

1.0 INTRODUCTION

INTRODUCTION

The project proposes adoption and implementation of the proposed Railyards Specific Plan and approval of related entitlements. The proposed Railyards Specific Plan (Specific Plan) is a regulatory document defining clear parameters for development and redevelopment in the Railyards Specific Plan Area (Specific Plan Area). It establishes a comprehensive framework of development policies to create unique mixed-use neighborhoods consisting of high-density housing complemented by cultural opportunities, office development, hotels, entertainment and commercial uses, and parks and urban plazas. The proposed project includes the proposed Specific Plan and related approvals (e.g., Design Guidelines), related General Plan and Central City Community Plan amendments, revisions to the Railyards Specific Plan/Richards Boulevard Area Plan Facility Element, and relocation of the Union Pacific Railroad (UPRR) tracks. A more complete list of anticipated approvals is provided at the end of this chapter.

This Environmental Impact Report (EIR) has been prepared to assess the potential environmental impacts associated with implementation of the proposed project in accordance with the principles, goals, and policies set forth in the Specific Plan. As required under the California Environmental Quality Act (CEQA), the EIR evaluates and describes potentially significant environmental impacts, identifies mitigation measures to avoid or reduce the significance of potential impacts, and evaluates the comparative effects of potentially feasible alternatives to the proposed Specific Plan.

BACKGROUND

The Specific Plan Area was first developed as the western terminus of, and produced much of the rail equipment for, the Transcontinental Railroad in the early 1860s. The Central Pacific and Southern Pacific railroads used the Specific Plan Area for railroad uses for almost 150 years, with the last railroad workers leaving the maintenance and locomotive works in 1995. During its peak, the Specific Plan Area housed the largest railroad facility of its kind west of the Mississippi River. The Specific Plan Area's use as a production and maintenance facility for the railroads continued for most of its history. In the late 1990s, after the closure of the locomotive maintenance works at the site, Union Pacific (UP) purchased the Southern Pacific Railroad and acquired the property comprising the Specific Plan Area. Currently, most of the Specific Plan Area is owned by Thomas Enterprises, while approximately 8.82 acres are owned by the City.

Today, the Specific Plan Area continues to be used for passenger rail service through the existing historic Depot building, constructed in 1926 and used as the primary depot for passenger rail service in the Sacramento Valley. The Specific Plan Area continues to include the UP main lines that are used by freight and passenger trains, the passenger Depot for Amtrak and Capitol Corridor trains, and certain other rail lines (see Figure 3-3, Existing Railyards Area). The Specific Plan Area also contains several large City-owned parking lots. The Central Shops, located to the north of the historic Depot, were used previously as the location of rail equipment production and maintenance, and have been mostly vacant for some years. The California State Railroad Museum leases two of these buildings to repair and maintain its historic train stock. Sims Metal operates on approximately five acres in the eastern portion of the Specific Plan Area. The Specific Plan Area has been undergoing environmental remediation for many years, and remediation activities are ongoing on

certain portions of the Railyards site today.¹ Portions of the Railyards, primarily the Depot and REA building, are served by major utilities; including water, sewer, storm drainage, solid waste, natural gas and electrical service; however, most of the site currently lacks these utilities.

The City Council certified the EIR for the existing Railyards Specific Plan and Richards Boulevard Area Plan in December 1993.² At that time the City Council approved amendments to the City's General Plan and Central City Community Plan that provided for the land uses proposed in the two plans. The City Council certified a Supplemental EIR (SEIR) for the existing Railyards Specific Plan and the Richards Boulevard Area Plan in late 1994, and approved the existing Railyards Specific Plan on December 13, 1994. The SEIR addressed several aspects of the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (RBAP) that had been further refined including levels of development and timing of infrastructure improvements. Additionally the SEIR evaluated the effects of soil remediation alternatives described in the draft Feasibility Study prepared by Southern Pacific Transportation Company. Development in the Specific Plan that has occurred to date includes the restoration and re-use of the Railway Express Agency (REA) Building, construction of the Federal Courthouse, the extension of 7th Street to North B Street and the extension of light rail.

The existing Historic Depot is served by freight operations and several passenger rail services, including Amtrak, and the Capitol Corridor and San Joaquin lines. Future uses could also include proposed regional commuter rail and the future California High Speed Rail. Freight service would continue to move on the main rail lines through the project site, as it a major transcontinental freight route of the UPRR.

