQA Findings of Fact.

The findings requirement effectuates "CEQA's substantive mandate" that public agencies refrain from approving projects with significant environmental impacts when there are "feasible alternatives or mitigation measures" that can substantially lessen or avoid those impacts (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal. 4th 105, 134; Public Resources Code, § 21002; CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2)). "[T]he purpose of the statutory requirement for findings is to ensure that the decision-making agency actually considers alternatives and mitigation measures." (*Resource Defense Fund v. Local Agency Formation Commission of Santa Cruz County* (1987) 191 Cal. App. 3d 886, 896.) "The requirement ensures there is evidence of the public agency's actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the public agency arrived at its decision. Under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation, supra*, 16 Cal. 4th at page 134.)

#### **Response to Comment 11-21**

The comment states that the project fails to consider the potentially significant energy implications of the project. On pages 6.10-39 through 6.10-48 of the Draft EIR addresses energy consumption of the project and the project's affect on energy resources. As discussed on page 6.10-45.

Implementation of Title 20 and 24 of the CCR would reduce impacts associated with an increased demand for electricity by implementing energy efficient standards for residential and non-residential buildings. These could include, but are not necessarily limited to, building integrated solar electric features, thermal energy storage systems, and advanced energy saving architectural features in the buildings themselves. Proposed office uses under Scenario B would include lighting conservation efforts and other energy conservation measures. Lighting conservation efforts would include (1) occupancy sensors to automatically turn off lights when not in use, (2) lighting reflectors, (3) electronic ballasts, and (4) energy-efficient lamps. Conservation efforts are expected to include improved HVAC systems with microprocessor-controlled energy-management systems.

In addition, implementation of the Warren-Alquist Energy Resources Conservation and Development Act would also coordinate research and development into energy supply and

demand problems to reduce the rate of growth of energy consumption. There is also adequate electrical supply, and new electrical facilities would be constructed as part of the proposed project.

Public Resources Code Section 21100(b)(3) states that EIRs “shall include a detailed statement setting forth... mitigation measures proposed to minimize *significant* effects on the environment, including, but not limited to, measures to reduce wasteful, inefficient, and unnecessary consumption of energy” (emphasis added). Also, as stated in Section 15126.4 (a)(3) of the Guidelines, “mitigation measures are not required for those effects which are not found to be significant.”

As discussed on pages 6.10-44 through 6.10-47 of the Draft EIR, energy-related impacts of the project would be less than significant because the energy provider, PG&E, would have sufficient capacity to serve both the project as well as cumulative development, primarily because projects in the region must comply with State of California Energy Efficiency Standards (Title 24), as appropriate. Title 24 regulates energy consumed for heating, cooling, ventilation, water, heating, and lighting and applies to non-institutional and non-residential buildings that are mechanically heated or cooled resulting in directly or indirectly conditioned space, and it would apply to all such development during all hours of operation, including hours when energy demand is at its peak within the region. In addition, as a condition of approval, the project would incorporate energy conservation measures, as listed below:<sup>6</sup>

- Zone and separate HVAC systems to allow turn-down or shut-down for unoccupied areas;
- Provide energy sub-metering;
- Provide advanced automatic lighting controls;
- Provide Energy Star office equipment where feasible; and

In light of the above discussion, impacts related to energy consumption would be less than significant on a project-specific and cumulative level. Because the proposed project’s impacts on a project-specific and cumulative level would be less than significant, energy conservation measures would not be warranted as mitigation under Section 15126.4 (a)(3). As pointed out by the commenter, Title 24 standards are the minimum requirements of the state; therefore, the proposed project would necessarily operate within accepted standards for energy consumption and even go beyond the minimum standards due to the additional measures included as part of the project.

Moreover, the intent of Appendix F is to discourage “wasteful, inefficient, and unnecessary consumption of energy.” Appendix F does not require specific measures or set standards for what is efficient, nor does the City. Absent a standard in CEQA or the City, it is reasonable to assume that, in light of the above discussions, the proposed project would not consume energy on a level that would be considered wasteful or inefficient. In addition, the Township 9 project

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6 Jeff Teel, Director of Architecture, PAMF, written correspondence with EIP Associates, a division of PBS&J, April 12, 2007. The PAMF-SCC design team has considered the US Green Building Council’s LEED program, the Green Guidelines for Healthcare, the ASHE Green Healthcare Construction Guidance Statement, and other publications in project design, but consideration of sustainable design measures has not been limited to the recommendations in these resources.

applicant has been selected for participation in the "Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program" (see Response to Comment 11-16 for further discussion of LEED certification).

In addition, as discussed on page 8-2, the Draft EIR recognizes that operation of the project would result in the consumption of water, electricity, natural gas and fossil fuels. The EIR does not identify this as a significant impact because it is speculative to identify the location and nature of the impacts caused by the project's incremental increase in energy demand, particularly the increased demand for electricity from the state's grid. The energy demand of the proposed project would be part of the overall demand for energy from the region and state. The cumulative demand for energy in California is being met from energy sources throughout the West, including gas and coal fired power plants which create air emissions and require the extraction and delivery of natural gas and/or coal. Other energy sources include hydroelectric operations from facilities in the Sierra Nevada, as well as facilities in the Pacific Northwest. Because of the complex nature of the electricity transmission system, and the open market methods of purchase and delivery of electricity in today's marketplace, it is impossible to specifically connect the demands of a specific project or region to the environmental effects of constructing or operating specific electricity generation facilities.

**Response to Comment 11-22**

Peak hour traffic and delays in urban areas is not unique to the locations mentioned in the comment and mitigation for such situations would be only to widen roads and add more lanes. The more congested core area would force drivers to seek other modes of transportation such as transit or light rail. In a transit oriented development, such as the proposed project, with a transit station located adjacent to the southern edge of the project, it will be more convenient to travelers in the peak hour to use the transit system which is one goal of having such a TOD development. Without a shift in travel mode choice toward more walking, cycling and use of transit options, increases in vehicle congestion will continue to occur. Instead of the City using its eminent domain authority to condemn structures to provide for capacity for one mode travel, the City supports land uses that allow for housing options close to employment centers, such as downtown, which are ideal for supporting alternative travel modes. This project is ideal for promoting this type of growth by providing ample housing within close proximity of the downtown.

**Response to Comment 11-23**

Please see Response to Comment 11-22.

**Response to Comment 11-24**

Please see Response to Comment 11-22.

**Response to Comment 11-25**

Please see Response to Comment 11-22.

**Response to Comment 11-26**

Please see Response to Comment 11-22.

**Response to Comment 11-27**

See Response to Comment 11-22.

**Response to Comment 11-28**

Impact 6.11-24 on pages 6.11-93 and 6.11-94 of the Draft EIR addressed potential disruption of emergency vehicle access during the project construction phases. Mitigation Measure 6.11-24 would require that the project applicant prepare and maintain a Construction Management Plan which would put in place measure to retain access for emergency vehicles in and around the project site.

The increase in vehicle trips attributed to project operation and the effects on levels of service and delay is evaluated in Section 6.11 in Impacts 6.11-1 through 6.11-5, 6.11-12 through 6.11-16, 6.11-18 through 6.11-22. The deterioration of levels of service could effect emergency vehicle response time. Mitigation Measures proposed to address deterioration of levels of service would also address impacts to emergency vehicle access and response times.

Impacts to police and fire protection service levels attributed to the proposed project are evaluated in Section 6.9 of the Draft EIR on pages 6.9-1 through 6.9-14.

**Response to Comment 11-29**

The Draft EIR addresses the increased demand on the public transit system under Impacts 6.11-6, 6.11-17 and 6.11-23. Recommended mitigation measures included working with Regional Transit, including funding assistance, to modify bus routes and/or frequencies to better serve the increased need. As noted in Response to Comment 11-28, the increase in vehicle trips attributed to project operation and the effects on levels of service and delay was also evaluated and mitigation proposed. See Responses to Comments 11-28 and 11-43.

**Response to Comment 11-30**

The Draft EIR adequately discloses that with or without the proposed project the queues at the I-5 northbound Richards Boulevard off-ramp and the I-5 southbound Richards Boulevard off-ramp exceed the capacity (see pages 6.11-91 to 6.11-93 of the Draft EIR). Additionally, the LOS in the mainline is also reported to be LOS F for a freeway which is running at full capacity in the peak hour. Therefore, traffic speed is not expected to be high on the mainline and not different than speed on those off-ramps.

**Response to Comment 11-31**

Please see Response to Comment 3-4.

**Response to Comment 11-32**

Please see Responses to Comments 3-4 and 3-9.

**Response to Comment 11-33**

See Response to Comment 3-4.

**Response to Comment 11-34**

See Response to Comment 3-4.

**Response to Comment 11-35**

See Response to Comment 3-4.

**Response to Comment 11-36**

Please see Responses to Comments 3-4 and 11-30.

**Response to Comment 11-37**

See Responses to Comments 3-2 and 3-4.

**Response to Comment 11-38**

As discussed on pages 6.11-46, 47, 49, 66, 67, 70, 84, 85, and 86 in the Draft EIR, widening roadways to add vehicle lanes to increase roadway capacity would be inconsistent with the City of Sacramento goals, policies, and objectives to create pedestrian friendly streets and Smart Growth policies. A 12-foot wide roadway widening is an approximation of what would be required to install a new lane, curb, gutter and other appurtenances to expand an intersection. Even with ideal circumstance where the city only needed 11 feet for a travel lane, the commenter's recommendation that new lanes be 'squeezed into existing right-of-way' would require extraordinary design exceptions or else risk damaging established buildings and land uses and likely create hazards within the public right-of-way. The streets and intersections are in developed built-out environments, with existing sidewalk, planters, and mature trees that may qualify as heritage, directly abutted by adjacent buildings. Streets are already functioning at minimum widths, so to pursue the recommendation is simply infeasible likely forcing the removal of sidewalks, planters, trees and/or bike lanes to provide another vehicle lane.

**Response to Comment 11-39**

Widening arterials to more than 6 lanes was considered inconsistent with the City of Sacramento Pedestrian Friendly Street Standards. The pedestrian friendly street standards were adopted for segment widths, i.e., two- four- and six lane roadways. The impacts disclosed in this Draft EIR pertain to intersections where the crossing distances would be increased significantly by adding right hand turn pockets (typically 14 feet) and/or left hand turn pockets (10 to 11 feet wide). Increasing the crossing distance at intersections does not favor pedestrians crossing at intersections and may cause a safety hazard.

**Response to Comment 11-40**

A number of Smart Growth Principles are not fulfilled by widening streets, removing sidewalks, planters, or bike lanes, even if the land were available, which it is not.

The following policies are included in the City's Smart Growth Principles:

**Smart Growth Policy, Foster walkable, close-knit neighborhoods** - widening intersections can create barriers between neighborhoods by making a street that is not friendly to cross.

**Smart Growth Policy, Provide a variety of transportation choice**, -removing sidewalks and bike lanes to squeeze in a turn pocket is contrary to this principle. The existing right-of-way constraints would require removing sidewalk, planters and bike lanes to squeeze in more car lanes.

Smart Growth Policy, Support land use, transportation management, infrastructure and environmental planning programs that reduce vehicle emissions and improve air quality - Designing facilities to accommodate vehicles within existing right-of-way would require removing sidewalks, planters, and/or bike lanes and discourage non-vehicle modes.

The proposed project would be required to pay development impact fees for facility improvements that are of a regional development. Urban locations often do not have the option to add more capacity by adding lanes, there simply is not enough land. Furthermore, the project will also be required to participate in the finance plan for this area as noted in the Draft EIR. The finance plan is set up to fund transportation improvements that are of a regional benefit and Draft EIR described in the Facility Element of the Richards Blvd Area Plan October 1994. As noted in the Draft EIR, "The Richards Boulevard Area Plan and Facility Element is currently being updated, and it is anticipated that the City Council will consider the update in late 2007/early 2008.

#### **Response to Comment 11-41**

The comment does not site a specific study roadway, intersection, or mitigation measure; however, all of the intersections where the phrase 'wider than the typical roadways found in downtown' is used are in fact located in the core of downtown and intersecting with such obvious downtown streets as F, G, H, I and J Streets. On its merits, the comment is disingenuous and misleading. The myopic view that the city should use its eminent domain authority to condemn structures and impact adjacent land uses to provide for capacity for one mode travel is pure nonsense and not a valid basis for land use or transportation planning.

#### **Response to Comment 11-42**

Regional Transit provided tentative schedule dates between 2014 and 2027 in their draft environmental impact statement and verbally indicated possibly in 2013/2014 depending on funding. This assumption was valid for long term cumulative planning purposes.

#### **Response to Comment 11-43**

Meetings with the Taiwo Jaiyeoba, Director of Regional Transit Planning, confirmed that as the Richards Boulevard area develops, more bus services will be made available. Accordingly, the Township 9 project will be required to provide fair-share contributions for future transit services. The Township 9 project will also be required to provide a Transportation Management Plan (TMP), and as the Richards Boulevard area continues to develop, the City will require TMPs from developments that will contribute to the transit service needs of the area. Regional Transit acknowledges that the Township 9 project and other development in the Richards Boulevard

area will increase demand for transit services. In order to meet this demand, the City will coordinate efforts with Regional Transit to develop a financing mechanism to enhance the current bus services or provide a shuttle system for the neighborhood.

#### **Response to Comment 11-44**

The comment requested that the Draft EIR “evaluate(d) parking impacts relative to parking demand as required by the City impact guidelines and used demand data from authoritative reference sources such *Parking Generation, Third Edition*”.

The standard for determining the significance of parking supply in the Draft EIR is in accordance with the *City of Sacramento Traffic Impact Guidelines* (Page 6.11-37, Draft EIR); therefore, the analysis is in accordance with City impact guidelines. As further stated on Page 6.11-37 of the Draft EIR, the City considers impacts to parking as significant if the proposed project would “result in parking demand that exceeds the available or planned parking supply. *However, the impact would not be significant if the project is consistent with the parking requirements stipulated in the City Code*” (emphasis added). The parking requirements for the City are established in the City Code and; therefore, the use reference sources for projects is not necessary.

As discussed in Response to Comment Responses to Comments 5-3 and 6-3, section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone (Section 17.136.010). The project is a transit oriented development within the urban core of downtown Sacramento and is a mixed-use employment center. The PUD Design Guidelines provide recommended parking standards based on the unique character of the mixed-use project and variations to the standards will be considered where it can be demonstrated that shared parking, unique uses, or transit incentives warrant reductions.

In addition, in response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the following elements from the project: the overlook and outdoor performance venue. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, parking impacts attributed to these features identified in the Draft EIR are no longer applicable.

#### **Response to Comment 11-45**

The traffic counts were collected between September 2004 and June 2006. This is well within the generally accepted industry practice of 3 year old counts. Therefore, a growth factor was not used.

Further, for the baseline conditions analysis 11 projects that had been approved by the City at the time of the study were factored into the analysis. A list of these projects is provided on pages 6.11-37 to 6.11-38 of the Draft EIR.

For the cumulative analysis, the model considered all approved and pending projects as well as anticipated growth in the city.

**Response to Comment 11-46**

According to the trip distribution (see Figure 6.11-12 on page 6.11-35 of the Draft EIR), only 15 percent of the project trips are expected to travel east of 7<sup>th</sup> Street and south of North B Street. Given the location of the mentioned intersection 15<sup>th</sup> / J Street from the project site, the number of trips estimated to travel through this intersection is not expected to be significant given the number of roads existing in the downtown area.

