

# CHAPTER 1

## INTRODUCTION AND SCOPE OF THE EIR

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### **1.0 PROJECT BACKGROUND**

In 2008, an application to develop a largely residential project with 397 housing units, which included a church site and a preschool, was filed with the City of Sacramento (City). The current proposal retains the same name and project number as the project filed in 2008, but the project differs from the 2008 proposal and the project application has been submitted by a new applicant. The current project has 328 residential units, a recreation center, including limited retail space, and parks, but does not include a church site or pre-school.

### **1.1 PURPOSE AND INTENDED USE OF THIS EIR**

The City has prepared this Draft Environmental Impact Report (Draft EIR) to inform the general public, the local community, responsible agencies, trustee agencies, and other interested public agencies, and the City's decision-making bodies (Planning and Design Commission and City Council) regarding the potential significant environmental effects resulting from implementation of the McKinley Village Project (proposed project), as well as possible measures to mitigate those significant effects and alternatives to the proposed project. This Draft EIR was prepared in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (14 CCR 15000 et seq.), and the City's procedures for implementing CEQA. This Draft EIR is a "Project EIR," pursuant to CEQA Guidelines Section 15161. A Project EIR examines the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from implementation of the project, including construction and operation.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to a proposed project that could reduce or avoid adverse environmental impacts. As the CEQA lead agency for this project, the City is required to consider the information in the EIR along with any other available information in deciding whether to approve the project entitlements requested. The basic requirements for an EIR include providing information that establishes the environmental setting (or project baseline), and identifying environmental impacts, mitigation measures, project alternatives, growth inducing impacts, and cumulative impacts. In a practical sense, an EIR functions as a method of fact-finding, allowing an applicant, the public, other public agencies, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure. Additionally, this EIR provides the primary source of environmental information for the lead agency to consider when exercising any permitting authority or approval

power directly related to implementation of this project. It is not the intent of an EIR to recommend either approval or denial of a project.

## **1.2 USE OF PREVIOUSLY PREPARED ENVIRONMENTAL DOCUMENTATION**

CEQA Guidelines Section 15150 allows for incorporation by reference of “all or portions of another document which is a matter of public record or is generally available to the public.” Incorporation by reference is used principally as a means of reducing the size of EIRs. This Draft EIR relies in part on data, environmental evaluations, mitigation measures, and other components of EIRs and plans prepared by the City for areas within the project vicinity. These documents are listed here and used as source documents for this EIR. All documents are available for public review during normal business hours (Monday through Friday, 8 a.m. to 4 p.m.) at the City of Sacramento Community Development Department, 300 Richards Boulevard, 3rd Floor, Sacramento, California 95811, and on the City’s website at <http://www.cityofsacramento.org/dsd/planning/environmental.cfm>.

- City of Sacramento 2030 General Plan, adopted March 2009
- Draft and Final 2030 General Plan MEIR, City of Sacramento General Plan (SCH No. 2007072024)
- City of Sacramento Zoning Code, City of Sacramento, May 2008
- Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS), Sacramento Area Council of Governments
- Sacramento City Code, updated through May 2013.

## **1.3 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES**

### **Lead Agency**

In accordance with CEQA Guidelines Sections 15050 and 15367, the City of Sacramento has been designated the “lead agency,” which is defined as the “public agency which has the principal responsibility for carrying out or disapproving a project.” The lead agency is also responsible for determining the scope of the environmental analysis, preparing the EIR, and responding to comments received on the Draft EIR. Prior to making a decision to approve a project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City.

## Responsible Agencies

Responsible agencies are state and local public agencies, other than the lead agency, that have some authority to carry out or approve a project or that are required to approve a portion of the project or approve a permit for which a lead agency is preparing or has prepared an EIR or Initial Study/Negative Declaration (CEQA Guidelines Section 15813). The following agencies would potentially act as responsible agencies for the purposes of this project:

- **Central Valley Regional Water Quality Board (CVRWQCB).** Ensures compliance with the City's National Pollutant Discharge Elimination System (NPDES) Permit for any stormwater discharge associated with construction activity, and with the landfill's waste discharge requirements associated with the destruction and relocation of the six soil gas probes and groundwater monitoring wells located on the project site, and to the destruction and abandonment of any water supply well on the project site, to the extent required. The CVRWQCB may also provide oversight and approval of the A Street road improvements, as required. See also below Sacramento County Environmental Department.

Construction activities may involve short-term dewatering and discharge of groundwater to the City's Combined Sewer System (CSS). Discharges may be covered by a municipal permit provided they are (1) either 4 months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 million gallons per day. Construction dewatering, well development water, pump/well testing, pipeline testing, and miscellaneous dewatering/low-threat discharges are among the types of discharges that may be covered by the permit. The general permit also specifies standards for testing, monitoring, and reporting, receiving water limitations, and discharge prohibitions. If the discharge is part of a groundwater cleanup or contains excessive contaminants, CVRWQCB approval is required.