The proposed project assumes that these rail-related activities would continue, and that the tracks will be realigned as part of the Specific Plan, as shown in Figure 3-11. The proposed realignment of the heavy rail tracks would relocate the existing tracks between the I Street Bridge and 7th Street to the north, along the northern edge of the proposed Depot District and adjacent to the southern edge of the historic Central Shops (see Figure 3-11). The UPRR would continue to own the relocated tracks within their right-of-way. The City of Sacramento would obtain the alignment of the current tracks after relocation, and would continue to own the Depot and related facilities. The applicant would own the remaining portions of the Specific Plan Area. The relocation of the heavy rail tracks will also include relocating passenger platform tracks, passenger platforms, constructing sub-and super-structures for the 5th Street and 6th Street overcrossings, and constructing pedestrian connections from the old depot building to the newly relocated passenger platform tracks.

The Specific Plan Area is currently undergoing remediation of contaminated soils and groundwater. The remediation of the Specific Plan Area must proceed pursuant to Department of Toxic Substance Control's (DTSCs) orders irrespective of development of the Specific Plan Area. The remediation studies and plans have been subject to CEQA under the jurisdiction of the City of Sacramento and DTSC (see Appendix I). Because remediation of the Specific Plan Area as a project is independent of the Specific Plan, the environmental effects of remediation activities are not evaluated in this EIR. However, the potential effects of constructing and occupying new development in an area that has undergone remediation, and may still be undergoing remediation concurrent with development activities in the future, are addressed.

-
- 1 Remediation of contaminated soils and groundwater on the site is within the jurisdiction of the California Department of Toxic Substances Control (DTSC) and is ongoing pursuant to the Remedial Action Plans reviewed and approved by DTSC. As discussed below, remediation of the Plan area must proceed pursuant to DTSC's orders irrespective of development of the Plan area.
 - 2 The 1994 adopted Railyards Specific Plan, the Richards Boulevard Area Plan, and the 1993 Final EIR and 1994 Supplemental EIR prepared for these Plans are available from the City at the Development Services Counter, 915 I Street, Third Floor.

PURPOSE AND SCOPE OF THE EIR

The purpose of the EIR is to inform public agency decision makers and the public about the proposed project and potentially significant adverse environmental impacts that may result from the adoption and implementation of the proposed project, and to identify appropriate feasible mitigation measures and alternatives that may be adopted to reduce or eliminate impacts.

The EIR is anticipated to be the primary environmental document for project implementation within the Specific Plan Area. Developments that require further discretionary approvals will be examined in light of this EIR to determine whether additional environmental documentation must be prepared. Specific development projects will be compared to the analysis contained in this EIR. Consistent with CEQA Guidelines section 15152, projects that raise environmental issues that could not have been anticipated in this EIR due to the specific characteristics of project design or other factors, may be subject of further CEQA documentation as deemed appropriate by the City as lead agency. Development projects that are consistent with the principles, goals, and policies of the Specific Plan and do not require further discretionary approvals will not be subject to any additional environmental documentation. (Public Resource Code sections 21080(b)(1) and 21083.3; Government Code section 65457(a); CEQA Guidelines sections 15060(c)(1) and 15268.)

A Notice of Preparation (NOP) for this EIR was published on March 10, 2006. The NOP identified the environmental issue areas associated with potential environmental effects of the project that would be analyzed in this EIR. Pursuant to CEQA Guidelines Section 15060d, no Initial Study was prepared, because the City had determined that the EIR would be the appropriate CEQA document for the proposed Specific Plan. A copy of the NOP and comments received in response to the NOP are included in Appendix A and Appendix B. The purpose of the NOP is to solicit comments from public agencies and interested parties on issues within their areas of expertise that they believe should be considered in the EIR. In addition, the City conducted a public scoping meeting on March 29, 2006, for the purpose of further soliciting public input regarding the scope and content of this EIR.