Intersections to evaluate in the Draft EIR were selected based on the likelihood of impacts created by the proposed project. The area in question, south of North B Street and east of 7<sup>th</sup> Street, is some distance away from the project site and is not an area where a significant number of project trips will traverse through enroute to regional facilities or other major attractions. Further, project traffic that does go through the area has many parallel streets to choose from resulting in a disperse pattern that would not likely impact a particular intersection or intersections significantly.

**Response to Comment 11-47**

This SACMET 2027 travel demand model is the method consistently used by the City for forecasting traffic volumes. As noted in the comment, the southbound section of I-5 is, however, currently capacity constrained. The program also increases traffic volumes substantially at the southbound freeway on-ramps. The southbound Richards Boulevard off-ramp attracts double the traffic with buildout of the proposed Railyards project than without it. The sum total of these effects is that the freeway segment preceding the Richards Boulevard on-ramp has a lower traffic volume assuming buildout of the Railyards project than without the project.

**Response to Comment 11-48**

This comment is noted and it will be provided to the decision-makers for their consideration.

**Response to Comment 11-49**

This comment is noted and it will be provided to the decision-makers for their consideration.

**Response to Comment 11-50**

Comment noted. No response is required because the comment provides a summary description the commenter's review of the Cultural Resources section of the Draft EIR and Draft EIR technical appendices pertaining to cultural resources. The commenter notes that the Draft EIR authors have examined the relevant background and archival resources, consulted the appropriate Native American representatives, and compiled a credible document examining the archaeological potential of the project site. The commenter further notes that the historical resources investigation and documentation included in the Draft EIR meets current professional and technical standards for an inventory and evaluation of historical architectural resources.

**Response to Comment 11-51**

The comment notes that, with the exception of the scale house, the Cultural Resources section of the Draft EIR includes no discussion of preservation and adaptive re-use of the buildings in

the Bercut-Richards cannery complex, which would be consistent with applicable city planning documents, policies, and regulations identified in the Draft EIR, and might reduce impacts to historical resources to a less-than-significant level.

The project analyzed in the Draft EIR, including the analysis of potential project impacts on historic architectural resources, includes the demolition or removal of all existing buildings on the project site.

The comment correctly notes that Mitigation Measure 6.4-1 requires the project applicant to preserve the scale house (Building 11) and relocate the preserved building to one of the project park settings. Mitigation Measure 6.4-1 also requires the project applicant to consult with the City of Sacramento regarding the potential de-construction, salvage, and/or reuse of architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. However, as stated in the Draft EIR, the mitigation measures would reduce project impacts to historical resources by relaying information to interested members of the public, as well as Township 9 residents and visitors, regarding the historical significance of the Bercut-Richards cannery and the history of the canning industry in Sacramento, but impact would remain significant and unavoidable because the proposed demolition of the cannery complex would materially impair the historical resource's physical characteristics that convey its historical significance.

A discussion of preservation and adaptive re-use of buildings in the Bercut-Richards cannery complex, which the comment noted as absent from the Cultural Resources section of the Draft EIR, is included in the Alternatives chapter of the Draft EIR (Chapter 6). The alternatives chapter considers four Historical Resources Alternatives: Total Preservation, Preservation of Building 1, Preservation and Relocation of Building 1, Preservation of Building 3. See also Response to Comment 11-20, and Appendix E of this Final EIR, for discussion and transcript of the City's Historic Preservation Commission hearing, in which the Commission expressed support for the project.

### **Response to Comment 11-52**

Comment noted. Mitigation Measure 6.4-2, beginning on page 6.4-32 of the Draft EIR, is revised to read as follows to respond to concerns expressed in the comment.

#### Mitigation Measures

The following mitigation measure requires the project applicant to retain a Project Archaeologist to conduct background research, conduct a pedestrian survey of unpaved portions of the project site, conduct on-site construction monitoring in areas determined to be sensitive for significant cultural resources, and to provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction activities. ~~provides discovery and evaluation procedures for any previously unknown archaeological resources on the project site and requires that a professional archaeologist employ data recovery or other methods that meet the Secretary of the Interior's Standards for Archaeological Documentation to reduce impacts on unique archaeological resources.~~ Therefore, implementation of the following mitigation measure would reduce this impact to a **less-than-significant level**.

## 6.4-2 (A &amp; B)

- a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant.
- b) The Project Archaeologist shall review the following documents on file with the City Preservation Director:
- North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006.
  - Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006.
  - Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.
- c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.
- d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading, excavation, and trenching) in the areas determined to be sensitive for significant cultural resources.
- e) The Project Archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing demolition or construction throughout the project site.
- f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with the Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with

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the Secretary of the Interior's Standards for Archaeological Documentation.

- g) If a Native American archaeological, ethnographic, or spiritual resource is discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.
- h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner and Preservation Director shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City Preservation Director shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City Preservation Director, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.
- ~~a) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with the Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.~~

~~If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.~~

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

### **Response to Comment 11-53**

Comment noted. No response is required because the commenter simply expressed his thanks and offered further assistance if needed.

### **Response to Comment 11-54**

The project transportation study prepared by Dowling Associates included estimates of the project's weekday daily motor vehicle trips for all the project components for the two development scenarios (as presented in Draft EIR Tables 2-1 and 2-2 of the Project Description). Trips from Zone 2 (which would have included the outdoor performance venue) and Zone 9 were not included in these totals because they are designated for "open space" and their trip generation during weekday commute peaks would be negligible. Their daily air pollutant emissions were not included in the URBEMIS model because most such emissions

from their associated motor vehicle trips would occur on weekday evening or on weekends, which are not periods of primary concern for regional ozone impacts.

It should be noted, however, that in response to concerns raised by the County of Sacramento Planning Department and Regional Parks and subsequent to publication of the Draft EIR, the project applicant has removed the outdoor performance venue from Zone 2. Please see also Response to Comment 5-15.

#### **Response to Comment 11-55**

Complete specifications for the construction phasing, equipment use, and timeline are given in the tables and figure that lead off Appendix E of the Draft EIR. The implications of these data for construction air pollutant emissions are contained in the subsequent URBEMIS output, also contained in the appendix. The air pollutant emissions from infrastructure installation were calculated as part of Phase I Site Improvements. The "Township 9 Construction Equipment/Use Specifications" table in the appendix shows the equipment use and duration (i.e., 12 weeks) for this phase, which includes roadway construction and utilities installation.

#### **Response to Comment 11-56**

Appendix E of the Draft EIR contains the most accurate specifications for the project's construction phasing, equipment use, and timeline, which were current at the time of the Draft EIR's publication. In the instances identified in the comment (i.e., 1.4 million sf of existing buildings, five month demolition term, two excavators, one "other" piece of equipment, etc.), the Draft EIR project description contains less specific information than the appendix. The level of detail provided in Chapter 2 is appropriate for the Draft EIR project description. Appendix E appropriately provides a more specific level of detail that is necessary in order to evaluate construction air quality emissions.

The distance of 16 miles for demolition truck trips lengths also represent the best available information on the expected distance to the disposal site. The comment confuses the one truck included in the URBEMIS listing for "Off-Road Equipment," which is a utility truck to be used for such tasks as watering, etc., with the 4 daily truck trips expected to transport demolition materials. The URBEMIS estimates included emissions from both the on-site truck and the trucks (as identified in the "On-Road Diesel" line item in the URBEMIS output for "Demolition") to be used for demolition material transport.

#### **Response to Comment 11-57**

Appendix E of the Draft EIR contains the most accurate specifications for the project's construction phasing, equipment use, and timeline, which were obtained from the project sponsor. Any departures from these specifications that would affect construction phase air pollutant emissions will be noted by the project contractor in monthly/quarterly reports to the SMAQMD together with their effects on NO<sub>x</sub> emissions and the fees paid for such excess NO<sub>x</sub> emissions will be adjusted accordingly. See Response to Comment 7-7.

#### **Response to Comment 11-58**

The one truck included in the URBEMIS listing for "Off-Road Equipment," is a utility truck to be used for such tasks as watering, etc., and not the trucks that will transport the approximately 59

truck-loads of demolition materials off site. The URBEMIS estimates for the former are included in the output's "Off-Road Diesel" line item, while the latter is included in the "On-Road Diesel" line item. The specifications for the project's construction phasing, equipment use and timeline are long and complex. The listing of such specifications was considered more appropriate as appendix material than as data to be presented in the Draft EIR air quality section. The tables and graphic that lead off Appendix E contain complete specifications for the construction emissions calculations and the complete URBEMIS model outputs follow. A summary of the results of the project's construction emissions modeling and the fees to be paid to the SMAQMD for NO<sub>x</sub> emissions that exceed their thresholds is included in the Draft EIR air quality section.

#### **Response to Comment 11-59**

Emissions from the trucks delivering construction materials to the site were not included in the Draft EIR analysis because the SMAQMD's methodology does not call for their inclusion nor does the SMAQMD require that they be considered when the NO<sub>x</sub> mitigation fee is calculated. Also, the URBEMIS model does not provide for the calculation of delivery truck emissions as part of its construction phase emissions module. Chapter 3 of the SMAQMD CEQA Guide provides methodology for the calculation of construction equipment emissions, haul truck emissions for demolition and fill material and worker commute trip emissions. The analysis in the Draft EIR was completed consistent with SMAQMD methodology.

#### **Response to Comment 11-60**

The great majority of data contained in Appendix E of the Draft EIR support the construction phase emission and NO<sub>x</sub> mitigation fee calculations. The project's operational emissions as calculated by URBEMIS were based on the proposed land use data as presented in the Draft EIR Tables 2-1 and 2-2, and on daily trip rates for each land use category as determined by the project transportation consultant. The operational URBEMIS output is included in Appendix F of this Final EIR. See also Responses to Comments 7-1 and 7-7.

#### **Response to Comment 11-61**

The CARB's identification of diesel particulate matter as a TAC is recent compared to the identification of the criteria pollutants and establishment of their air quality standards by federal and state agencies. The Draft EIR noted the year (1998) in which the CARB identified DPM as a TAC on page 6.2-10, last paragraph. The Draft EIR acknowledged the increasing attention that TACs have received from regulatory agencies and identified diesel particulate matter as a TAC of particular concern. Also, on page 6.2-14 the Draft EIR explained the rationale for not doing a health risk assessment (HRA) for project construction or operational sources of diesel particulate matter, specifically 1) construction would be short-term relative to the usual time period (i.e., 70 years) considered by HRAs; 2) the closest existing sensitive land use to the project site is more than a quarter of a mile away; and 3) none of the stationary (e.g., building energy use) or mobile sources (e.g. primarily gasoline powered autos and light trucks) of TACs associated with project operation are major sources of diesel particulate matter. This decision is supported by the CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, which identified potentially significant TAC sources as listed below:

- High traffic freeways and roads
- Distribution centers

- Rail yards
- Ports
- Refineries
- Chrome plating facilities
- Dry cleaners
- Large gas dispensing facilities

The list does not include construction sites (large or small) and, in fact, construction equipment is not even mentioned in the Handbook as a major source of health risk to the general population. Finally, the project site is about half a mile from I-5 (which certainly would qualify for inclusion in the CARB's "high traffic freeway" category of TAC sources), well outside the 500-foot buffer that the CARB recommends to protect sensitive receptors from such sources. See also Response to Comment 11-10.

#### **Response to Comment 11-62**

The comment states that the project URBEMIS analysis included only one "tractor/loader/backhoe" for the "130,000+ cubic yards of cut-and-fill identified for the project site." Major cut-and-fill operations will occur on the project site during the Grading/Excavation and Phase 1 Site Improvements stages. The URBEMIS calculations for the former stage included two excavators and two "other" pieces of equipment in addition to a backhoe, all being used over a period of seven weeks, while calculations for the latter stage included an excavator and a loader in addition to a backhoe, all being used over a period of 12 weeks. Completing the above-mentioned cut-and-fill operations should be well within the capabilities of this equipment set over the times given for the completion of these construction stages. The specifications of project construction phasing, equipment use, and timeline represent the best available current information. The mitigation monitoring requirements specified in Mitigation Measure 6.2-1(e) mandate the project contractor's tracking of actual equipment use and phase schedules and reporting of NO<sub>x</sub> emissions and mitigation fee changes to the SMAQMD on a monthly basis. See also Response to Comment 7-7.

#### **Response to Comment 11-63**

In Table 6.2-5, the Draft EIR reported operational NO<sub>x</sub> emissions for both Scenarios A and B that are in excess of the SMAQMD significance threshold. Contrary to the comment's claim, the Draft EIR did not ignore the need to reduce such operational emissions, but presented a detailed Air Quality Management Plan (AQMP), which has been endorsed by the SMAQMD (see Appendix C of this Final EIR and Letter 7), and that specified measures to reduce project mobile source emissions and assigned a reduction point value to each mitigation measure. The average emission reduction based on these point values was approximately 20 percent under either Scenario A or Scenario B. Please see also Response to Comment 11-13. By exceeding the 15 percent reduction goal established for an effective AQMP, the project is considered to have implemented "all feasible measures" required under CEQA to mitigate significant regional ozone precursor emissions. Even so, such controls would not reduce project operational ozone precursor emissions below the SMAQMD significance threshold and the Draft EIR identified the project's post-mitigation ozone impacts as significant and unavoidable.

**Response to Comment 11-64**

Air pollutant control efforts in the lower Sacramento Valley are organized such that all Air Districts in the six-county Sacramento Federal Ozone Nonattainment Area ((SFONA) cooperate closely to reduce ozone precursor emissions from sources within SFONA. But the SFONA has not been designated as an air basin separate from the larger Sacramento Valley Air Basin (SVAB). By definition, an air basin is an area where common characteristics of weather and terrain can restrict dispersion of pollutant emissions from internal sources. Ozone precursor emissions from any source in the SVAB could be considered as a potential influence on ozone levels in SFONA. Consequently, the cumulative context for the evaluation of the proposed project's cumulative effects on ozone would be all ozone precursor sources in the SVAB. The comment suggests that a dispersion modeling analysis of the project's PM<sub>10</sub> and PM<sub>2.5</sub> was recommended by the SMAQMD. However, the SMAQMD made no such request either in their comments on the project's NOP or on the Draft EIR. Rather, the SMAQMD was satisfied that the mitigation measures included in the Draft EIR for particulate control, all as recommended in the SMAQMD CEQA Guidelines, would be sufficient to prevent any significant cumulative particulate impacts.

**Response to Comment 11-65**

The strip mall trip rate used in the project URBEMIS analysis was not the model default rate of 64.54, but a project-specific rate of 42.94 as provided by the project transportation consultant. This reflects the lower motor vehicle trip rate expected for retail uses that are part of large mixed-use developments.

**Response to Comment 11-66**

Information on the effects of particulate matter is included in the setting discussion of the Draft EIR on pages 6.2-2 and 6.2-3. Further information is provided for PM<sub>10</sub>. The potential for the project to produce construction and operational PM<sub>10</sub> emissions in excess of adopted standards of significance is presented in Impacts 6.2-2 and 6.2-4. PM<sub>2.5</sub> was not evaluated in the Draft EIR for the Township 9 project because the SMAQMD and City of Sacramento do not have adopted thresholds of significance.

**Response to Comment 11-67**

See Response to Comment 11-66.

**Response to Comment 11-68**

The comment is correct. The first full paragraph on page 6.2-9 of the Draft EIR is revised to read as follows:

Since many air pollution problems are regional in nature, the federal government sometimes designates multi-county areas as "Nonattainment Areas". Because it covers a large area, a nonattainment area can be composed of several different air districts. The "nonattainment area" designation means that these individual local agencies must work together to solve regional air pollution problems. The Sacramento Ozone Nonattainment Area includes all of Sacramento County and parts of Yolo, Sutter, El Dorado, and Placer Counties.

