RESOLUTION NO. 2010-572

Adopted by the Sacramento City Council

September 28, 2010

ADOPTING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING PROGRAM FOR THE CURTIS PARK VILLAGE PROJECT (P04-109)

BACKGROUND

A. On February 25, 2010, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Curtis Park Village Project

B. On April 1, 2010 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a, b, and c) (publication, posting, and mail (500 feet)) and received and considered evidence concerning the Curtis Park Village Project. The City Council certified the environmental impact report (EIR) for the project, entitled *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The EIR addressed the potential environmental impacts associated with construction and operation of the Curtis Park Village project and proposed update to the previously-approved Remedial Action Plan (RAP) (1995) for the remediation of the contamination on the project site.

C. Pursuant to California Environmental Quality Act Guidelines Section 15096, the Department of Toxic Substances Control (DTSC) could use the environmental impact report for the Curtis Park Village project in its capacity as Responsible Agency to review the potential environmental impacts of the proposed update to the 1995 RAP.

D. Subsequent to the certification of the EIR, DTSC began the process associated with an Explanation of Significant Differences (ESD) concerning the 1995 RAP. DTSC conducted a public meeting on September 15, 2010 to discuss the proposed changes to the 1995 RAP.

The ESD would supplement the 1995 RAP administrative record with the proposed changes to the 1995 RAP to assure that any negative impacts to the environment are minimized. The DTSC would file a Notice of Determination (NOD) in compliance with CEQA for the ESD when approved.

If the ESD is approved by the DTSC, the update to the RAP, as analyzed in the Curtis Park Village environmental impact, report would not be necessary.

E. These Findings of Fact and the Mitigation Monitoring Plan do not address any impacts or mitigation associated with the update to the 1995 RAP.

F. On September 28, 2010 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a, b, and c) (publication, posting, and mail (500 feet)) and received and considered evidence concerning the Curtis Park Village Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 2. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 3. The City Council directs that, upon approval of the Project, the City's Community Development Department shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 4. Pursuant to Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Adopted by the City of Sacramento City Council on September 28, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

Mayor Kevin Johnson

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Curtis Park Village Project

Description of the Project

The proposed project would covert the existing 72-acre project site into a mixed-use, urban infill development. Curtis Park Village, as proposed, would be one of Sacramento City's largest infill projects. The intent of the project is to create a neighborhood consisting of single-family home sites, multi-family and senior multi-family residential complexes, a neighborhood park area, and neighborhood-serving retail and commercial development areas. The proposed project includes approximately 260,000 square feet of commercial retail, 189 single-family home sites, an 90-unit senior multi-family housing complex, a 117-unit multi-family residential housing complex, a 131 -unit multi-family residential housing complex, and an 8.7-acre (6.8 net acres) park.

The proposed project site is currently contaminated with hazardous wastes from the railyard era and remediation of the site is continuing to occur, pursuant to a Remedial Action Plan (RAP) approved by the DTSC in 1995. Senate Bill 120 (1998), adopted for the Curtis Park Village project site, states that DTSC cannot make a determination that the remediation of the site is complete until the City has completed its land use planning process and the remediation necessary to allow the approved land use plan is complete. The DTSC determination that the remediation is complete includes such actions as issuing a certification, a no further action letter, or a closure letter.

Findings Required Under CEQA

1. Procedural Findings

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

Based on the initial study conducted for Curtis Park Village Project, SCH # 2004082020 (herein after the Project), the City of Sacramento's Community Development Department determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency August 4, 2004 and was circulated for public comments from August 4, 2004 through September 3, 2004. A revised Notice of Preparation was filed on May 12, 2008 for a 30-day comment period, due to changes to the project description; a second revised NOP was released on November 12, 2008 for a 30-day comment period due to additional project description changes.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on April 1, 2009, to those public agencies that have

jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on April 1, 2009 and ended on May 15, 2009.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on April 1, 2009. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on May 15, 2009.

e. A public notice was placed in the Daily Recorder on April 1, 2009 which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on April 1, 2009.

g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

h. On April 1, 2010, the City Council certified the environmental impact report for the Project, entitled, *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The Findings of Fact, Statement of Considerations, and Mitigation Monitoring Plan were not adopted at that time because entitlements for the project were not approved.