The scope of this EIR includes environmental issues determined to be potentially significant as determined through preparation of the NOP, responses to the NOP, scoping meetings, and discussions among the public, consulting staff, and the City of Sacramento. This process identified potentially significant impacts associated with the construction and/or operation of the proposed project in the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Seismicity, Soils, and Geology
- Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise and Vibration
- Parks and Open Space
- Public Services (Police and Fire, Solid Waste, Libraries and Schools)
- Public Utilities (Wastewater, Drainage and Water Supply)

- Transportation and Circulation
- Urban Design and Visual Resources
- Energy

This EIR evaluates the direct, indirect, and cumulative impacts resulting from construction and operation of the proposed project in these issue areas using the most current information available, and in accordance with the provisions of CEQA.

RELATIONSHIP BETWEEN THIS EIR AND CEQA REVIEW FOR LATER PROJECT APPROVALS PURSUANT TO THE PROPOSED SPECIFIC PLAN

The Specific Plan is a land use plan and development program proposed to guide the physical development within the Specific Plan Area. If approved, the Specific Plan will be implemented by a new Special Planning District Ordinance, development agreement, design guidelines, and related entitlements. This EIR evaluates the effects of implementation of the proposed Specific Plan, as described in Chapter 3, Project Description. Any proposal for future development within the Specific Plan Area must be reviewed pursuant to the terms of the Specific Plan and implementing entitlements.

As noted above, use of a Specific Plan EIR to cover later activities is addressed in Public Resources Code section 21080.7 and CEQA Guidelines Sections 15168(c). Under CEQA guidelines for using EIRs in connection with later activities, if the proposed activities are consistent with the Specific Plan and the project as analyzed in the EIR, and would not have new significant or more severe significant effects that were not examined in the Specific Plan EIR, the later activities are considered to be within the scope of the Specific Plan EIR and no further review under CEQA is required. As set forth in the interpretive “discussion” following Section 15168 prepared by the Governor’s Office of Planning and Research (OPR) in connection with promulgation of the CEQA Guidelines, “[t]his approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.” The City thus will rely on the Specific Plan EIR in conjunction with its consideration of subsequent project development, as deemed appropriate and consistent with the requirements of CEQA by the City as lead agency.

OTHER AGENCIES THAT MAY USE THE EIR

This EIR is intended to be used by responsible and trustee agencies (as defined by sections 15381 and 15386 of the CEQA Guidelines) that may have review or discretionary authority over some component of the project. Agencies in addition to the Lead Agency that also may use this EIR in their review of the project or that may have responsibility over approval of certain project elements may include, but are not limited to, the following:

- California Department of Toxic Substances Control (DTSC)
- California Department of Health Services (DHS)
- California Department of Transportation (Caltrans)
- California Department of Fish and Game (CDFG)
- California Public Utilities Commission
- Central Valley Regional Water Quality Control Board (CVRWQCB)
- California State Reclamation Board (Rec Board)
- Sacramento Metropolitan Air Quality Management District (SMAQMD)

- Sacramento Municipal Utility District (SMUD)
- Redevelopment Agency of Sacramento
- U.S. Army Corps of Engineers (Corps)
- U.S. Fish & Wildlife Service/National Marine Fisheries Service (USFWS/NMFS)

Other agencies that may have trustee responsibilities in connection with resources affected by the project or are otherwise anticipated participants in the environmental review process include, but are not limited to, the following:

- State of California Office of Planning and Research (OPR)
- California State Lands Commission (CSLC)
- Sacramento Area Council of Governments (SACOG)
- State Historic Preservation Office (SHPO)

PUBLIC REVIEW PROCESS

This EIR is being circulated to local, state, and federal agencies and to interested organizations and individuals who wish to review and comment on the report. Publication of this EIR marks the beginning of a 45-day public review period, during which copies of the EIR will be available for review at the City of Sacramento's Development Services Department offices and the City of Sacramento Public Library:

City of Sacramento City Hall
915 I Street, Third Floor
Sacramento, California 95814

City of Sacramento Public Library
828 I Street
Sacramento, California 95814

City of Sacramento
North Permit Center
2101 Arena Boulevard, Suite 200
Sacramento, California 95834

In addition, the EIR can be viewed or downloaded from the City of Sacramento's website, which can be found at:

<http://www.cityofsacramento.org/dsd/planning/CurrentEnvironmentalImpactReportsProjects.cfm>

and

<http://www.cityofsacramento.org/dsd/projects/railyards/>

Written comments on the EIR (including email) may be submitted to the City of Sacramento at the following address:

Scott Johnson, Associate Planner
City of Sacramento Development Services Department
North Permit Center
2101 Arena Boulevard, Suite 200
Sacramento, California 95834
srjohnson@cityofsacramento.org

In accordance with CEQA Guidelines section 15204(a), the focus of review should be on the sufficiency of this EIR in identifying and analyzing the potentially significant environmental impacts of the project and ways in which such effects might be avoided or mitigated.