**Response to Comment 11-69**

Comment noted. See also Response to Comment 5-3 for a discussion of project consistency with the SACOG Regional Blue Print.

**Response to Comment 11-70**

See Response to Comment 5-8.

**Response to Comment 11-71**

The reduction of project-associated motor vehicle trips, especially those by heavy-duty diesel trucks, is the only measure that the project sponsor could implement (and only to a limited extent) to reduce the project's cumulative effect on particulate levels. It is not within the project applicant's power to retrofit heavy duty diesel trucks with particulate control devices or to require that only heavy-duty diesel trucks with such devices can have access to residences/businesses on the site. However, State-implemented particulate control measures for diesel-powered vehicles are well underway that have a goal of reducing such particulate emissions by 85 percent by the year 2020.

**Response to Comment 11-72**

The comparison of emissions generated by the proposed project with emissions generated by the Reduced Density/Reduced Height Alternative shown in Table 7-3 and described on page 7-14 is accomplished by comparing the percent difference in emissions and if the emissions generated by the alternative exceeds the thresholds. The finding of significance for the alternative is made if the modeled emissions exceed the established thresholds, just as was done for the proposed project. It was not made by comparing the percent reduction of the alternative when compared to project emissions. As discussed on page 7-14 of the Draft EIR, SMAQMD thresholds would still be exceeded for ROG and NO<sub>x</sub> and operational air quality impacts for this alternative would be significant and unavoidable, similar to the proposed project. However, the magnitude of this impact would be less due to decreased development.

The Draft EIR on page 7-21, did identify the Reduced Density/Reduced Height Alternative as the environmentally superior alternative because it would reduce many of the significant impacts identified for the proposed project (including air quality emissions); however, it would not reduce these impacts to less than significant.

See also Response to Comment 11-20.

**Response to Comment 11-73**

An EIR does not make conclusive determinations regarding the relative merits of particular alternatives. Rather, an EIR's alternatives analysis provides some of the information to be used by the lead agency in making its ultimate decision to approve or deny a proposed project. See Response to Comment 10-20. An EIR is an informational document prepared by lead agency staff and consultants and provided to lead agency decision-makers as part of the overall administrative record on which they can base their actions and determinations. Nowhere does CEQA mandate that the EIR itself contain an analysis of the feasibility of the various project alternatives or mitigation measures which it identifies (*San Franciscans Upholding the*

*Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689, 690; see also CEQA Guidelines, § 15126.6, subd. (f)(1)). Such determinations will be properly contained in the City's CEQA Findings of Fact.

The City believes the Draft EIR serves its function of providing information to the City's decision makers. The discussion cited by commenter provides information on the relationship of the Reduced Density/Reduced Height Alternative to the Project Objectives. The Draft EIR states that, while development of this Alternative would reduce proposed project impacts related to air quality, noise and vibration, public services, public utilities, and traffic, the Alternative would not reduce impacts to a less-than-significant level or achieve all of the project's objectives.

The Draft EIR cites Project Objectives that the Alternative may be less likely to achieve, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. The Draft EIR notes that, in order to provide this transit line, the City will need federal funding, which is usually not available unless the transit service would immediately serve at least a minimal service population. While the Draft EIR does not provide information on exactly what minimum population must be served in order to receive federal funding, the Draft EIR merely points out that an alternative with less density is less likely to meet these standards than a project with higher densities.

Additional objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, making efficient and economically viable use of an infill development opportunity, and enhancing the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. The Draft EIR notes that, under the Reduced Density/Reduced Height Alternative, the applicant's and City's ability to meet all of these project objectives is limited as compared to a higher density project.

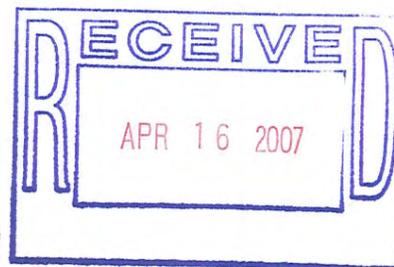
The Draft EIR also provides information on the Alternative's consistency with Project Objectives, including objectives related to integrating residential neighborhoods with employment opportunities and neighborhood retail, as the Alternative involves development of a mixed-use development of residential and commercial uses, along with office uses under Scenario B.

Considerations regarding the feasibility of alternatives, including the Reduced Density/Reduced Height Alternative will be supported by substantial evidence in the City's Findings of Fact (CEQA Guidelines, § 15091, subd. (b)).



April 13, 2007

Ms. Jennifer Hageman, Senior Planner  
City of Sacramento  
Environmental Planning Services  
Development Services Department  
2101 Arena Blvd., Suite 200  
Sacramento, CA 95834



Subject: Draft Environmental Impact Report  
Control number: 03-SAC-05 (PO6-047)  
SCH Humber: 2006072077  
Capitol Station 65 Project, also known as Township 9 Project

Dear Ms. Hageman:

Having read the Draft EIR on the proposed Township 9 Project, I wish to comment on it from the following two points of view:

1. As a 58 year resident of the City of Sacramento, I enjoy on a daily basis several types of outdoor recreation. It is the esthetics of the preserved natural scenery that makes it worthwhile, and which is most vulnerable to urban development.
2. With a career in administration and planning State and National Parks and as a consultant in the environmental field, including EIR'S.

**Comments**

1. I support the City's plans for redevelopment of the Richards Boulevard Area, only with sensitivity to the American River Parkway and its users. My concerns are very real with how Township 9 will set precedents for the rest of the redevelopments along the Parkway. 12-1
2. I support President Warren Truitt's report on the EIR, of which I had a part in developing. I shall not duplicate it here. 12-2
3. Township 9's adverse effects on the Parkway are of two types:
  - a. **Physical Intrusion** - Because the Parkway boundary includes the entire levee including the inland toe, the obvious intrusions include the overlooks, the land fill to the crown of the levee and other developments. These intrusions would be illegal under the following instruments: **American River Parkway Plan, the State Urban American River Parkway Preservation Act, the City of Sacramento Parkway Corridor Overlay Zone, and the Richards Boulevard Area Plan.** 12-3

The proposed physical intrusions are not on a Parkway area plan and therefore would also require an amendment of the Parkway Plan which requires approval of the Board of Supervisors, the City of Sacramento and the Legislature. 12-4

**b. Visual Intrusion** - The instruments under number **3a.** above are replete with support for the prevention of visual intrusions from adjacent developments. The EIR brushes this off as insignificant because it is "subjective." It has become our major objection to the Project . Our experience is that in a court of law, these instruments are upheld even for cases much less intrusive than Township 9.

12-5

**Conclusion**

The EIR appears to be almost devised by the Township 9 proponents, and is deficient in its sensitivity to the natural values of the Parkway and the legal instruments that protect it in the public interest.

12-6

The EIR should not be approved until the details of the project are reevaluated and some changes made for a project more legally friendly to the Parkway. I want to assure you that I and many organizations that oppose the EIR in its present form wish to work with you for achieving the very worthwhile redevelopments.

12-7

Sincerely,



Elmer Aldrich

Member of: County American River Parkway Advisory Committee  
 Save the American River Association - Advisory Council  
 Sacramento Audubon Society  
 Sierra Club

cc: Warren Truitt, President - Save the American River Association, Inc. (SARA)

**LETTER 12: ELMER ALDRICH**

**Response to Comment 12-1**

This comment is noted and it will be provided to the decision-makers for their consideration.

**Response to Comment 12-2**

See responses to Letter 9.

**Response to Comment 12-3**

See Responses to Comments 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the Parkway Plan Update policies for adjacent land uses and zoning.

As stated in Response to Comment 5-15, in response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the following elements from the project: the overlook and outdoor performance venue. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, impacts attributed to these features identified in the Draft EIR are not longer applicable.

The comment suggests that the Parkway boundary extends to the "inland toe of the levee." There is nothing to support this contention. See Response to Comment 5-2. The jurisdictional boundaries exhibits included as Figures 4-1 and 4-2 of this Final EIR reflect the City's understanding that (i) the County's jurisdiction (i.e., permitting and land use authority) terminates at the crown of the levee on the water side and (ii) the County has maintenance authority and responsibility over the area extending to the crown of the levee on the land side. The County has asserted that its jurisdiction extends to the crown of the levee on the land side. The City disagrees with the County's interpretation, however, the issue is of no import because the project does not include any structures that extend beyond the crown of the levee on the land side and therefore the County does not have any jurisdiction over the project and cannot exercise any permitting or land use authority. The City and County have agreed that any impact to the bike trail on the crown of the levee will require the applicant to return the bike path to its current condition.

**Response to Comment 12-4**

See Responses to Comments 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the Parkway Plan Update and the Richards Boulevard Area Plan.

**Response to Comment 12-5**

The Draft EIR did not conclude that the impact was insignificant because it was subjective. The Draft EIR determined that the visual impact attributed to project development was less than significant because it would not have a demonstrable negative aesthetic effect on adjacent existing uses, views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. The analysis in the EIR included visual simulations prepared to demonstrate the potential visual change of the site with implementation of the

proposed project. Two viewpoint locations were chosen along the north side of the American River to show the change in views from these publicly accessible areas. The site plan and visual simulations for the proposed project were used to evaluate the potential effects of project development on the visual character of the project site and the nearby area. The analysis focused on the manner in which development could change the visual elements or features that exist on the proposed project site. The impacts of the proposed project are analyzed in relation to existing conditions, which are light industrial, office, and municipal uses. The impact was determined to be less than significant. See Responses to Comments 5-8 and 9-5.

#### **Response to Comment 12-6**

As stated on page 1-1 of the Draft EIR, the purpose of the EIR is not to recommend approval or denial of a project, but to provide decision-makers, public agencies, and the public with an objective and informational document that discloses the potential environmental effects of a proposed project. The Draft EIR discloses impacts attributed to proposed project construction and operation, including those impacts to the Parkway.

#### **Response to Comment 12-7**

See Response to Comment 12-3. This comment is noted. The project as proposed complies with all applicable laws including: the Federal Wild and Scenic Rivers Act, the State Wild and Scenic Rivers Act, City zoning, the County General Plan and the Applicable Parkway Plan and proposed Parkway Plan.

## CITIZENS FOR RESPONSIBLE GOVERNMENT

*We support policies, activities, and economic decisions that promote peace, healthy communities, and a sound environment*

In estimating CO<sub>2</sub> emissions from vehicle traffic associated with the Township 9 project, we first consulted the Sacramento Metropolitan Air District (SMAQMD). According to the Air District, URBEMIS is the most commonly used tool for project pollutant estimation – and it was used for this project. To keep CO<sub>2</sub> calculation methodology relevant to project emissions modeling, URBEMIS assumptions were investigated and used as a basis for our calculations. We reviewed the Transportation and Circulation section of the EIR, specifically the Trip Generation table included as part of Appendix N. Dowling Associates, Inc. estimated 25,480 total project trips for Scenario A (residential) and 29,897 total project trips for Scenario B (office). Using total trips and project specific development information from the table we estimated 135,000 total vehicle miles (TVM) per day under Scenario A and 162,000 TVM per day under Scenario B. We incorporated the Corporate Average Fuel Economy (CAFE) of 27.5 miles per gallon (mpg) into both TVM, resulting in 4,909 gallons per day (gpd) of gasoline consumed under Scenario A and 5,891 gpd under Scenario B. According to the California Climate Action Registry General Reporting Protocol v2.2 document, one gallon of gasoline contains 8.55 kg or 18.85 pounds of CO<sub>2</sub> (note: (1) this assumption ignores the use of diesel fuel which contains 9.96 kg per gallon and (2) the World Resources Institute uses 19.564 pounds per gallon). Unfortunately, CO<sub>2</sub> is not the only greenhouse gas (GHG) emitted during fossil fuel combustion. In accounting for NH<sub>4</sub> (methane) and N<sub>2</sub>O (nitrous oxide) emissions, the global warming potential of each pollutant was considered in addition to the 0.04 grams/mile emission rate found in the General Reporting Protocol document. Assuming the development proceeds as proposed, CO<sub>2</sub> equivalent (CO<sub>2</sub>e) emissions would be approximately 96,331 pounds per day (ppd) or 15,951 metric tons per year (mtpy) under Scenario A and 115,604 ppd or 19,141 mtpy under Scenario B. These emissions would only account for the anticipated transportation impact of the project.

A significant portion of project-emitted GHGs would stem from the use of electricity. Unfortunately, meaningful analysis of project related energy impacts (electricity and natural gas) is completely absent in the EIR. Accordingly, our analysis is unfortunately limited to the end use (site usage) of electricity and thus significantly **UNDERESTIMATES** the project's true impact. In addition, our analysis does not account for transmission and conversion losses that occur in serving the project. Nevertheless, we employed an average site electricity usage of 15 Kwh per square foot per year (sf-yr). Page 2-7 of the EIR states that 4,081,180 sf would be developed. This total square footage translates to 61,217,700 Kwh per year or a little over 167,719 Kwh per day. According to the California Energy Commission, a CO<sub>2</sub>e emission rate (accounting for all GHG emissions) for California electricity is approximately 820 pounds per Mwh. Using this emission rate we estimate that

the proposed project would emit 137,530 ppd CO<sub>2</sub>e or 22,770 mtpy CO<sub>2</sub>e. The table below summarizes our findings.

<b>Township 9 Minimum Global Warming Impact</b>			
		CO <sub>2</sub> e lbs/day	CO <sub>2</sub> e metric tons/year
Transportation Impact	<i>Scenario A</i>	96,331	15,951
	<i>Scenario B</i>	115,604	19,141
Site Energy Use Impact		137,530	22,770
<b>Total</b>	<b><i>Scenario A</i></b>	<b>233,861</b>	<b>38,721</b>
	<b><i>Scenario B</i></b>	<b>253,134</b>	<b>41,911</b>

While it is not readily apparent how to quantify the project's impact on climate change, it cannot be argued that the project's contribution in a cumulative sense is not significant. It is exactly the sum of all human action that has created our dire circumstances and an argument that this project is somehow not a part of the overall problem would be, at best, illogical. Omission in the EIR of even the most cursory analysis of the project's climate change impact is unethical, for the document is at odds with established scientific knowledge of climate change. Furthermore, the CEQA process is intended to provide both the public and decision makers with the ability to understand the impacts of their decisions prior to action. How do you expect the City Council or Planning Commission to uphold their sworn duties when the documents that they rely on are not complete? There exist readily available and feasible measures that could drastically reduce the project's impact, such as:

- 1) Exceed Title 24 by at least 20% for the entire project (this measure has been researched by the SMAQMD and can be found in their Operational Mitigation document);
- 2) Install photovoltaic systems to supplement the project's electricity load;
- 3) Require the purchase of Greenergy by SMUD;
- 4) Install only Energy Star appliances;
- 5) Install only Energy Star gas fireplaces with an AFUE of 90% or better;
- 6) Install programmable thermostats;
- 7) Install ozone destruction catalysts on all air conditioning units (this measure has been researched by the SMAQMD and can be found in their Operational Mitigation document);
- 8) Require the use of blended cement instead of Portland cement (studies suggest a 60% reduction in CO<sub>2</sub>);
- 9) Provide electric shuttles to downtown;
- 10) Contribute fair share portion to Regional Transit for the expedited completion of the Downtown Natomas Airport route; or
- 11) Require the installation of solar water heating systems – consider the following information:

The most significant changes to solar hot water policies have occurred in Spain. In early 2006, the Barcelona city government approved a new solar hot water ordinance, upgrading the existing one. The new ordinance eliminates a minimum energy demand

13-1  
(con't.)

threshold, meaning all new buildings are now subject to the ordinance. In addition, by the end of 2005, more than 70 municipalities and cities throughout Spain, including 50 in Catalonia, had adopted similar municipal solar ordinances. Then, in March 2006, inspired by these municipal ordinances, a new building code was enacted nationally, which requires minimum levels of solar hot water and solar PV in new construction and renovation. Solar hot water must meet 30%-70% of hot water energy needs, depending on climatic zone, consumption level and back up fuel. Beyond Spain, a number of cities were working on solar hot water policies during 2005, such as Cape Town in South Africa. Other states and countries added or modified subsidies for solar hot water; for example, a 2005 US law provides a 30% tax credit for solar hot water through 2007.