2. Record of Proceedings

The following information is incorporated by reference and made part of the record supporting these findings:

a. The Draft and Final EIR and all documents relied upon or incorporated by reference;

b. The City of Sacramento 2030 General Plan adopted March 3, 2009, and all updates;

c. The Master Environmental Impact Report for the City of Sacramento 2030 General Plan certified on March 3, 2009, and all updates;

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2030 General Plan adopted March 3, 2009, and all updates;

e. Zoning Ordinance of the City of Sacramento;

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

g. Land Park Community Plan;

h. Curtis Park Village PUD Guidelines and PUD Schematic Plan;

i. Applications materials, including application information;

j. The Mitigation Monitoring Program for the Project; and

k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, sub. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, sub. (b); see also Pub. Resources Code, § 21081, sub. (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation

measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); *see also,* CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

Transportation and Circulation

5.2-1 Impacts to study intersections under baseline plus project conditions. The proposed Project and all access scenarios would increase traffic volumes at the following study intersections such that the levels of service are lower than required by the City's 2030 General Plan: Freeport Blvd/2nd Avenue; Sutterville Road/Road A; Sutterville/SR 99 Southbound Ramps; Road A/Area 3. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-1(a) At the Freeport Boulevard / 2nd Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches.

5.2-1(b) At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.

5.2-1(c) Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through-lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and Caltrans.

5.2-1(d) At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.

Finding: The project is required to provide roadway and signal timing improvements that would reduce the impacts by improving the circulation in the area.

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

5.2-7 Impacts to on-site traffic circulation and safety under baseline plus project conditions. The site plan submitted by the project applicant shows horizontal roadway curves at some locations that do not meet the City's centerline radius standards. In addition, the site plan shows angled parking stalls that require automobiles to back into pedestrian crosswalks. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-7(a) The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall be installed in compliance with City standards.

5.2-7(b) The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.

Finding: The project site design, including potential circulation is required to conform to City standards. In addition, the site designs will be modified to reduce the potential of vehicles backing across pedestrian crosswalks. According to the traffic report, after implementation of the site design, the project impact to on-site traffic and safety under baseline plus project conditions would be less than significant.

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

5.2-9 Traffic impacts during construction. Construction activities, including the import of clean fill material, would result in disruptions to the circulation system in and around the project area, including temporary street and sidewalk closures. Heavy equipment would need to access the project site. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-9(a) Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:

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

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

Finding: The project applicant is required to submit a Traffic Management Plan that would ensure acceptable operating conditions on local roadways and transit routes. The Traffic Management Plan would be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento Fire and Police Departments to ensure the traffic related impacts during construction would be less than significant.

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

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at eight on- and off-site intersections to drop from acceptable levels of service to non-acceptable levels or would increase the delay at intersections operating at LOS C, without the project, by five seconds or more. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-10(a) 24th Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.

5.2-10(b) 24th Street / Portola Way – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.

5.2-10(c) Sutterville Road / Freeport Boulevard (north) – the applicant shall pay a fair share contribution to provide protected-permitted left turn phasing and install proper signage for southbound Freeport Boulevard.

5.2-10(d) Sutterville Road / City College Drive – The applicant shall pay a fair share contribution to provide overlap signal phasing to allow the northbound right turn traffic on City College Drive to proceed on a green arrow simultaneously with the westbound left turning movement, and prohibit U-turns for the westbound Sutterville Road approach to the intersection.

5.2-10(e) Sutterville Road / Road A – apply Mitigation Measure 5.2-1(b) which would provide overlap signal phasing to allow the southbound Road A Right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; provide one left-turn lane, one left-right lane, and one right-turn lane on the southbound approach; provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing.

5.2-10(g) Sutterville Road / Franklin Boulevard –The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour impact of the Proposed Project and Access Scenario 2 and Access Scenario 3 to a less than significant level. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds.