- **California Department of Transportation (Caltrans).** Grants encroachment permits for any work within or adjacent to a state roadway or within a Caltrans right-of-way.
- **Sacramento Metropolitan Air Quality Management District (SMAQMD).** Oversees air quality and has the authority to require mitigation fees.
- **Sacramento County Environmental Management Department (SCEMD).** The SCEMD is certified by CalRecycle as the Local Enforcement (LEA) for Sacramento County. The LEA permits and inspects solid waste facilities and enforces state laws pertaining to the storage, processing, and disposal of solid waste. The LEA along with the CVRWQCB will approve the design and relocation of the six soil gas probes and two groundwater monitoring wells on the project site. The abandonment and destruction of

any water supply well shall be conducted under the jurisdiction of the SCEMD, and, to the extent required, by the CVRWQCB. The LEA and CVRWQCB may additionally determine that the landfill operator must make landfill design modifications in connection with the improvements to A Street from the A Street Bridge to 28th Street (e.g., related to landfill security, integrity of the landfill, and access to landfill monitoring equipment), which modifications may be required to be included in the Postclosure Land Use Plan and, potentially related landfill documents. Further, should solid waste be determined to be located beneath the road alignment that connects the A Street Bridge to 28th Street, both the LEA and the CVRWQCB may be required to make modifications to the Postclosure Land Use Plan, the Closure/Postclosure Maintenance Plan and the Postclosure Maintenance and Corrective Action Order, respectively.

- **California Public Utilities Commission (CPUC).** Grants approval for a new public crossing at 40th Street and the Alhambra bicycle/pedestrian tunnel, if approved by UPRR. The CPUC and the City would approve any upgrades to the 28th Street at-grade crossing.
- **Twin Rivers Unifies School District, Sacramento City Unified School District and County Committee on School District Organization.** Grants approval of the territory transfer from the Twin Rivers Unified School District to the Sacramento City Unified District to the extent that such action is not otherwise exempt from CEQA. The governing boards of each district may take an action approving the territory transfer, and the County Committee on School District Organization will be the agency with authority to approve the transfer. Appeals may be filed with the State Board of Education which will act as the final arbiter in the event of an appeal.

### ***Trustee Agencies***

Trustee agencies are designated public agencies with legal jurisdiction over natural resources that are held in trust for the people of California and that would be affected by a project, whether or not the agencies have authority to approve or implement the project (CEQA Guidelines Section 15386). The following agency was identified as a trustee agency with potential jurisdiction over the proposed project:

- California Department of Fish and Wildlife

## **1.4 EIR PROCESS**

### **Notice of Preparation**

In accordance with CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was circulated for public and agency review from May 24 through July 9, 2013 (included as Appendix

A). The purpose of the NOP was to provide notification that an EIR for the proposed project was being prepared and to solicit guidance on the scope and content of the document. A summary of the comments received on the NOP is included in the Executive Summary, as well as in the introduction of each technical section.

Pursuant to CEQA Guidelines Section 15082, the lead agency held a public scoping meeting on June 12, 2013. Responsible agencies and members of the public were invited to attend and provide input on the scope of the EIR. Comments from agencies and the public in response to the NOP are provided in Appendix A. General concerns and issues raised in response to the NOP are summarized in the Executive Summary and addressed in this Draft EIR.

### **Draft EIR and Public Review**

This Draft EIR is being circulated for public review and comment for a period of 45 days. During this period, the general public, organizations, and public agencies can submit comments to the lead agency on the Draft EIR's accuracy and completeness. Release of this Draft EIR marks the beginning of a 45-day public review period pursuant to CEQA Guidelines Section 15105. The 45-day public review period for the Draft EIR will be from November 12, 2013, through December 27, 2013. The public can review the Draft EIR at the following address during normal business hours (Monday through Friday, 8 a.m. to 4 p.m.) or on the City's website at <http://www.cityofsacramento.org/dsd/planning/environmental.cfm>.

City of Sacramento  
Community Development Department  
300 Richards Boulevard, 3rd Floor  
Sacramento, California 95811

The City encourages all comments on the Draft EIR be submitted in writing. All comments or questions regarding the Draft EIR should be addressed to:

Dana Allen, Associate Planner  
City of Sacramento, Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, California 95811  
916.808.2762  
[dallen@cityofsacramento.org](mailto:dallen@cityofsacramento.org)

### **Final EIR and EIR Certification**

Upon completion of the Draft EIR public review period, a Final EIR will be prepared that will include written comments on the Draft EIR received during the public review period and the City's responses to those comments. The Final EIR will also include the Mitigation Monitoring

Program (MMP) prepared in accordance with Section 21081.6 of the Public Resource Code. The Final EIR will address any revisions to the Draft EIR made in response to agency or public comments. The Draft EIR and Final EIR together will comprise the EIR for the proposed project. Before the City can approve the project, it must first certify that the EIR has been completed in compliance with CEQA, that the City Council has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City. The City Council also would be required to adopt Findings of Fact. Because the proposed project would not result in significant and unavoidable impacts (assuming the City Council finds all proposed mitigation measures to be feasible), the City Council would not be required to adopt a Statement of Overriding Considerations if it approves the proposed project (See also Public Resources Code Section 21081).