13-1  
(cont.)

CEQA requires consideration of "a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project " (Guidelines, s 15126, subd. (d)) and "feasible mitigation measures available" (Pub. Resources Code, s 21002, emphasis added) which would avoid or substantially lessen any significant environmental effects of the project. The lead agency must consider alternatives "even if [they] would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines, s 15126, subd. (d)(1).) In the alternatives analysis, it is all too often the case that the alternatives are constructed in order to be dismissed. Unfortunately, this is the case in this document as well. A valid and feasible alternative to this project would be the Energy Efficient Alternative. With the prevalence of energy efficient technologies, and considering the City of Sacramento's declared goal of sustainability, it is highly questionable how this alternative is not considered. This project, while built out over many years, will operate well into the future; a future where the realities of climate change will have become all too evident and where the costs of addressing past mistakes will be exponentially greater than the costs associated with intelligent action today. We hope that our City shares our concerns and understands that inaction today is a price that will be unbearable in the near future. Our situation is dire, whether you choose to acknowledge such truth or not, and it is only through your leadership as a lead agency that the health and safety of the citizenry you have been entrusted to protect will be preserved.

13-2

13-3

Thank you for the opportunity to comment.

Sincerely,

Citizens for Responsible Government

CRG-Sacramento@excite.com



**LETTER 13: CITIZENS FOR RESPONSIBLE GOVERNMENT**

**Response to Comment 13-1**

See Response to Comment 11-16.

**Response to Comment 13-2**

The alternatives analysis contained in Chapter 6 of the Draft EIR includes the evaluation of a No Project/No Development Alternative, No Project/Existing Zoning Alternative and Reduced Density/Reduced Height Alternative, each of which includes less overall density than the proposed project; and therefore, less energy demand. Please see also Response to Comment 11-21 for a discussion of energy use and energy efficiency measures for the proposed project that would also apply to each of the alternatives evaluated.

**Response to Comment 13-3**

See Response to Comment 13-1. This comment is noted.



April 16, 2007

Ms. Jennifer Hageman, Senior Planner  
City of Sacramento  
Environmental Planning Services  
Development Services Department  
2101 Arena Boulevard, Suite 200  
Sacramento, California 95834

Subject: Capitol Station 65 Project aka Township 9  
Control Number 03-SAC-05 (P06-047)

Dear Ms. Hageman,

The purpose of this letter is to comment on the Draft Environmental Impact Report for the subject project.

I have lived in the Sacramento area for 16 years and have spent the last 6 years working extensively for the preservation and conservation of the American River and Parkway. I sit on the Board of Directors of the Environmental Council of Sacramento and the Habitat 2020 Coalition as the representative for the Save The American River Association. I also sit on the Board of Directors of the California Native Plant Society – Sacramento Valley Chapter. I served as an alternate on the just finished Update Citizens Advisory Committee whose two and one half years of work was to review the 1985 American River Parkway Plan for the purpose of completing a long overdue update. In short, I am very familiar with the value that not only the citizens of Sacramento but the State of California and the United States of America (The American River has State and Federal Wild and Scenic River designations) have placed on the priceless resource we call the American River Parkway. Township 9 and the DEIR do not reflect that same value.

While there are many aspects of this project that rightfully need to be analyzed before any approvals are granted, I wish to remain focused on two proposals that were particularly neglected.

Overlook, Lawn Amphitheater, Performance Pavillion

The DEIR has not adequately analyzed and identified the impacts to wildlife, vegetation and general Parkway users outside of the context of the proposed structures and activities. Are the overlook and lawn amphitheater even permitted as the Parkway boundary begins at the landside toe of the levee, according to the Richards Boulevard Area Plan and Exhibits, and these features seem to be in conflict with the Protected Area landuse designation? The description and purpose of the landuse designation, page 7-3, 1985 American River Parkway Plan, is as follows:

Protected Areas contain tracts of naturally occurring vegetation and wildlife which although capable of sustaining light to moderate use, would be **EASILY DISTURBED BY HEAVY USE** (emphasis added). Protected areas differ from Nature Study areas in that general access in Protected Areas is encouraged and convenience type facilities are permitted to accommodate the anticipated increase in users. **HOWEVER, THOSE FACILITIES AND OTHER IMPROVEMENTS ARE LIMITED TO THOSE WHICH ARE NEEDED FOR THE PUBLIC ENJOYMENT OF THE NATURAL ENVIRONMENT** (emphasis added)...

14-1  
(con't.)

No analysis of the lawn amphitheater and the adjacent performance pavilion was made in light of this landuse designation. These uses in and adjacent to the Parkway are not consistent with the 1985 American River Parkway Plan or the proposed Parkway Plan Update. One example in the proposed Update Plan is Land Use Policy 7.0, 7.9, page 29. The policy states:

Activities in the Protected Areas shall include all Nature Appreciation, all Trails Recreation, and Aquatic Recreation. Recreational Enjoyment activities are restricted to limited family unit picnicking along trails.

As designed, the lawn amphitheater is within the toe of the landside of the levee therefore within the Parkway boundary according to the Richards Boulevard Area Plan and Exhibits.

Two lane vehicular road adjacent to levee and grade change

The design of this roadway was not analyzed in light of impacts to the nationally recognized bike trail (in fact, in a Sacramento BEE article dated 4/16/07, Sacramento was recognized by travel publisher Sherman Travel as one of the top 10 underrated destinations in part because of our bike trails), bicyclists, walkers, runners, kayakers, canoeists and birders. Impacts include degradation of the visual beauty, diminishment of the peace filled and restful experience, noise and air pollution. This roadway discourages safe access to not only the residents and visitors of Township 9 to the Parkway but it impedes the access of people who live or wish to visit Township 9 from the Parkway and bike trail. The DEIR stated that Township 9 was consistent with the proposed American River Parkway Plan Update. The proposed road is not consistent with the intent of policies developed for the Discovery Park area. Please review Area Plan Policy 10.4, 1-6, on page 38 of the updated Parkway Plan. The emphasis is placed on pedestrian and bicycle access. Also, please review Policy 8.7, page 32. The policy states:

14-2

Paved vehicular roadways for visitor access within the Parkway shall be strictly limited and should be perpendicular to the river rather than parallel to it.

This roadway is currently designed within the toe of the landside of the levee, therefore within the Parkway boundary, according to the Richards Boulevard Area Plan and Exhibits.

↑  
14-2  
(con't.)

In closing I would like to acknowledge the comments submitted by the Save The American River Association and Mr. Jim Jones. I am in complete agreement with all of their responses to the DEIR. My letter simply adds an emphasis to two proposals that I feel were particularly ignored by the DEIR.

14-3

Also, I can truthfully add that Township 9 does not faithfully reflect the work recently completed by the Update Citizens Advisory Committee, of which the City of Sacramento fully participated both as members of the Technical Team and the Committee itself. The goals and principles of the 1985 American River Parkway Plan were retained without qualification. The concept of motorized vehicles as a prominent means and way to access and use the Parkway was soundly rejected in Committee meetings as well as in public workshops. The concept of an amphitheater located in Discovery Park was discussed and found little support precisely because of attendant impacts such as visual intrusion, the inappropriate size needed to make it truly functional, noise, light, and relevancy to the preservation and enjoyment of natural resources. Furthermore, new to the Plan, is a list (Aesthetic Values, page 73) of hard- to- quantify but easily qualified attributes to help emphasize the importance of the American River and Parkway as unique and irreplaceable natural resources benefiting people, plants and animal.

14-4

14-5

14-6

Thank you for your time and consideration.

Sincerely,

Betsy Weiland  
4950 Keane Drive  
Carmichael, CA 95608  
(916) 488-3894



## **LETTER 14: BETSY WEILAND**

### **Response to Comment 14-1**

As stated in Response to Comment 5-15, in response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the following elements from the project: the overlook and outdoor performance venue. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, impacts attributed to these features identified in the Draft EIR are no longer applicable.

### **Response to Comment 14-2**

The project is not located within the Parkway, and no roads or other means of automobile access will be located within the Parkway. Public pedestrian and bicycle access to the bike trail along the Parkway may be gained at the terminus of 7th Street and Riverside Drive, however it is not a designated public access point and no parking lots shall be provided. Moreover, the Parkway adjacent to the project is identified in the Parkway Plan as a "protected area", not a Nature Study Area, Open Space Preserve Area, or Recreation Reserve Area, meaning public access is appropriate. Pedestrian and bicycle access points are found in the Protected, Limited Recreation, and Developed Recreation Areas, and parking is not normally provided.

Further, the project is consistent with Richards Boulevard Area Plan policies that provide for the development of a higher intensity mixed-use district around 7th Street in the area most influenced by the DNA extension. Within this area, the RBAP calls for a "more intensive concentration of uses, limits on parking and the creation of a pedestrian environment in order to encourage transit ridership. Policy 7.2 discourages the large blocks separated by wide arterial streets, and encourages development of streets similar to the downtown grid.

The Project provides for mixed use development adjacent to 7th Street and along the proposed DNA line. The Project would also construct a network of public streets in a grid pattern to provide vehicle and bicycle access throughout the project site, and would provide sidewalks along all public streets to encourage pedestrian activity.

### **Response to Comment 14-3**

See responses to Letters 9 and 10.

### **Response to Comment 14-4**

See Responses to Comments 5-3 and Appendix B of this Final EIR for a specific discussion of the project's consistency with the American River Parkway Plan Update.

### **Response to Comment 14-5**

As stated in Response to Comment 5-15, in response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the following elements from the project: the overlook and outdoor performance venue. This is described in an April 24, 2007 letter from the

applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, impacts attributed to these features identified in the Draft EIR are not longer applicable.

**Response to Comment 14-6**

Comment noted. See Responses to Comments 5-8, 5-9, 5-10 and 5-15.

## **5. MITIGATION MONITORING PLAN**

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## 5. MITIGATION MONITORING PLAN

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### INTRODUCTION

CEQA requires review of any project that could have significant adverse effects on the environment. CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This MMP is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Township 9 Draft EIR.

The mitigation measures are taken from the Township 9 Draft EIR (including the Initial Study, see Appendix A of the Draft EIR). Mitigation measures in this MMP are assigned the same number they had in the Draft EIR and Initial Study. The MMP is presented in table format and it describes the actions that must take place to implement each mitigation measure, the timing of those actions, the entities responsible for implementing and monitoring the actions, and verification of compliance.

### MMP COMPONENTS

The components of the MMP table are summarized below.

Mitigation Measure: All mitigation measures identified in the Township 9 Draft EIR (including the Initial Study) are presented, and numbered as they appear in the Draft EIR. Each mitigation measure is labeled to identify if it applies to either Scenario A or Scenario B or both. Any change to the text of a mitigation measure presented in Chapter 2, Changes to the Draft EIR, of this Final EIR is included in this MMP.

In response to concerns raised by the County of Sacramento Planning Department and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant has removed the overlook and outdoor performance venue elements from the project. In addition, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7<sup>th</sup> Street and G Street. These changes to the project are described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A of this Final EIR). As a result, the discussion of these elements and the impacts attributed to these features identified in the Draft EIR are no longer applicable. Therefore, mitigation measures included in the Draft EIR that were recommended to mitigate impacts attributed to either the elements removed (overlook and performance venue) have been removed and are not included in this MMP.

Action: Identifies the action that must be completed in order for the mitigation measure to be considered implemented. For every mitigation measure, one or more action is described.

Implementing Party: Identifies the entity that will be responsible for implementing the action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: Identifies the entity that will be responsible for monitoring implementation of the required action. The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: Identifies verification of compliance for each identified mitigation measure.

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<b>6.1 Aesthetics</b>					
<p>6.1-2 (A &amp; B)</p> <p>(a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views.</p> <p>(b) The project contractor shall not use highly reflective mirrored glass walls as a primary building material for façades to reduce glare on adjacent uses. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.</p>	<p>Verify that exterior lighting has been configured to minimize glare and night sky views.</p> <p>Verify that Low E glass is used on building façades.</p>	<p>Project Applicant.<sup>1</sup></p> <p>Project Applicant.</p>	<p>Prior to issuing building permits.</p> <p>Prior to issuing building permits.</p>	<p>Development Services/Public Works.</p> <p>Development Services/Public Works.</p>	
<p>6.1-4 (A &amp; B)</p> <p>Implement Mitigation Measure 6.1-2 (a) and (b).</p>	<p>See MM 6.1-2 (a) and (b).</p>	<p>See MM 6.1-2 (a) and (b).</p>	<p>See MM 6.1-2 (a) and (b).</p>	<p>See MM 6.1-2 (a) and (b).</p>	
<b>6.2 Air Quality</b>					
<p>6.2-1 (A &amp; B)</p> <p>The following measures shall be incorporated into construction bid documents as recommended by the SMAQMD:</p> <p>(a) The project shall provide a plan, for approval by the lead agency and the 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, would achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.</p>	<p>Verify that construction bid documents include required measures to minimize ozone precursor emissions.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permits or building permits.</p>	<p>Development Services.</p>	

<sup>1</sup> In the event Project Applicant sells, assigns or transfers its interests in the Property or in any portion of the Property pursuant to the terms and conditions of the Development Agreement between Project Applicant and City, the purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Project Applicant, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred.

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor.	Prior to construction activities. Monthly reports ongoing during construction.	Development Services.	
(c) The project applicant and/or contractor shall ensure that emissions from all off- road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor.	Weekly surveys and monthly reports ongoing during construction.	Development Services.	
(d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO <sub>x</sub> that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of \$14,300/ton of NO <sub>x</sub> emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NO <sub>x</sub> emissions over the significance threshold would be \$165,612 under either Scenario A or Scenario B. Fees may be paid on a per/acre basis, in which case the average fee would be approximately \$2,548/acre for both Scenarios A and B. In order to monitor potential changes in projected construction equipment and/or construction phasing, the applicant shall fund a monitor who shall review a list of construction equipment and construction phasing information provided by the contractor. The review shall occur on a monthly basis over the total construction period and a report of the findings shall be submitted monthly to the City and SMAQMD. If the construction and equipment varies from what is projected, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. The applicant shall be responsible for recalculating the fee and paying any revised fee determined appropriate in coordination with the SMAQMD.	Verify SMAQMD's construction mitigation fund fees have been paid.	Project Applicant.	Prior to issuance of grading permit/building permit.	Development Services.	
6.2-3 (A & B) The project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.	Verify that emission reduction strategies contained in the endorsed Air Quality Mitigation Plan are implemented.	Project Applicant.	Prior to issuing occupancy permits.	Development Services/Public Works.	
6.2-6 (A & B) Implement Mitigation Measures 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	
6.2-7 (A & B) Implement Mitigation Measure 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	
6.2-8 (A & B) Implement Mitigation Measures 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	

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<b>6.3 Biological Resources</b>					
6.3-1 (A & B)					
(a) Prior to any demolition/construction activities that occur between February 15 and September 15 the applicant shall have a qualified biologist conduct surveys for nesting Swainson's hawk in the riparian area along the American River and within a half mile <sup>2</sup> of demolition/ construction activities. If no active Swainson's hawk nests are identified on or within half mile of construction activities, a letter report summarizing the survey results shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts pre-construction surveys for the presence of Swainson's hawk and that the survey results are submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits every calendar year that construction activities occur.	Development Services/Public Works.	
(b) If active nests are found, measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks ( <i>Buteo swainsoni</i> ) in the Central Valley of California <sup>3</sup> shall be implemented as follows:	Verify implementation of appropriate measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks ( <i>Buteo swainsoni</i> ) in the Central Valley of California.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/CDFG.	
1. Nest trees shall not be removed unless there is no feasible way of avoiding their removal.					
2. If there is no feasible alternative to removing a nest tree, a Management Authorization (including conditions to offset the loss of the nest tree) shall be obtained from CDFG with the tree removal period (generally between October 1 and February 1) to be specified in the Management Authorization.					
3. No intensive disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within 1,320 feet (¼ mile) (buffer zone as defined in the CDFG Staff Report) of an active nest between February 15 and September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained from CDFG for the project. The 1,320 foot buffer zone could be adjusted in consultation with CDFG.					