5.2-10(h) Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12th Avenue to the northbound SR 99 ramp.

5.2-10(i) Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.

Finding: The project applicant is required pay fair share contributions to intersection improvements at the affected intersections According to the traffic report, after implementation of the intersection improvements, the affected intersections would operate at acceptable levels.

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

Air Quality

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-2 Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities. The California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant. Because health risks associated with particulate matter are a function of concentration and duration of exposure, it was determined that emissions from diesel-powered construction equipment would not affect any specific receptor for any length of time. .

However, controlled emissions from diesel-powered vehicles and equipment and dust generated during site grading would exceed 80 pounds per day and, thereby, result in local exceedances of the particular matter air quality standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-2(a) The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent 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, and a monthly summary of the visual survey results shall be submitted 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. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

5.3-2(b) Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:

- *Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively*

used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;

- *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;*
- *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;*
- *Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and*
- *Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.*

Finding: The SMAQMD's Guide to Air Quality Assessment recommends measures to reduce the amount of particulate matter generated during grading. The project applicant is required to ensure that all off-road diesel powered equipment does not exceed 40 percent opacity for more than three minutes. In addition the applicant shall submit a dust-control plan to the City of Sacramento Community Development Department. Measures within the dust-control plan would reduce fugitive particulate matter emissions to a less than significant level.

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

5.3-3 Impacts related to a temporary increase in Nitrogen oxides (NO_X) emissions. NOx are ozone precursors and could contribute to the creation of smog. Construction-generated emissions of NOx are short-term and temporary, lasting only as long as construction occurs. However, it was determined that the vehicles and equipment associated with construction of the project would result in NOx emissions above the standard. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-3(a) Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent NO_X reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and project 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. Inventory shall not be required for any 30-day period in which construction activities do not

occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.

5.3-3(b) Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO_X above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of NO_X construction offsets calculated by SMAQMD is $16,000 per ton.

Finding: The project applicant is required to submit a plan and inventory which demonstrates that the heavy duty off-road vehicles used during construction will achieve project-wide emission reduction, based on the most recent CARB fleet average. In addition, the applicant is required to pay a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO_X above 85 pounds per day. A reduction of construction vehicle emissions and payment of mitigation fees would reduce the impact related to a temporary increase in NO_X emissions to a less than significant level.

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

<u>Noise</u>

5.4-2 Construction noise impacts to surrounding existing uses. Although construction activities are exempted from the noise standards in the City Code, construction of the project could expose nearby noise-sensitive receptors to high levels of noise during the day. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.4-2 Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:

- *Monday through Saturday*
  7:00 a.m. to 6:00 p.m.
- *Sunday*
  9:00 a.m. to 6:00 p.m.

These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department prior to issuance of grading and construction permits.

Finding: Construction activities are exempt from noise standards and would be limited to the hours set by the mitigation. Construction related noise would not occur during prohibited hours and a less than significant impact would occur.

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

5.4-7 Railroad noise levels at exterior noise spaces of proposed project residences. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to exterior noise that exceeds the City's standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.4-7 Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.

Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.

Finding: The project includes construction of a noise barrier 10 feet in height along the western boundary to the southern end of any parcel with residences. According to the Noise Report, construction of the noise barrier would reduce railroad noise levels at exterior noise levels to a less than significant level.

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

5.4-8 Railroad noise levels at interior spaces of proposed residences on the project site. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to interior noise that exceeds the City's standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.4-8(a) Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:

- *Sound-rated windows and doors with STC rating of 35; and*
- *Stucco exterior siding.*

5.4-8(b) Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.

Finding: All residential lots within the 70 dB Ldn contour shall include insulation features. In addition, the buyer of a residence within the 65 dB Ldn contour shall be informed of elevated noise levels during train passages. The Noise Report determined that with insulation and notification the impact related to railroad noise levels at interior spaces of proposed residences would be less than significant level.

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

5.4-9 Noise-producing commercial uses proposed within the project site. If unshielded nighttime truck circulation or unloading occurs within the commercial areas of the project site, the noise generated by these activities could result in noise above City standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.4-9(a) Unshielded (i.e. unloading activities which are visible from any residential window) nighttime truck unloading shall be prohibited within 200 feet of any residential unit.