### **EIR Adequacy**

The level of detail contained throughout this EIR is consistent with Section 15151 of the CEQA Guidelines, which states the following:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

## **1.5 SCOPE OF THE DRAFT EIR**

Based on a review of the project and comments received during the NOP public review period, the City determined that an EIR should be prepared that addresses the following technical issue areas:

- Air Quality and Climate Change
- Biological Resources
- Cultural Resources
- Hazards and Public Safety
- Hydrology, Water Quality, and Drainage
- Noise and Vibration

- Public Services and Recreation
- Public Utilities
- Transportation and Circulation
- Urban Design and Visual Resources.

The specific topics evaluated are described in each of the technical sections presented in Chapter 4. Land Use, Planning and Population are not considered technical issues and are addressed in Chapter 3.

This EIR evaluates the direct impacts, reasonably foreseeable indirect impacts, and cumulative impacts resulting from planning, construction, and operation of the proposed project using the most current information available and in accordance with the provisions set forth in CEQA and the CEQA Guidelines. In addition, the EIR recommends potentially feasible mitigation measures, where possible, and project alternatives that would reduce or eliminate significant adverse environmental effects.

The alternatives chapter of the EIR (Chapter 5, Project Alternatives) was prepared in accordance with Section 15126.6 of the CEQA Guidelines. CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where significant environmental impacts will not occur.

As is evident from the text of the EIR, all significant effects of the project would be mitigated to less-than-significant levels by the adoption of feasible mitigation measures. There are no impacts that remain as significant and unavoidable and which cannot be substantially lessened. The EIR evaluates the following alternatives to the proposed project:

**Alternative 1: No Project/No Build Alternative.** This alternative assumes no development would occur, and the site would remain in its current undeveloped condition.

**Alternative 2: No Project/Existing Zoning Alternative.** This alternative assumes that the project site would be developed consistent with the underlying zoning of M-2. Under this alternative, the site would be developed with a railcar and locomotive and maintenance facility, based on preliminary plans prepared by Caltrans evaluating future sites for this type of use.

**Alternative 3: Lower Density Alternative.** This alternative assumes development of a lower density project that includes 226 residential units with an average density of 7 dwelling units/acre (du/ac). This alternative includes a 2-acre park in the center of the site, but it would not include a recreation center or the other two smaller parks. The same circulation

and site access would be provided as the proposed project with the exception of no bicycle/pedestrian underpass.

**Alternative 4: Higher Density/Mixed Use Alternative.** This alternative assumes development of 550 units with an average density of 18 du/ac. Similar to the proposed project there would be a 2-acre park in the center of the site, composed of a park and a recreational center (approximately 1-acre each). This alternative also provides an additional 1.2 acres in onsite parks. In addition, this alternative includes approximately 20,000 sf of commercial uses (located on approximately 1 acre). The same circulation and site access would be provided as the project, including the bicycle/pedestrian underpass, if approved by UPRR.

## 1.6 ORGANIZATION OF THE DRAFT EIR

**Chapter ES, Executive Summary**—Summarizes the elements of the project and the environmental impacts that could result from implementation of the proposed project and provides a table which lists impacts, describes proposed mitigation measures, and indicates the level of significance of impacts before and after mitigation.

**Chapter 1, Introduction and Scope of the Draft EIR**—Provides an introduction and overview of the EIR process and describes the intended use of the EIR and the review process.

**Chapter 2, Project Description**—Provides a detailed description of the proposed project, including its location, background information, project history, project objectives, and technical characteristics.

**Chapter 3, Land Use, Population, and Housing**—Addresses the land use and planning implications of the project and discusses consistency and compatibility with adopted land use policies. This chapter also identifies changes in population and housing that would be caused by development of the proposed project.

**Chapter 4, Environmental Impacts and Mitigation Measures**—Describes the baseline environmental setting and provides an assessment of potential project impacts for each technical issue area presented. Each section is divided into four sub-sections: Introduction, Environmental Setting, Regulatory Background, and Impacts and Mitigation Measures (project-specific and cumulative). Notably, the EIR concludes the project would not result in any significant and unavoidable impacts.

**Chapter 5, Project Alternatives**—Describes and compares the proposed project alternatives to the proposed project.

**Chapter 6, CEQA Considerations**—Provides information required by CEQA regarding impacts that would result from the proposed project, including a summary of cumulative impacts, secondary impacts including potential impacts resulting from growth inducement, and significant irreversible changes to the environment.

**Chapter 7, References**—Provides a list of references used in preparation of the environmental analysis.

**Chapter 8, EIR Preparation**—Lists report authors who provided technical assistance in the preparation and review of the EIR.

**Appendices**—Includes various documents and data that support the analysis presented in the Draft EIR.

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