2 Swainson's Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000.

3 California Department of Fish and Game, *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainsonii) in the Central Valley of California*, 1994.

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4. If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest to determine if abandonment occurs. If the nest is abandoned and the nestlings are still alive, the project proponent shall retain the services of a qualified biologist to reintroduce the nestling(s) (recovery and hacking). Prior to implementing, any hacking plan shall be reviewed and approved by the Environmental Services Division and Wildlife Management Division of the CDFG.					
6.3-2 (A & B) (a) Between March 1 and August 1, the applicant shall have a qualified biologist conduct nest surveys 30 days prior any demolition/construction activities that are within 500 feet of potential nest trees. A pre-construction survey shall be submitted to CDFG and the City of Sacramento that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the project site. If no active nests of MBTA, CDFG or USFWS covered species are identified then no further mitigation is required.	Verify that a qualified biologist conducts pre-construction nest surveys and that the survey results are submitted to CDFG and the City of Sacramento.	Project Applicant.	Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.	Development Services/Public Works/CDFG.	
(b) Should active nests of protected bird species be identified in the survey conducted in accordance with Mitigation Measure 6.3-2(a), the applicant, in consultation with the City of Sacramento and CDFG, shall delay construction in the vicinity of active nest sites during the breeding (March 1 through August 1) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.	Verify that If active nests of protected bird species are identified that construction activities are delayed or non-disturbance buffer zone enforced.	Project Applicant.	Ongoing during construction.	Development Services/Public Works/CDFG.	
(c) No intensive disturbance (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and August 1.	Verify that no use of heavy equipment occurs within established buffer zones.	Project Applicant.	Ongoing during construction.	Development Services.	

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(d) If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.	Verify that a qualified biologist is on-site during the intense site disturbing activities to monitor any active nest sites in the buffer zone.	Project Applicant.	Ongoing during construction.	Development Services/CDFG/US FWS.	
6.3-4 (A & B) (a) Prior to any demolition/construction activities, the project applicant shall retain a qualified biologist to conduct a survey to identify and document all potential VELB habitat. Survey and evaluation methods shall be performed consistent with the USFWS's 1999 VELB survey and mitigation guidelines. <sup>4</sup> The survey shall include a stem count of stems greater than or equal to one inch in diameter and an assessment of historic or current VELB use.	Verify that a qualified biologist conducts pre-construction VELB surveys consistent with the USFWS's 1999 VELB survey and mitigation guidelines.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
(b) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the survey (conducted consistent with Mitigation Measure 6.3-4(a)) as having stems greater than or equal to one inch in diameter. The 100 foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.	Verify that project design avoids disturbance within 100 feet of elderberry shrub dripline and that avoidance is documented in a report submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	

4 United States Fish and Wildlife Service, *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, 1999.

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(c) If disturbance within 100 feet of the dripline of the elderberry shrub with stems greater than or equal to one inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop a formal VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. Prior to implementation by the applicant the mitigation plan shall be reviewed and approved by the USFWS.</p> <p>(d) If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition, or construction activities, the project applicant shall proceed consistent with any requirements that accompany the VELB delisting notice.</p>	<p>Verify that a qualified biologist develops a formal VELB mitigation plan and that appropriate mitigation guidelines are implemented.</p> <p>Verify the implementation of any requirements consistent with the VELB delisting notice.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to issuing demolition or grading permits.</p> <p>Prior to issuing demolition or grading permits.</p>	<p>Development Services/Public Works/USFWS.</p> <p>Development Services/Public Works/USFWS.</p>	
<p>6.3-5 (A &amp; B)</p> <p>(a) Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including potential laydown/construction areas, to identify and evaluate trees that shall be removed. If the arborist's survey does not identify any protected trees that would be removed or damaged as a result of the proposed project, a letter report confirming that project design would avoid loss of protected trees shall be sent to the City of Sacramento and no further mitigation is required.</p> <p>(b) If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.</p>	<p>Verify that a certified arborist t conducts a tree survey to identify and evaluated tress that are being removed and document avoidance of protected tress in a letter submitted to the City of Sacramento.</p> <p>Verify that protected trees removed are replaced consistent with the City's tree ordinance.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to approval of final project design.</p> <p>Prior to issuing building permits, ongoing during construction, and after construction.</p>	<p>Development Services/Public Works.</p> <p>Development Services/Tree Services Division.</p>	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Tree Service Division. A qualified arborist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die or are in severe decline during that period.	See MM 6.3-5(b). Verify that a qualified arborist monitors growth and survival of replacement trees.	Project Applicant.	On-going during construction and each spring for 5 years following planting.	Development Services/Tree Services Division.	
<p>6.3-7 (A &amp; B)</p> <p>(a) Prior to demolition activities, the project proponent shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the project site. If no roosting sites or bats are found within the project site, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.</p> <p>(b) If bats are found roosting at the site outside of nursery season (May 1st through October 1st), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be established around the roosting site within which no construction shall occur.</p>	<p>Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.</p> <p>Verify that proper procedures are followed as outlined in the mitigation measure to ensure if any bats are identified on-site they are removed according to the BCI methods.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to issuing demolition permits.</p> <p>Prior to issuing demolition permits.</p>	<p>Development Services/Public Works.</p> <p>Development Services/Public Works/CDFG.</p>	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include but not be limited to the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI recommended exclusion professional.	Ensure that bats are removed according to the BCI methods.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works/CDFG.	
6.3-8 (A & B) Implement Mitigation Measure 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	
6.3-9 (A & B) Implement Mitigation Measures 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	
6.4 Cultural Resources					
6.4-1 (A & B) (a) <u>Documentation / Recordation</u>  Prior to any demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the Interior's Standards for Architectural History to prepare written and photograph documentation of the Bercut-Richards cannery complex.  The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) / Historic American Engineering Record (HAER) Historical Report Guidelines. The proposed documentation standards shall meet the intent of NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The documentation prepared for former Bercut-Richards Packing Company property shall not be reviewed by NPS or transmitted to the Library of Congress and therefore, will not be a full-definition, HABS/HAER dataset. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).	Verify that the Bercut-Richards cannery complex is documented based on the NPS HABS/HAER methods of documentation and photography, as outlined in the mitigation measure and the report had been reviewed and approved by the City's Preservation Director.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	

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<p>The written historical data for this documentation shall follow HABS / HAER Level II standards and shall be derived from the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. Both reports are on file with the City Preservation Director. Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).</p> <p>Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).</p> <p>The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset.</p> <p>Either HABS / HAER standard large format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Photographs shall be labeled with text reading "Bercut-Richards Packing Company, 424 North 7th Street, Sacramento," and photograph number on the back of the photograph in pencil (2B or softer lead). Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200 pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph label.</p>					

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<p>Photograph views for the dataset shall include: a) contextual views; b) views of each side of each building and interior views, where possible; c) oblique views of buildings; and d) detail views of character-defining features, including features on the interiors of some buildings. The size of this property would require up to five contextual views, 20 exterior and interior building views, 10 oblique views, and 15 detail views. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset.</p> <p>All written and photograph documentation of the Bercut-Richards cannery complex shall be approved by the City Preservation Director prior to any demolition and removal activities.</p> <p>(b) <u>Oral History Project</u></p> <p>Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the Interior's Standards for History to determine if an appropriate number of individuals who worked at the Bercut-Richards Packing Company during the period of significance (1928 to 1953) are available and willing to participate in an oral history project. Written findings of the search for individuals shall be submitted to the City's Preservation Director and History and Science Manager, who shall determine if an oral history project is feasible and would be required by the City to further reduce the impact of the proposed project on historical resources. Five individuals is a recommended minimum, but the City may determine that fewer individuals would be adequate.</p>	<p>Verify that the project applicant has retained a professional to conduct an oral history project of the cannery.</p>	<p>Project Applicant.</p>	<p>Prior to the issuance of demolition permits.</p>	<p>Development Services/City's Preservation Director.</p>	

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<p>If an oral history project is conducted, a Draft Research Design for the project shall be submitted to the City History and Science Manager for review and approval of the Final Research Design. The Research Design shall identify anticipated informants, research goals, and protocols. The oral history research shall be conducted in conformance with the Principles and Standards of the Oral History Association revised September 2000. The oral history project could be conducted by a historical consultant or be offered as a project to students at the graduate Capitol Campus Public History program at California State University, Sacramento. If the project is given to public history students, it shall be supervised by a faculty member with experience conducting oral history projects.</p> <p>The oral history project shall consist of interviews conducted in the Sacramento region with persons knowledgeable about the Bercut-Richards Packing Company and its operations in the buildings on this site during the property's period of significance (1928 to 1953). The aim of these interviews shall be to record information about company operations as they were carried out in these buildings. In general, the goal will be to synthesize information gathered from individuals who worked at the cannery, including personal insights and recollections of the company, its management, innovations, and the day-to-day operation of the plant. The preparer of the oral history project shall conduct the following tasks.</p> <p><u>Planning / Preparation for Interviews</u></p> <ul style="list-style-type: none"> <li>• Review the available historical research and reports, including the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.</li> <li>• Prepare a list of questions prior to the interviews.</li> <li>• Conduct a tour of the former cannery with the interviewees prior to demolition of buildings, if possible.</li> <li>• Prepare and have signed release forms for each interviewee, giving permission for any tapes or photographs made during the project to be used for by researchers and the public for educational purposes.</li> </ul>					

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<p><u>Interviews</u></p> <ul style="list-style-type: none"> <li>• The oral interviews shall be no longer than 1-2 hours in length and could be conducted in a group setting, if feasible or practical.</li> <li>• Each interview (with permission of the interviewee) shall be recorded with a digital voice recorder and use Digital Speech Standard (DSS) Player Software to create a topic index for the interviews linked to a time counter so that the topic index would be searchable on the CD ROM (or DVD) containing the recording of the interview. Use of this software would eliminate the need for full written transcript of the interviews.</li> <li>• Post-Interviews</li> <li>• Archive quality CDs shall be prepared containing a recording of the interview, topic index, biographical data sheet, and a read.me file explaining the contents of the CD and how to use the DSS Player Software.</li> <li>• Short biographical data sheets with a photograph of each interviewee shall be prepared for each interviewee and put in a file on the CD.</li> <li>• Interviewers shall synthesize relevant information from the oral histories into a thematic narrative presenting understandings and insights. This narrative shall be included on the CDs.</li> <li>• Typed transcripts of interviews would not be required.</li> <li>• CDs shall be disseminated to appropriate repositories identified in the Documentation Dissemination portion of this Mitigation Measure.</li> <li>• If required, the oral history project shall be monitored and enforced by the City Preservation Director to the extent determined by the City Preservation Director. All costs associated with the oral history project shall be borne by the project applicant.</li> </ul>					

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<p>(c) <u>Documentation Dissemination</u></p> <p>The HABS/HAER–like documentation of the Bercut-Richards cannery complex shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the California Historical Resources Information System Northeast Information Center at California State University Sacramento; the California State Library in Sacramento; the Sacramento Archives and Museum Collection Center (SAMCC); the Sacramento County Historical Society; the Sacramento Public Library’s Sacramento Room; the Sacramento Discovery Museum; and other local repositories determined by the City Preservation Director.</p> <p>If the oral history project is conducted, CDs prepared during the oral history project shall be on archive-quality discs, such as archival gold CD-Rs, and disseminated to the same repositories as the HABS/HAER–like documentation.</p>	<p>Disseminate documentation of cannery to appropriate repositories and interested parties.</p>	<p>Project Applicant.</p>	<p>Prior to the issuance of demolition permits.</p>	<p>Development Services/City’s Preservation Director.</p>	
<p>(d) <u>Interpretation of the Property</u></p> <p>Under the direction and enforcement of the City Preservation Director, measures shall be implemented to interpret the property’s historic significance for the public and for residents that will inhabit the property. All costs associated with interpretation of the property shall be borne by the project applicant. Interpretive and/or educational exhibits shall include but are not necessarily limited to the following items:</p>	<p>Interpret the property’s historic significance for the public and for residents that will inhabit the property.</p>	<p>Project Applicant.</p>	<p>Ongoing during project development.</p>	<p>Development Services/City’s Preservation Director.</p>	

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<p><u>Permanent Interpretive Displays/Signage/Plaques</u></p> <p>The applicant shall install a minimum of three interpretive displays on the project that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays shall be integrated into the design of the public areas of the new housing and retail and shall be installed in highly visible public areas such as the property's parks, the North 7th Street portion of the project, or in public areas on the interiors of buildings. The displays shall include historical data taken from the HABS/HAER-like documentation or other cited archival source and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display shall include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings (see De-Construction, Salvage, and Reuse below) One of the displays shall be the traveling exhibit (described below) which shall be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour.</p> <p>The applicant shall install at least one sign or plaque near the corner of Richards Boulevard and North 7th Street to indicate that the Bercut-Richards Packing Company plant once stood on the property. Additional signage / plaques may be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property.</p> <p>Interpretive displays and the signage/plaques installed on the property shall follow the Township 9 Design Guidelines and be sufficiently durable to withstand typical Sacramento weather conditions for at least twenty-five years. Displays and signage/plaques shall be lighted, installed at pedestrian-friendly locations, and be of adequate size to attract the interested pedestrian. Maintenance of displays and signage/plaques shall be included in the management of the common area maintenance program on the property.</p>					

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<p><u>Exhibits And Written Documentation for Publication on a Web Site</u></p> <p>The applicant shall publish exhibits and written documentation on a Web site regarding the history of the Sacramento canning industry and the Bercut-Richards Cannery complex. This information shall be derived from the HABS/HAER-like documentation, and the reports titled Historical Resource Inventory and Evaluation Report, Bercut- Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. The publication shall include text and photographs. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. Publication of these materials shall be either on an independent Web site maintained by the project applicant (or its successor property management company) or be donated for posting on a local history website, such as www.sacramentohistory.org (owned by SAMCC). The materials shall be available on the Web site for at least two years following demolition of the former Bercut-Richards cannery complex.</p> <p><u>Traveling Exhibit</u></p> <p>The applicant shall have a traveling exhibit prepared that will be loaned to local museums (such as the Sacramento Discovery Museum) and, if possible, at public libraries and/or public buildings in the Sacramento region. The exhibit will be prepared under the direction of and approved by the City's History and Science Manager. The small exhibit shall include panels or boards that provide information and photographs regarding Sacramento's canning industry history, the Bercut-Richards Packing Company, and the Bercut-Richards cannery complex. The exhibit shall include three or more 2x2 foot boards that can be either wall mounted or displayed on easels. The exhibit shall be supplemented in museum settings with small former cannery site. Following installation of the exhibit in local museums and other locations, the exhibit shall be permanently displayed in a highly visible location in a publicly accessible lobby on the property and will fulfill a portion of the on-site interpretation mitigations discussed above.</p>					