5.4-9(b) Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.

Finding: Unshielded nighttime truck unloading shall be prohibited within 200 feet of any residential unit. In addition, a parapet wall would be constructed along the edge of the roofs of commercial buildings to intercept the line of sight from rooftop mechanical equipment at the nearest residences. The Noise Report determined that with restricted nighttime unloading and parapet walls, the noise producing commercial uses within the project site would be less than significant level.

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

5.4-10 Park generated noise at residential uses proposed within the project site. There would be residences constructed on the project site that would be located approximately 200

feet from the center a soccer field. The resulting noise could exceed the City's standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.4-10 *Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.*

Finding: Park activities would be restricted to daytime hours. Therefore, park-generated noise would not impact residential uses during evening hours and a less than significant impact would occur.

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

Biological Resources

5.5-2 Impacts to burrowing owl. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, burrowing owls could potentially forage or nest on the Curtis Park Village site. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.5-2 *Prior to any ground disturbance associated with grading or construction, the applicant shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation.*

The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:

If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.

If ground disturbance associated with grading or construction commences

outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997) shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.

Finding: Prior to any ground disturbance for the Curtis Park Village project, the applicant shall initiate a burrowing owl consultation with the CDFG. With Implementation of burrowing owl surveys and appropriate mitigation as recommended in consultation with CDFG, the impact to burrowing owls would be less than significant.

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

5.5-3 Impacts to nesting Swainson's hawks. . Due to the previous industrial activities on the project site and the current remediation activities, the site is not considered as foraging habitat for Swainson's hawks. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, Swainson's hawk could potentially nest on the Curtis Park Village site. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.5-3 If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).

Finding: Prior to site disturbance, during the Swainson's hawk breeding season, a pre-construction survey shall be conducted within 30 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to Swainson's Hawk would be less than significant.

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

5.5-4 Impacts to raptors and migratory birds. Suitable habitat for raptors, such as while-tailed kites, as well as migratory ground, tree, or shrub nesting avian species is present within, and adjacent to, the project site. Disruption of this habitat would be a significant impact. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.5-4(a) Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.

5.5.4(b) Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.

Finding: Prior to and grading or construction activities during the nesting season, a pre-construction survey would be conducted within 15 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to migratory birds would be less than significant.

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

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

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and

potentially significant environmental impacts of the Project have been identified. However, pursuant to section 21081(a)(3) of the Public Resources Code and section 15091(a)(3) of the CEQA Guidelines, as to each such impact and mitigation measure, the City Council, based on the evidence in the record before it, specifically finds that the mitigation measures are infeasible. The impact and mitigation measures and the facts supporting the finding of infeasibility of the mitigation measure is set forth below. Notwithstanding the disclosure of this impact and the finding of infeasibility, the City Council elects to approve the Project due to the overriding considerations set forth below in Section F, the statement of overriding considerations.

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at the intersection of Sutterville Road and Curtis Drive West to drop from acceptable levels of service (LOS C for evening and LOS A on Saturdays) to non-acceptable levels (LOS F and D, respectively). Without mitigation, this is a *significant impact.*

Finding: Adding a southbound right turn lane to the intersection would mitigate the impact but was not considered to be feasible because of the need for demolishing several existing buildings to provide additional right-of-way.

The cumulative impact for the Proposed Project and all access scenarios would remain *significant and unavoidable.*

C. Significant and Unavoidable Impacts.

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

Traffic

5.2-2 Impacts to study roadway segments under baseline plus project conditions. The traffic generated by the project would result in significant traffic impacts at the Sutterville overcrossing roadway segment and on Sutterville Road between East Curtis Drive and West Curtis Drive. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been identified to reduce this impact to the extent feasible:

5.2-2 The project developer shall work with the Regional Transit District to provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.