Comments on the Draft EIR that are received in writing during the public review period and orally at the public hearing on the Draft EIR will be presented in their entirety and addressed in written responses to comments in the Final EIR. The City of Sacramento then will consider EIR certification under section 15090 of the CEQA Guidelines. If it determines to certify the EIR, the City may consider project approval (see section 15092 of the CEQA Guidelines). If it chooses to approve the project, the City must make written findings with respect to (1) each significant environmental effect, (2) each mitigation measure, and (3) each alternative not approved in accordance with section 15091 of the CEQA Guidelines. Further, if the City chooses to approve a project that would cause unmitigated significant environmental effects, it must include in its written findings a Statement of Overriding Considerations that documents those benefits (economic, social, legal, technological, or otherwise) that it determines would offset the adverse environmental consequences of the project approval (see CEQA Guidelines 15093). If a project is approved, the City must, within five working days following that approval, file a Notice of Determination (NOD) with the Sacramento County Clerk and the State Clearinghouse in the Governor's Office of Planning and Research, in accordance with CEQA Guidelines section 15094.

CEQA also requires lead agencies to adopt a reporting and monitoring program for changes to the project that have been adopted or made conditions of project approval to avoid or mitigate significant effects on the environment (Public Resources Code section 21081.6; CEQA Guidelines section 15097).

REQUIRED DISCRETIONARY ACTIONS

The City of Sacramento would be required to certify that the EIR adequately identifies the significant environmental effects of the proposed Specific Plan, pursuant to CEQA, the State CEQA Guidelines, and the City of Sacramento CEQA Guidelines. In addition, implementation of the proposed Specific Plan could require, but would not be limited to, the following discretionary actions:

City Actions

1. Certification of an EIR and adoption of a Mitigation Monitoring and Reporting Program (MMRP);
2. Rescission of the 1994 Railyards Specific Plan ;
3. Adoption of the proposed Specific Plan;
4. Amendment of City Code Chapter 17.124 (Special Planning District, including development standards);
5. Adoption of Design Guidelines;
6. Adoption of a Development Agreement;
7. Adoption of a Financing Plan;

8. Approval of Master Tentative (Parcel) Map;
9. Amendments to the General Plan;
10. Amendments to the Central City Community Plan;
11. Amendments to the Zoning Code;
12. Amendments to City Code sections 18.36 et seq. and 18.48 et seq.;
13. Amendments to the Railyards Specific Plan/Richards Boulevard Area Plan Facility Element;
14. Approval of Master Certificate of Appropriateness;
15. Approval of Inclusionary Housing Plan;
16. Approve Water Supply Assessment; and
17. Repeal of City Code Chapter 18.28 regarding City oversight of remediation of the Specific Plan area.

Other Agency Actions

18. Section 404 permit from the Corps for any activity in the Sacramento River (e.g., stormwater outfall);
19. Section 1602 Streambed Alteration Agreement from the CDFG for any activity in the Sacramento River;
20. Section 7 Consultation and Biological Opinion from the USFWS;
21. Section 401 certification from the CVRWQCB in conjunction with the 404 permit;
22. Construction activity stormwater permit from the CVRWQCB;
23. Encroachment permit from the State Reclamation Board for activities on the Sacramento River levee (e.g., stormwater outfall);
24. Transfer of Public Trust Claim from State Lands Commission for the historic bed of the American River (including anticipated transfer from City to SLC of property located along the Sacramento River);
25. Approval of track relocation from Public Utilities Commission;
26. National Pollutant Discharge Elimination System (NPDES) permit from the RWQCB;
27. Approval of the revised tri-party Memorandum of Understanding between DTSC, City of Sacramento, and the applicant; and
28. Stationary source permit from the Sacramento Metropolitan Air Quality Management District.