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<p>(e) <u>De-Construction, Salvage, and Reuse</u></p> <p>The project applicant shall preserve and rehabilitate the scale house (Building 11) according to the Secretary of the Interior's Rehabilitation Standard and the State Historic Building Code. The rehabilitation of the building shall be submitted as a Preservation application once it is determined where the building would be located and what its use might be. The applicant shall consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. Examples of the property's character-defining features that could be potentially salvaged are illustrated in Appendix B of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC. To the extent that is reasonable and feasible as determined by the City, the project applicant shall use some architectural features in the property's new design. Such features shall be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the project. Salvaged and reused features shall be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut Richards cannery complex. Potentially salvageable features are identified in Section 6.3., Impacts Analysis and Suggested Mitigation of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7<sup>th</sup> Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC.</p>	<p>Verify that Building 11 has been preserved and relocated, per the mitigation, consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permit and during construction.</p>	<p>Development Services/City's Preservation Director.</p>	

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<p>The applicant shall also offer architectural features and materials to museums and other local repositories for curation and display. SAMCC and the Sacramento Discovery Museum, for example, would be repositories that may be interested in the salvaged materials, as they have archival storage facilities for artifacts and some ability to display them. Other interested parties may be those interested in the history of industrial buildings or materials such as masonry and bricks (such as Dan Mosier, who maintains a collection of historic bricks and provides the public information about the companies that manufactured them on his website, <a href="http://calbricks.netfirms.com/">http://calbricks.netfirms.com/</a>).</p> <p>(f) <u>Design Guidelines</u></p> <p>The final Design Guidelines for the proposed project shall take into account that the project is removing a historically significant cannery and industrial site. The final Design Guidelines shall encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. The City Preservation Director shall be given the opportunity to help review and refine the Design Guidelines to ensure that the architecture of the new buildings help convey the history and significance of the property. Character-defining features that could be included in the Design Guidelines are identified the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC.</p>	<p>Verify that the Design Guidelines have been reviewed by the City's Preservation Director.</p>	<p>Project Applicant.</p>	<p>Prior to the issuance of grading or construction permits.</p>	<p>Development Services/City's Preservation Director.</p>	

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<p>6.4-2 (A &amp; B)</p> <p>(a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant.</p> <p>(b) The Project Archaeologist shall review the following documents on file with the City Preservation Director:</p> <ul style="list-style-type: none"> <li>• North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006.</li> <li>• Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006.</li> <li>• Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.</li> </ul> <p>(c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.</p> <p>(d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading excavation, and trenching) in the areas determined to be sensitive for significant cultural resources.</p> <p>(e) The archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing demolition or construction throughout the project site.</p>	<p>Hire a Project Archaeologist to conduct background research, conduct a pedestrian survey, conduct on-site construction monitoring, and to provide training in cultural resource identification and discovery procedures for construction personnel.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit and during ground disturbance activities.</p>	<p>Development Services/City's Preservation Director.</p>	

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<p>(f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with The Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior’s Standards for Archaeological Documentation.</p>					
<p>(g) If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior’s professional qualifications for Archaeology and/or Architectural History.</p>					
<p>(h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner and Preservation Director shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant,</p>	<p>If human remains are discovered, halt construction within 100 feet of discovery, notify Sacramento County coroner and Preservation Director immediately.</p>	<p>Project Applicant.</p>	<p>Ongoing during construction.</p>	<p>Development Services/City’s Preservation Director.</p>	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
including the excavation and removal of the human remains. The City Preservation Director shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City Preservation Director, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.					
6.4-3 (A & B) Implement Mitigation Measure 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	
6.4-4 (A & B) Implement Mitigation Measure 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	
<b>6.5 Geology and Soils</b>					
6.5-1 (A & B) Prior to the commencement of any grading activities, the applicant shall retain an erosion control professional, landscape architect, or civil engineer specializing in sediment control to prepare an ESC plan consistent with Chapter 15.88.250 of the City of Sacramento Municipal Code. The ESC plan shall include a statement of purpose, proposed best management practices, and the required information from the Manual of Standards, Chapter 2, Section 3. The Plan shall be submitted with the final grading plan. The ESC plan shall be implemented by the applicant, and enforced by the City of Sacramento Department of Public Works, prior to pre-construction activities and shall continue through the completion of all final improvements and permanent structures.	Verify an ESC plan was prepared consistent with City requirements.	Project Applicant.	Submitted with the final grading plan and ongoing during construction.	Development Services/ Public Works.	
6.5-3 (A & B) (a) Prior to issuance of the building permit, the project applicant shall ensure that all designs for mid- and high-rise structures within the proposed project minimize differential settlement impacts enabling the soils underlying the project site to support such structures. The most appropriate methods to mitigate the effects of differential settlement within the proposed project shall be determined by the project applicant in consultation with a qualified geotechnical engineer based on recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl & Associates, Inc.	Verify that building designs have addressed any and all soils issues.	Project Applicant.	Prior to issuance of any building permits.	Development Services/ Public Works.	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>Recommendations identified in the Preliminary Geotechnical Engineering Report to mitigate the effects of differential settlement on high-rise structures (six stories or higher) include the use of a deep foundation system, such as driven piles or auger-cast piles, that extends into dense sands and gravels underlying the project site, and overexcavation and recompaction of the upper three to five feet of soil within the building footprints to support interior floor slabs and in areas of pavement and flatwork.</p> <p>(b) During excavation activities, the project contractor shall comply with the recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl &amp; Associates, Inc. regarding trenching activities. Implementation of the recommendations shall be monitored by the City of Sacramento.</p> <p>(c) Although the presence of high concentrations of organic refuse has not been confirmed throughout the site, any such material, such as the peach pit refuse discovered in the western portion of the project site, shall be removed prior to the commencement of site preparation activities. The project applicant shall retain a geotechnical engineer to ensure that the proper removal of organic refuse be completed to ensure structural safety.</p>	<p>Verify compliance with the recommendations set forth in the Geotechnical Report prepared for the project.</p> <p>Verify proper removal of any organic refuse.</p>	<p>Project Applicant and/or contractor.</p> <p>Project Applicant.</p>	<p>During excavation activities.</p> <p>Prior to earth disturbing activities or issuance of grading n permits.</p>	<p>Development Services/ Public Works.</p> <p>Development Services/ Public Works.</p>	
<p>6.5-4 (A &amp; B)</p> <p>(a) Prior to approval of the final grading plan, the project applicant shall retain a qualified dewatering contractor to design, install, and operate a project-specific construction dewatering system. Excavation work shall be scheduled during the dry season (summer to early winter) when river levels are low and excavation is less likely to encounter groundwater, making dewatering activities as minimal as possible. A groundwater depth of at least three feet below the lowest anticipated excavation depth shall be maintained to provide a stable surface for construction equipment. When necessary, alternative methods such as sheet piles or soil cement columns may be used to allow localized dewatering and help prevent dewatering effects on adjacent sites. Implementation of the plan during dewatering activities shall be monitored by the City of Sacramento Department of Engineering and/or Department of Public Works, as appropriate.</p>	<p>Verify a project-specific dewatering system has been prepared and reviewed by the city.</p>	<p>Project Applicant.</p>	<p>Prior to approval of final grading plan.</p>	<p>City of Sacramento Department of Engineering and/or Department of Public Works.</p>	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) Prior to approval of the final grading plan, the City shall ensure that all walls, foundations, and floor slabs constructed below an assumed groundwater level of +15 feet msl are sealed, waterproofed, and designed to withstand hydrostatic uplift and lateral stresses exerted by groundwater. This measure shall be implemented to the satisfaction of the Department of Engineering and/or Department of Public Works as appropriate.	Verify that all walls, foundations and floor slabs have been designed to withstand hydrostatic pressure.	Project Applicant.	Prior to approval of final grading plan.	Department of Engineering and/or Department of Public Works as appropriate.	
<b>6.6 Hazardous Materials and Public Safety</b>					
6.6-2 (A & B) Prior to the commencement of demolition/construction, the project applicant shall retain a transportation planner to prepare a Traffic Management Plan (TMP) for construction activities, in accordance with Sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code. Elements of the TMP shall include: <ul style="list-style-type: none"> <li>• The name and business address of the applicant;</li> <li>• A diagram showing the location of the proposed work area;</li> <li>• A diagram showing the locations of areas where public right-of-way may be closed or obstructed;</li> <li>• A diagram showing the placement of traffic control devices;</li> <li>• The proposed phasing of traffic control;</li> <li>• Times when traffic control would be in effect;</li> <li>• Times when demolition/construction activities would prohibit access to private property from a public right-of-way;</li> <li>• A statement that the applicant shall comply with the City's noise ordinance during the performance of all work; and</li> <li>• A statement that the applicant understands that the plan may be modified by the director at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public.</li> </ul> The project applicant shall submit the TMP to the City for review and approval. The City shall approve, approve with modifications to the plan, or disapprove the plan. In the event that the demolition/construction work to be performed under the TMP is not performed and completed within the times specified within the application for the proposed plan, the plan shall be considered expired and void. A new plan shall be required prior to the commencement or continuation of work.	Verify a TMP has been prepared that addresses construction traffic and has been reviewed and approved by the city.	Project Applicant.	Prior to issuance of demolition, grading or building permits.	Development Services.	

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6.6-3 (A & B)					
(a) In the event that previously unidentified soil or groundwater contamination, USTs, or other features or materials that could present a threat to human health or the environment are discovered during excavation and grading or construction activities, all construction within the project site shall cease immediately, and the applicant shall retain a qualified professional to evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including, if necessary, the preparation of a site remediation plan. Pursuant to Section 25401.05 (a)(1) of the California Health and Safety Code, the plan shall include: a proposal in compliance with application law, regulations, and standards for conducting a site investigation and remedial action, a schedule for the completion of the site investigation and remedial action, and a proposal for any other remedial actions proposed to respond to the release or threatened release of hazardous materials at the property. Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City and the SCEMD.	Verify that in the event an UST is discovered that work stop and the applicant retains a qualified professional to evaluate the hazards and, if necessary, prepare a site remediation plan.	Project Applicant.	During all earth disturbing activities.	Development Services and SCEMD.	
(b) In the event site investigation and/or remediation is required, the applicant shall ensure preparation of a site-specific health and safety plan that meets the intent of OSHA hazardous materials worker requirements California Code of Regulations (CCR) Title 8). The plan shall be prepared by a qualified professional prior to the commencement of site-disturbing activities associated with the investigation and/or remediation. The plan shall provide for the identification, evaluation, control of safety and health hazards, and emergency response to hazardous waste operations. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require, but would not be limited to: the use of personal protective equipment, onsite controls (e.g., continuous air quality monitoring) during construction, and other precautions as determined to be necessary by the plan preparer.	Verify preparation of a site remediation plan if any hazards are identified on-site.	Project Applicant.	Prior to issuance of grading permits.	Development Services.	
(c) In the event contaminated groundwater is identified, any discharges to the sewer, if determined to the appropriate method of disposal, shall be in accordance with the City Department of Utilities Engineering Services Policy No. 0001, adopted as Resolution No. 92-439 by the Sacramento City Council.	Verify proper procedures are followed for disposal of contaminated groundwater.	Project Applicant.	Ongoing during construction.	Department of Utilities.	

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<p>6.6-4 (A &amp; B) Prior to demolition of any structures located on the project site, the project applicant shall retain a state-certified risk assessor to conduct a risk assessment or paint inspection of all structures on-site constructed prior to 1978 for the presence of lead-based paint. If lead-based paint is determined to exist on site, the risk assessor shall prepare a site-specific lead hazard control plan. Paint removal methods may include, but are not limited to: use of a heat gun, tools equipped with HEPA exhaust capability, wet scraping, and chemical removers. The plan shall also provide specific instructions for providing protective clothing and gear for abatement personnel.</p> <p>The project applicant shall then retain a state-certified lead-based paint removal contractor independent of the risk assessor to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be managed and disposed of at a landfill(s) licensed to accept lead-based waste. Once all abatement measures have been implemented, a state-certified risk assessor shall conduct a clearance examination and provide written documentation to the City that lead-based paint testing and abatement, if necessary, has been completed in accordance with all federal, state, and local laws and regulations, including: lead-based paint exposure guidelines provided in "Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing" by the U.S. Department of Housing and Urban Development (HUD), Construction Safety Order 1532.1 from Title 8 of the CCR, and the California Department of Health Services.</p>	Verify that a risk assessment has been performed to determine the presence of any lead-based paint. If any lead-based paint is identified verify that the proper procedures have been followed to remove and dispose.	Project Applicant.	Prior to issuance of demolition permits and ongoing during demolition activities.	Development Services.	
6.6-5 (A & B) Implement Mitigation Measures 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	
6.6-6 (A & B) Implement Mitigation Measure 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	



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(e) Prepare a post construction erosion and sediment control plan (PC) plan to control surface runoff and erosion after construction of the proposed project has been completed. The plan shall contain a statement of the purposes of the proposed BMPs and all the information required and contained in the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services/ Public Works.	
(f) Incorporate specific source control measures for: 1) commercial/industrial material storage, 2) commercial/industrial outdoor materials handling, 3) commercial/industrial vehicle and equipment fueling, 4) commercial/industrial vehicle and equipment maintenance, repair, and washing, 5) commercial/industrial/multi-family residential waste handling, 6) multi-family residential vehicle wash areas, and 7) permanent "no dumping-drains to river" storm drain markings. Since this project is not served by a regional water quality control facility and is greater than one acre, the project shall be required to incorporate regional and/or on-site stormwater quality control measures such as water quality basins, vegetated swales, stormwater planters, and/or sand filters. The project applicant shall be required to provide a mechanism to fund the maintenance of the treatment control measures including entering into a maintenance agreement.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant	Prior to issuance of a grading permit..	Development Services/ Public Works.	
6.7-3 (A & B) Prior to the issuance of grading permits, the project applicant shall implement the Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters, as established by the CVRWQCB, which shall be enforced by the City. The permit states that construction dewatering activities may occur provided that discharges do not contain significant quantities of pollutants and are either four months or less in duration or the average dry weather discharge does not exceed 0.25 mgd.	Verify the WDR will be implemented during construction.	Project Applicant.	Prior to issuance of a grading permit and ongoing during construction.	Development Services/ Public Works.	
6.7-5 (A & B) Implement Mitigation Measures 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	
6.7-6 (A & B) Implement Mitigation Measure 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	

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<b>6.8 Noise and Vibration</b>					
<p>6.8-1 (A &amp; B) The contractor shall ensure that the following measures are implemented during all phases of project construction:</p> <p>(a) Whenever construction during later project stages occurs near residential and other noise-sensitive uses built on site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheathing, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5 dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If for practical reasons, which are subject to the review and approval of the City, a barrier can not be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.</p> <p>(b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7 a.m. to 6 p.m. Monday through Saturday, the hours of 9 a.m. to 6 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines.</p> <p>(c) Construction equipment staging areas shall be located away from residential uses; pre-drill pile holes and use quieter "sonic" pile-drivers, where feasible; and restrict high noise activities, such as pile driving, the use of jackhammers, drills, and other generators of sporadic high noise peaks, to the hours of 7 a.m. to 6 p.m. Monday through Friday, or other such hours satisfactory to the City.</p>	Verify noise reduction and attenuation measures are implemented as set forth in MM 6.8-1.	Project Applicant and/or contractor.	Prior to issuance of a building permit; implement measures during ground disturbing and construction activities.	City of Sacramento Building Division.	