Finding: The bus service and private shuttle mitigation measure, or the pedestrian and bicycle bridge mitigation measure, is proposed to help reduce the impact on roadway segments, but would not reduce the impact to a less than significant level. To reduce the impact to less than significant would require widening Sutterville Road. Widening of Sutterville Road would impact existing development on both sides of Sutterville Road and would be against the City of Sacramento Smart Growth policy. The Sutterville Road widening mitigation is not considered to be feasible.

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

5.2-3 Impacts to freeway ramps under baseline plus project conditions. Traffic generated by the project would result in traffic queues at the traffic signal at the 12th Avenue off-ramp to exceed the right turn storage capacity of the ramp. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact to the extent feasible:

5.2-3 Implementation of Mitigation Measure 5.2-1(c) would reduce the traffic queue at the southbound 12th Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios.

Finding: Implementation of Mitigation Measure 5.2-3 would reduce the traffic queue at the southbound 12th Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

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

5.2-11 Cumulative impacts to study roadway segments. The project would add traffic to roadway segments in 2027 that would result in significant cumulative conditions. The effected road segments are on Sutterville railroad overcrossing, Sutterville Road, 14th Street, Freeport Boulevard, and Road A. Without mitigation, this is a *significant impact.*

Finding: No mitigation was identified to reduce the significant impact for cumulative conditions on roadway segments to less than significant. To reduce the impact to less than significant for the Proposed Project and all access scenarios, Sutterville Road, 24th Street and Freeport Boulevard would need to be widened. No roadway widening is considered to be feasible.

While widening the on-site roadway of Road A would reduce the impact to less than significant for the Proposed Project and Access Scenarios 2 and 3, secondary impacts might arise as a result of the widening. A widened roadway would attract incremental traffic and contribute to higher speeds. Additional traffic, higher speeds, and the added roadway width would make the roadway less friendly to pedestrians and bicycles. Because Road A is located in a

commercial area where high pedestrian traffic is anticipated, a safe pedestrian-friendly street is desirable.

Mitigation Measure 5.2-2, which requires the developer to work with Regional Transit to provide or a bicycle or pedestrian connection between the commercial areas of the project site and the City College light rail station, would reduce the impact on roadway segments. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

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

5.2-12 Cumulative impacts to freeway ramps. In 2027, the project would add traffic to 12th Avenue off-ramp and State Highway 99 that would result in significant cumulative conditions in 2027. The southbound 12th Avenue off-ramp would operate below standard during the p.m. and Saturday peak hours without the project. In addition, the traffic queue for the right turn movement at the northbound 12th Avenue off ramp would exceed the storage capacity of the ramp. The project would add traffic to the ramps and thereby exacerbate the conditions. Without mitigation, this is a *significant impact*.

Finding: No feasible mitigation measure was identified that would reduce the 2027 cumulative impacts on the freeway ramps. . Widening the freeway would reduce the impacts, but is not considered feasible.

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

Air Quality

5.3-5 Impacts related to long-term increases of criteria air pollutants. The project would result in the development of commercial and office uses that would generate emissions of ozonea-precursor pollutants (i.e., reactive organic compounds and nitrous oxides). These polluntants are anticipated to exceed the thresholds. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact to the extent feasible:

5.3-5(a) Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Development Services Department to develop a project Air Quality Mitigation Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:

- *Prohibit the installation of wood-burning fireplaces and stoves;*
- *Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;*
- *Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;*
- *Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;*
- *Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service;*
- *Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;*
- *Install efficient lighting and lighting control systems;*
- *Install energy-efficient heating and cooling systems, appliances and equipment;*
- *Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees to the extent practical;*
- *Limit hours of operation of outdoor lighting to the extent practical; and*
- *Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.*

5.3-5(b) Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.

Finding: The proposed project would have a minimum of 15 percent reduction of ROG and NO_X emissions due to the implementation of the mitigation measure requiring an Air Quality Management Plan (AQMP) for the project, which requires a project to achieve a minimum overall reduction in operational emissions of 15 percent. However, the mitigation measure would not reduce the project's emissions of ROG and NO_X to levels below the thresholds of significance for ozone precursors.