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6.8-2 (A & B) For pile driving within 100 feet of an existing building, the project applicant shall drill pilot holes for piles, to the extent feasible, prior to commencement of impact pile driving. Prior to issuance of a building permit, the project applicant shall submit to the City for approval the anticipated depth to which piles will be drilled and the estimated start date and end date of impact pile driving.	Verify that the applicant has submitted documentation showing the depth of the piles and estimated start and end dates.	Project Applicant.	Prior to issuance of building permits and ongoing during pile driving.	Development Services.	
6.8-3 (A & B) (a) Prior to the issuance of building permits, the applicant shall have a certified acoustical professional prepare a site-specific acoustical analysis for residential uses that details how the outdoor common areas would achieve an exterior noise level of less than 60 dB L <sub>dn</sub> and an interior noise level of less than 45 dB L <sub>dn</sub> consistent with City of Sacramento General Plan noise standards. Noise reduction measures to ensure acceptable interior noise levels could include, but might not be limited to: use of dual-pane, sound-rated windows; mechanical air systems; and exterior wall insulation. Noise reduction design features to ensure acceptable exterior noise levels could include, but might not be limited to: orienting buildings between Richards Boulevard and exterior common areas. The results of the analysis shall be submitted to the City for review and approval and appropriate recommended noise reduction measures/design features shall be incorporated into project design, as feasible.	Verify preparation of a site-specific acoustical analysis has been prepared that addresses MM 6.8-3(a) and has been submitted to the city for review and approval.	Project Applicant.	Prior to issuance of building permits.	Development Services.	
(b) Prior to issuance of occupancy permits, at least one 24 hour noise measurement per residential unit fronting Richards Boulevard shall be completed to ensure that interior noise levels attain legal requirements. The results of each measurement shall be reported to both the applicant and the City.	Verify that the applicant has completed a 24-hr noise measurement for units fronting Richards Boulevard with the results reported to the city.	Project Applicant.	Prior to issuance of occupancy permits.	Development Services.	

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6.8-4 (A & B) (a) Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.  (b) Garbage storage containers and building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses.  (c) Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.	Verify engineering and acoustical specifications for HVAC equipment has been provided to the city's Planning Director.  Verify that the project design does not place garbage containers or loading docks in areas that would disturb residences.  Verify all stationary equipment is adequately shielded.	Project Applicant.  Project Applicant.  Project Applicant.	Prior to issuance of building permits.  Prior to issuance of building permits.  Prior to issuance of building permits.	Development Services.  City of Sacramento Building Division.  Development Services.	
6.8-5 (A & B) Implement Mitigation Measure 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	
<b>6.9 Public Services</b>					
6.9-13 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate neighborhood park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-14 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate community park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-15 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate citywide or regional park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/Parks Department.	
6.9-16 (A & B) Implement Mitigation Measure 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

<b>Mitigation Measure</b>	<b>Action</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>	<b>Verification of Compliance</b>
6.9-17 (A & B) Implement Mitigation Measure 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	
6.9-18 (A & B) Implement Mitigation Measure 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	
<b>6.11 Transportation and Circulation</b>					
6.11-1 (A & B) (a) At the I-5 southbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one southbound left-turn lane to provide two left-turn lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.  The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.	The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd Interchange and provide a fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (56.4 seconds delay) in the a.m. peak hour and LOS D (37.8 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS E (77.9 seconds delay) in the a.m. peak hour and LOS D (49.5 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level in the a.m. peak hour but the impact in the p.m. peak hour would remain significant and unavoidable. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the west. However, the freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane to the west. Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. These results are shown in Table 6.11-13.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(b) At the I-5 northbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one westbound right-turn lane to provide two right-turn lanes and two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.</p> <p>The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (57.4 seconds delay) in the a.m. peak hour and LOS D (40.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS F (104.1 seconds delay) in the a.m. peak hour and LOS D (43.2 seconds delay) in the p.m. peak hour, thus the impact is less than significant in the p.m. peak hour but remains significant and unavoidable in the a.m. peak hour. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the east. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans jurisdiction. To implement this mitigation measure, acquisition of an additional lane of right of way would be required and is not currently available. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered, significant and unavoidable. These results are shown in Table 6.11-13.</p>	<p>The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd interchange and provide a fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services / Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p> <p>(c) At the Bercut Drive / Richards Boulevard intersection, under Scenario A, the City shall increase the cycle length to 120 seconds and modify signal phasing. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. Under Scenario B, the City shall install, or cause to be installed, one eastbound through lane to provide one left-turn lane, two through lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees.</p> <p>The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (24.1 seconds delay) in the a.m. peak hour and LOS B (18.2 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS A (8.1 seconds delay) in the a.m. peak hour and LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13.</p>	<p>The applicant shall pay a fair share contribution to modify the signal phasing and construct the roadway improvement stated in MM 6.11-1(c).</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services / Department of Transportation.</p>	

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>(d) At the N. 5th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, prior to 1/3rd of the vehicle trip generation (Trip Generation, Table 6.11-10 of the Draft EIR) or 1/3rd of the development is constructed, the applicant shall dedicate right-of-way and construct an eastbound left-turn lane to provide two left-turn lanes, one through lane and one combination through-right lane; and optimize signal timing. The applicant shall also dedicate sufficient right-of-way and construct an expanded intersection at this location to the City of Sacramento Street Standards.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (13.2 seconds delay) in the a.m. peak hour and LOS C (24.9 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS C (21 seconds delay) in the a.m. peak hour and LOS F (84.9 seconds delay) in the p.m. peak hour; thus the impact would remain significant and unavoidable. To fully mitigate the impact under Scenario B would require further widening of Richards Boulevard, which would create secondary impacts to adjacent properties through the acquisition of additional right of way for a new vehicle travel lane (typically 12 feet); this right of way is currently unavailable. These results are shown in Table 6.11-1.</p>	<p>The applicant shall construct the roadway improvements set forth in MM 6.11-1(d).</p>	<p>Project Applicant.</p>	<p>Prior to 1/3rd of the vehicle trip generation (Trip Generation, Table 6.11-10 of the DEIR) or 1/3rd of the development is constructed.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(f) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require the applicant to install one southbound through lane to provide one left-turn lane, two through lanes, and one right-turn lane and install one northbound left-turn lane and one through lane to provide two left-turn lanes, two through lanes and one right-turn lane. With these improvements, the intersection would operate at LOS D (36 seconds delay) in the a.m. peak hour and LOS E (59.9 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce LOS D (43 seconds delay) in the a.m. peak hour and LOS E (76.4 seconds delay) in the p.m. peak hour.</p> <p>However, a review of the intersection reveals that there is insufficient right-of-way for the northbound improvements. Implementation of these northbound lanes would require the acquisition of right of way from the adjacent properties which are not controlled by the applicant.</p> <p>Therefore, the applicant shall dedicate sufficient right-of-way for a future expanded intersection to the City of Sacramento Street Standards and shall construct modifications to 7th Street for the southbound approach at Richards Boulevard as required to accommodate the mitigation described above. These modifications to the southbound approach would include providing two additional southbound lanes to provide one left-turn lane one through lane and two right-turn lanes. With these improvements, the intersection would operate at LOS F (131 seconds delay) in the a.m. peak hour and LOS F (142 seconds delay) in the p.m. peak hour under Scenario A; Scenario B would produce LOS F (167 seconds delay) in the a.m. peak hour and LOS F (186 seconds delay) in the p.m. peak hour. These results are shown in Table 6.11-13. The project impact would remain significant and unavoidable.</p>	<p>The project applicant shall dedicate sufficient ROW and construct the modifications to 7<sup>th</sup> Street.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

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## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(f) At the Dos Rios Street / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall increase the cycle length to 75 seconds and optimize the signal timing in the p.m. peak hour. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.2 seconds delay) and the level of service under Scenario B would be reduced LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level during both a.m. and p.m. peak hours. These results are shown in Table 6.11-13.</p>	<p>The City shall monitor and retime the signal timing when required and the applicant shall pay their fair share. Verify the applicant has paid their faire share.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>(g) At the 12th / 16th Streets / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of the roadways which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it requires the acquisition of right-of-way from adjacent properties to provide additional vehicle travel lanes (typically 12 feet per lane) for increase vehicle capacity as well as the possible relocation of light rail along N. 12th Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain significant and unavoidable.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(h) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, a traffic signal, add a northbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.</p> <p>The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (16 seconds delay) in the a.m. peak hour and LOS C (26.2 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS B (19.1 seconds delay) in the a.m. peak hour and LOS C (31.2 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13.</p>	<p>The applicant shall pay their fair share contribution to implement the future roadway improvement stated in MM 6.11-1(h). Verify the applicant has paid their fair share.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>(i) At the 12th Street / North B Street intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of the roadways to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, the right of way is unavailable and would require acquisition from adjacent properties as well as possible relocation of light rail along N. 12th Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain significant and unavoidable.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(j) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, the City install or cause to install a traffic signal, add a southbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (10.7 seconds delay) in the a.m. peak hour and LOS B (13.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS A (6 seconds delay) in the a.m. peak hour and LOS B (15.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13.</p>	<p>The applicant shall pay their fair share to the City of Sacramento for future implementation of the roadway improvements stated in MM 6.11-1(j). Verify the applicant has paid their fair share.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(k) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, a southbound through lane to provide two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (19.5 seconds delay) in the a.m. peak hour and LOS A (8.5 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS A (9.7 seconds delay) in the a.m. peak hour and LOS B (12.8 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13.</p>	<p>The applicant shall pay their fair share to the City of Sacramento for future implementation of the roadway improvements stated in MM 6.11-1(k) Verify the applicant has paid their fair share.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>(l) At the 7th / Signature Street intersection, the applicant shall install a traffic signal under Scenario A and Scenario B and shall add one lane each from the north, east and west approaches to provide one northbound left-turn lane, one through lane and one right-turn lane; one southbound combination left-through-right lane; one eastbound right-turn lane and one combination left-through-right lane; and one westbound left-turn lane and one combination left-through-right lane. The applicant shall be required to dedicate right-of-way and construct the traffic signal at this intersection subject to future reimbursement if found appropriate in the updated finance plan.</p>	<p>The project applicant shall dedicate sufficient ROW and construct the roadway modifications and the traffic signal set forth in MM 6.11-1(l).</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (15.6 seconds delay) in the a.m. peak hour and LOS D (40.1 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable; the level of service under Scenario B would be reduced to LOS C (20.4 seconds delay) in the a.m. peak hour and LOS D (46.7 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable. These results are shown in Table 6.11-13 of the DEIR. To fully mitigate the project impact would require further widening of 7th Street north of Signature Street, which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life.</p>					
<p>6.11-2 (A &amp; B)                      (a) Widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would reduce the project impact of Scenario A to less than significant; while the project impact of Scenario B would be lessened but remain significant and unavoidable.</p> <p>After implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (v/c of 0.74) and the level of service under Scenario B would be reduced to LOS D (v/c of 0.88). These results are shown in Appendix N. To fully mitigate the project impact under Scenario B, it would required to further widening of 7th Street for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life.</p>	<p>Verify that the roadway widening has been completed.</p>	<p>Project Applicant.</p>	<p>Prior to the approval of the Final Map.</p>	<p>Development Services/ Department of Transportation.</p>	

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## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>b, c) No feasible mitigation measures were identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, it would require the acquisition of right-of-way for the additional lanes from properties not owned by the project. The impacts of proposed project on roadway segments would remain significant and unavoidable.</p>	N/A	N/A	N/A	N/A	N/A
<p>6.11-3 (A &amp; B)  The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091.</p> <p>The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.</p> <p>Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<ul style="list-style-type: none"> <li>• I 5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: \$134 million.</li> <li>• I 5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: \$300 million.</li> <li>• I 5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: \$200 million.</li> </ul> <p>No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include. These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.</p> <p>Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p>					

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**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>Widening the freeway mainline right of way would create adverse impacts by potentially requiring modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.</p> <p>Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. 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, §21061.1). Therefore, the impacts of the proposed project on the three I 5 freeway segments would remain significant and unavoidable.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>6.11-4 (A &amp; B)</p> <p>No feasible mitigation measures were identified that would reduce the impact of the project on I 5 freeway ramps. Widening the freeway may reduce the impact but would require acquisition of right-of-way which is not under the control of the applicant. The freeway interchanges are not under the jurisdiction of the City but are subject to Caltrans' jurisdiction. Finally, no improvement is included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. Therefore, the impacts of the proposed project on freeway ramps would remain significant and unavoidable.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>6.11-5 (A &amp; B)</p> <p>No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane (typically 12 feet per lane). Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable. The impacts of the project on freeway ramp queues would remain significant and unavoidable.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					
<p>6.11-6 (A &amp; B) The City shall coordinate with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project. In particular, RT may increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area.</p>	<p>Verify RT has been consulted with to provide adequate bus service to the site.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>6.11-7 (A &amp; B) The project applicant shall include on-site bikeway facilities to achieve the intent of the Bikeway Master Plan subject to review and approval of Development Service, Development Engineering Division. All bikeways shall meet the City's design standards and ensure that all roadway designs would not result in unsafe conditions for bicyclists.</p>	<p>The project applicant shall include on-site bikeway facilities to achieve the intent of the Bikeway Master Plan subject to review and approval of Development Services, Development Engineering Division.</p>	<p>Project Applicant.</p>	<p>Prior to the approval of the site plans.</p>	<p>Development Services/ Development Engineering Division.</p>	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11-8 (A & B) Pedestrian walkways shall be designed in compliance with the City's design standards and shall comply with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) and/or be designed to the satisfaction of the city traffic engineer. Walkways shall be designed around the outside of the roundabouts rather than through the center unless otherwise accepted by the city traffic engineer after the applicant has technically demonstrated the safety and disability accessibility. Additionally, by installing a traffic signal at 7th Street and Signature Street to replace the proposed roundabout at this intersection, all new pedestrian cross walks will be designed to City of Sacramento Street Standards.	Design pedestrian facilities to meet city standards and/or be designed to the satisfaction of the city traffic engineer.	Project Applicant.	Prior to the approval of the site plans.	Development Services/ Department of Transportation.	
6.11-9 (A & B) (a) The gateway roundabout on 7th Street at New Street "A" shall be designed in compliance with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) or the applicant shall provide sufficient technical data to the city traffic engineer in order to demonstrate the safety and disability accessibility. This intersection will carry a significant volume of automobile traffic (from an estimated low of 995 vehicles during the a.m. peak hour under Baseline with Scenario A conditions to an estimated high of 1450 vehicles during the p.m. peak hour under Long Term Year 2030 with Scenario B conditions) and shall be designed according to standard design practice for high-volume roadways and/or to the satisfaction of the City Traffic Engineer.  (b) The intersections on New Street "C" where roundabouts are identified in the Township 9 Design Guidelines shall be designed in compliance with City's requirements for traffic circles or to the satisfaction of the city traffic engineer. The automobile traffic volumes at these intersections are expected to be low and should be well-served by traffic circles.	Design roundabouts according to the standards set forth in MM 6.11-9(a) and (b).	Project Applicant.	Prior to the approval of the Final Map.	Development Services/ Department of Transportation.	
6.11-10 (A & B) The project applicant shall provide sufficient on-site bicycle parking spaces to comply with the City's Zoning Code requirement.	Provide sufficient on-site bicycle parking spaces to comply with the City's Zoning Code requirement.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	



## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					
(c) At the Bercut Drive / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require further widening of Richards Boulevard which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additional lanes (typically 12 feet per lane) would increase the capacity of the intersection but would require the acquisition of right-of-way from adjacent properties. This is beyond the capability of the project because the property is not controlled by the applicant and the right of way is not available; hence the impact would remain significant and unavoidable.	N/A	N/A	N/A	N/A	N/A
(d) At the N. 5th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, optimize signal timing would lessen the project impact to less-than-significant level under Scenario A, but the impact under Scenario B would remain significant and unavoidable. To fully mitigate the impact would require widening of Richards Boulevard which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard and dedicate sufficient right-of-way for a future expanded intersection to City of Sacramento Standards.	The applicant shall pay their fair share towards this improvement.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(e) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigation of the impact would require adding one northbound left-turn and one through lanes to provide two left-turn lanes, two through lanes and one right-turn lane; add one southbound through lane to provide one left-turn lane, two through lane and one right-turn lane; add one eastbound left-turn and one through lanes to provide two left-turn lanes, two through lanes and one right-turn lane; add one westbound left-turn lane to provide two left-turn lanes, one through lane, and one combination through-right lane; and optimize signal timing. The applicant shall dedicate right-of-way along his property for the intersection modifications described above and dedicate sufficient right-of-way for an expanded intersection to the City of Sacramento Standards. The applicant shall pay a fair share contribution to fund acquisition of right-of-way by the City from other properties as required for the construction of the improvements described above, and in the event right-of-way is not made available, provide funding for future modifications to the intersection.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (57.3 seconds delay) in the a.m. peak hour and LOS E (63.8 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant during both a.m. and p.m. peak hours; and the level of service under Scenario B would be reduced to LOS F (106.9 seconds delay) in the a.m. peak hour and LOS F (87.4 seconds delay) in the p.m. peak hour, thus the impact would be less than significant during the p.m. peak hour but would remain significant and unavoidable during the a.m. peak hour. These results are shown in Table 6.11-20. To fully mitigate the impact would require widening of Richards Boulevard and 7th Street which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity, which is not controlled by the applicant of this project.</p>	<p>The applicant shall pay their fair share towards this improvement and dedicated the appropriate ROW.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(f) At the 12th / 16th Streets / Richards Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would entail widening of 12th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the control of the project applicant.	N/A	N/A	N/A	N/A	N/A
(g) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A
(h) At the 12th Street / North B Street intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening of 12th Street which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and beyond the control of the project applicant.	N/A	N/A	N/A	N/A	N/A
(i) At the 7th Street / Big Four Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would entail widening of 7th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth policies. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(j) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(k) At the 6th Street / G Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(l) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane). Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(m) At the 6th Street / H Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(n) At the 7th Street / H Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(o) At the 6th Street / I Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane) to allow more vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(p) At the 6th Street / J Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadway beyond the road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane) to allow more vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(q) At the 7th / Signature Street intersection, under both Scenario A and Scenario B, with implementation of Mitigation Measure 6.11-1(l), the level of service under Scenario A would be reduced to LOS B (13.5 seconds delay) in the a.m. peak hour and LOS C (31.2 seconds delay) in the p.m. peak hour thus reducing the impact to less-than-significant; and the level of service under Scenario B would be reduced to LOS B (16.6 seconds delay) in the a.m. peak hour and LOS D (39.3 seconds delay) in the p.m. peak hour thus remaining significant and unavoidable.	N/A	N/A	N/A	N/A	N/A
6.11-13 (A & B) (a) Implementation of Mitigation Measure 6.11-2(a) would reduce the project impact of Scenario A to less-than-significant; while the project impact of Scenario B would be lessened but remain significant and unavoidable. Further widening 7th Street in order to fully mitigate the impact of Scenario B is infeasible because it would create an unfriendly pedestrian environment which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. After implementation of this mitigation measure, Scenario A would produce LOS C (v/c of 0.75) and Scenario B would produce LOS D (v/c of 0.88). These results are shown in Appendix N.	See MM 6.11-2(a).	See MM 6.11-2(a).	See MM 6.11-2(a).	See MM 6.11-2(a).	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b,c) No feasible mitigation measures were identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it would require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity from properties not owned by the applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable.	NA	NA	NA	NA	NA
<p>6.11-14 (A &amp; B)</p> <p>The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091.</p> <p>The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.</p> <p>Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:</p> <ul style="list-style-type: none"> <li>• I 5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: \$134 million.</li> </ul>	The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<ul style="list-style-type: none"> <li>• I 5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: \$300 million.</li> <li>• I 5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: \$200 million.</li> </ul> <p>No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include.</p> <p>These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.</p> <p>Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p>					

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.</p> <p>Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. 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, §21061.1). Therefore, the impacts of the proposed Project on the freeway segments would remain significant and unavoidable.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>6.11-15 (A &amp; B)</p> <p>No feasible mitigation measures were identified that would reduce the impact of the project on I 5 freeway ramps. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. Finally, improvements to this interchange are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>6.11-16 (A &amp; B)</p> <p>No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway off-ramps are not under the jurisdiction of the City but are subject to Caltrans' jurisdiction. Finally, ramp improvements are not included in any of Caltrans' funding mechanisms. Because freeway mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					
<p>6.11-17 (A &amp; B)                      The City shall coordinate with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project and to help fund any necessary improvements. In particular, RT may increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area.</p>	<p>City to coordinate with RT to ensure adequate bus service is provided to the site.</p>	<p>City of Sacramento                      Department of Transportation.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/                      Department of Transportation.</p>	
<p>6.11-18 (A &amp; B)                      (a) At the I-5 northbound ramps / Richards Boulevard intersection, optimizing signal timing would lessen the project impact; therefore the applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. To fully mitigate the project impact would require widening of the freeway on-ramp and acquisition of right-of-way, which is under Caltrans jurisdiction and beyond the capability of the project.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>	<p>The applicant shall pay their fair share towards this improvement and fair share to help fund the local share of the DNA costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/                      Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>(b) At the Bercut Drive / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one westbound through lane to provide one left-turn lane, four through lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.</p> <p>The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS B (12.7 seconds delay) in the a.m. peak hour and LOS C (21.1 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant; and the level of service under Scenario B would be reduced to LOS B (12.5 seconds delay) in the a.m. peak hour and LOS C (24.8 seconds delay) in the p.m. peak hour thus reducing impact to less than significant. These results are shown in Table 6.11-24.</p>	<p>The City shall modify the signal phasing and construct the roadway improvements stated in MM 6.11-18(b) and the applicant shall pay their fair share. Verify the applicant has paid their fair share.</p>	<p>Project Applicant/City of Sacramento Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>(c) At the N. 5th Street / Richards Boulevard intersection, under Scenario B, the applicant shall dedicate right-of-way and construct an additional one westbound through lane to provide one left-turn lane, four through lanes and one combination through-right lane; and optimize signal timing. The applicant shall also dedicate sufficient right-of-way and construct an expanded intersection to the City of Sacramento Standards.</p> <p>With implementation of this mitigation measure, the level of service under Scenario B would be reduced to LOS C (24.1seconds delay) in the a.m. peak hour and LOS C (21.3 seconds delay) in the p.m. peak hour thus reducing impact to less than significant. These results are shown in Table 6.11-26.</p>	<p>The applicant shall dedicate the appropriate ROW and construct the roadway improvements.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>However, the implementation of Mitigation Measure 6.11-18 d) at 7th Street/Richards Boulevard would create a downstream secondary impact at the N. 5th Street/ Richards Boulevard intersection during the p.m. peak hour under Scenario A, where the level of service would degrade to LOS E. The secondary impact may be mitigated by implementing Mitigation Measure 6.11-18c and modifying the signal phasing splits during the p.m. peak hour, which would reduce the secondary impact to a less-than-significant level. With implementation of this measure, the level of service under Scenario A would be reduced to LOS C (24.7 seconds delay) in the a.m. peak hour and LOS D (33.5 seconds delay) in the p.m. peak hour. These results are shown in Table 6.11-26. These mitigation measures shall be implemented by the applicant.</p> <p>(d) At the N. 7th Street / Richards Boulevard intersection, under both Scenario A and Scenario B, the applicant shall dedicate right-of-way for and construct one westbound through lane to provide one left-turn lane, four through lanes and one right-turn lane; and optimize signal timing.</p> <p>With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS D (36.3 seconds delay) in the a.m. peak hour and LOS C (26.3 seconds delay) in the p.m. peak hour, thus reducing the impact to less than significant during the p.m. peak hour while the impact during the a.m. peak hour remains significant and unavoidable; and the level of service under Scenario B would be reduced to LOS D (48.5 seconds delay) in the a.m. peak hour and LOS D (45.4 seconds delay) in the p.m. peak hour thus the impact remains significant and unavoidable during both peak hours. These results are shown in Table 6.11-26.</p>	<p>The applicant shall dedicate the appropriate ROW and construct the roadway improvements.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(e) At the N. 5th Street / Bannon Street intersection, under Scenario B during the p.m. peak hour, the City shall optimize signal timing in order to improve vehicle progression. Implementation of this measure would mitigate the project impact to a less-than-significant level. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard.	The City shall modify the signal phasing stated in MM 6.11-18(e) and the applicant shall pay their fair share. Verify the applicant has paid their fair share.	Project Applicant/ City of Sacramento Department of Transportation.	Prior to project occupancy.	Development Services/City Department of Transportation.	
(f) At the 7th Street / North B Street intersection, under both Scenario A and Scenario B, mitigating the project impact would entail widening of the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A
(g) At the 6th Street / Big Four Boulevard intersection, mitigating the project impact would entail widening the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane). These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A
(h) At the 7th Street / Big Four Boulevard intersection, under both Scenario A and Scenario B, mitigating the project impact would require widening 7th Street which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(i) At the 7th Street / F Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond the road width found in downtown which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets, walkable communities and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane). These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A
(j) At the 6th Street / G Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the capability of the project and not controlled by the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(k) At the 7th Street / G Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is not controlled by the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(l) At the 6th Street / H Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the control of the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(m) At the 6th Street / I Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane). Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(n) At the 6th Street / J Street intersection, under both Scenario A and Scenario B, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the control of the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community.	N/A	N/A	N/A	N/A	N/A
(o) At the Richards Boulevard / 12th Street intersection, mitigating the project impact would require widening of 12th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A
(p) At the 12th Street / Bannon Street intersection, mitigating the project impact would require widening of 12th and Bannon Streets, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant.	N/A	N/A	N/A	N/A	N/A

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(q) At the 7th / Signature Street intersection, the applicant shall implement Mitigation Measure 6.11-1(l) and add one westbound left-turn lane to provide two left-turn lanes and one through-right lane. With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS C (31.8 seconds delay) in the a.m. peak hour and LOS F (215.9 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable; and the level of service under Scenario B would be reduced to LOS C (33.9 seconds delay) in the a.m. peak hour and LOS F (177.7 seconds delay) in the p.m. peak hour, thus the impact would be reduced to less than significant during the a.m. peak hour but the impact during the p.m. peak hour would remain significant and unavoidable. These results are shown in Table 6.11-26. To fully mitigate the project impact would require further widening of 7th Street north of Signature Street for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life.	The applicant shall implement MM 6.11-1(l) and construct the other roadway improvements identified.	Project Applicant.	Prior to project occupancy.	Development Services/ Department of Transportation.	
6.11-19 (A & B) (a) Widening of 5th Street between Richards Boulevard and Signature Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would reduce the project impact of Scenario B to a less-than-significant level.  (b) Under both Scenario A and Scenario B, widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would improve the roadway operations but the impacts of the 7th Street roadway segment would remain significant and unavoidable. As described in Mitigation Measure 6.11-12(a), further widening of 7th Street would necessitate acquisition of right-of-way and would create an unfriendly pedestrian environment. After implementation of this mitigation measure, Scenario A would produce LOS D (v/c of 0.87) and Scenario B would produce LOS D (v/c of 0.87). These results are shown in Appendix N.	Verify that the roadway widening has been completed.  Verify that the roadway widening has been completed.	Project Applicant.  Project Applicant.	Prior to project occupancy.  Prior to project occupancy.	Development Services/ Department of Transportation.  Development Services/ Department of Transportation.	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>c) Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable.</p>	N/A	N/A	N/A	N/A	N/A
<p>(d,e) Under both Scenario A and Scenario B, no feasible mitigation measure was identified that would reduce the impact of the proposed project on the Bannon Street roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable.</p>	N/A	N/A	N/A	N/A	N/A
<p>6.11-20 (A &amp; B) The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.</p> <p>Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:</p> <ul style="list-style-type: none"> <li>• I 5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: \$134 million.</li> <li>• I 5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: \$300 million.</li> <li>• I 5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: \$200 million.</li> </ul> <p>No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include.</p> <p>These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.</p>					

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Widening the freeway mainline right of way would create adverse impacts by requiring the removal of historic buildings in the Old Sacramento District, and potentially the Crocker Art Museum, which are already situated adjacent to the existing freeway right of way; would potentially require modifications to the flood wall/levee that protects Downtown Sacramento; and would create further physical barriers between people living and working in Downtown Sacramento and the Sacramento River and the Old Sacramento District. Such new impacts from widening the freeway would not be capable of mitigation to a less than significant level and would violate City policies concerning: the preservation of the Old Sacramento District; promoting ease of pedestrian access between Downtown Sacramento and the Sacramento River; promoting ease of pedestrian access between Downtown Sacramento and the Old Sacramento District; and protecting the integrity of Sacramento's flood control system.</p>					

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on I 5 freeway or SR 160 mainline segments to a less than significant level. 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, §21061.1). Therefore, the impacts of the proposed Project on the three I 5 freeway segments would remain significant and unavoidable.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					
<p>6.11-21 (A &amp; B)                      No feasible mitigation measures were identified that would reduce the impact of the project on I 5 freeway ramp and weaving areas. The freeway is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. Improvements to this interchange are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>					
<p>6.11-22 (A &amp; B)                      No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway ramps are not under the jurisdiction of the City but subject to Caltrans' jurisdiction. Improvements to these ramps are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable.</p> <p>The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.</p>	<p>The applicant shall pay their fair share contribution to help fund the local share of the DNA project costs.</p>	<p>Project Applicant.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	

## TOWNSHIP 9 PROJECT

## MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<p>6.11-23 (A &amp; B) The City shall work with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project and to help fund any necessary improvements. In particular, RT should increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area.</p>	<p>City to coordinate with RT to ensure adequate bus service is provided to the site.</p>	<p>City of Sacramento Department of Transportation.</p>	<p>Prior to project occupancy.</p>	<p>Development Services/ Department of Transportation.</p>	
<p>6.11-24 (A &amp; B) Prior to the issuance of grading permits for the Township 9 project, the project applicant shall prepare a Construction Management Plan (CMP) that will address construction traffic and ensure acceptable and safe operating conditions on project area roadways. This Plan shall be reviewed and approved by the City and any other affected agency and will contain the following (at a minimum):</p> <ul style="list-style-type: none"> <li>• Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.</li> <li>• Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.</li> <li>• Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area.</li> <li>• Maintenance of access for emergency vehicles in the project area.</li> <li>• Provision of manual traffic control (if required).</li> <li>• Clear demarcation of construction areas along project roadways.</li> <li>• Provision of this plan 14 days prior to the commencement of construction.</li> </ul>	<p>The project applicant shall prepare the CMP that specifically addresses construction traffic to the satisfaction of the city.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permits.</p>	<p>Development Services/ Department of Transportation.</p>	

**TOWNSHIP 9 PROJECT**

**MITIGATION MONITORING PLAN**

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
<b>Initial Study - 14. Cultural Resources</b>					
<p>Cult-1 (A &amp; B) Should paleontological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Sacramento Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Sacramento Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	<p>Stop work should paleontological resources be identified at any project construction sites.</p> <p>Hire a paleontologist to evaluate any find and implement appropriate mitigation (including avoidance, if feasible).</p>	<p>Project Applicant.</p>	<p>Ongoing during construction.</p>	<p>Development Services.</p>	