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

5.3-8 Cumulative contribution to regional air quality conditions. Because the Sacramento Valley Air Basin is considered to be in non-attainment for ozone precursor pollutants

and PM10 and the project's long-term generation of these pollutants would exceed the thresholds, the cumulative impacts would be considered significant. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measurehas been adopted to address this impact to the extent feasible:

5.3-8 Implement Mitigation Measures 5.3-2(a) and (b) and 5.3-4(a) and (b).

Finding: Implementation of Mitigation Measure 5.4-2(a) and (b) and Mitigation Measure 5.3-5(a) and (b) would reduce short-term and long-term increases in emissions attributable to the proposed project by a minimum of 15 percent. However, as noted in Impact 5.3-5, long-term operational increases in emissions would still be anticipated to exceed SMAQMD's significance threshold.

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

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

Based on the EIR and the entire record before the City Council, the City Council makes the following findings with respect to the project's balancing of local short term uses of the environment and the maintenance of long term productivity:

- As the project is implemented, certain impacts would occur on a short-term level. Such short-term impacts are discussed above. Where feasible, measures have been incorporated in the project to mitigate these potential impacts.

- The project would result in the long-term commitment of resources to develop and operate the project including water, natural gas, fossil fuels, and electricity. The long-term implementation of the project would provide economic benefits to the City. The project would be developed within an existing urban area and not contribute to urban sprawl. Notwithstanding the foregoing, some long-term impacts would result.

Although there are short-term and long-term adverse impacts from the project, the short-term and long-term benefits of the project justify implementation.

E. Project's Contribution of Greenhouse Gas Emissions

The City of Sacramento has adopted a proactive and comprehensive approach to climate change issues, including adoption of the 2030 General Plan to encourage a pattern of urban development that avoids dispersed residential and employment centers that by their design encourage motor vehicle trips, one of the largest contributors to greenhouse gas emissions. Likewise, the 2030 General Plan calls for strengthening the City's efforts to promote building standards to reduce the carbon footprint of buildings, another of the major contributors. The Curtis Park Village project is consistent with this approach and implements the City's plan to reduce greenhouse gas emissions.

The 2030 General Plan and the Master Environmental Impact Report

The City Council approved the 2030 General Plan on March 3, 2009. As part of its action, the City Council certified the Master Environmental Impact Report (Master EIR) that evaluated the environmental effects of development that is reasonably anticipated under the 2030 General Plan. The Master EIR includes extensive discussion of the potential effects of greenhouse gas emissions. The Master EIR discussions regarding climate change are incorporated here by reference. See, for example:

Draft EIR: 6.1 Air Quality (Page 6.1-1)
Final EIR: City Climate Change master Response (Page 4-1)
Errata No. 2: Climate Change (Page 12)

The impact of greenhouse gas emissions from human activities, specifically with regard to global climate change, has been acknowledged by the City of Sacramento and others as an inherently cumulative effect. Global climate change occurs, by definition, on a global basis. Greenhouse gases remain in the atmosphere for extended periods, and combine with GHG emissions from other areas of the globe, thus creating an inherently cumulative impact.

The 2030 General Plan and Master EIR recognized these unique aspects of the problem. The Master EIR acknowledges that the greenhouse gas emissions resulting from development that would be consistent with the 2030 General Plan would be cumulatively considerable, and significant and unavoidable. See Errata 2, February 23, 2009.

In addition, at City Council direction staff reviewed the various policies and implementation programs in the 2030 General Plan that could mitigate greenhouse gas emissions, and determined that a number of these policies could be revised. A list of such policies, and the changes that were made to respond to the continuing discussion of climate change, were included as part of the Mitigation Monitoring Plan that implemented mitigation identified in the Master EIR.

The effects of the 2030 General Plan promote denser urban development within the current City territorial limits to accommodate population growth, which will reduce growth pressures and sprawl in outlying areas. While total greenhouse gas emissions within the General Plan policy area may increase over time due to growth in population in the region, this increase is less than what would have occurred if the 2030 General Plan were not adopted and development of more land in outlying areas had been permitted under the 1988 General Plan. Adoption of the 2030 General Plan put these key strategies in place immediately and has begun to shape development as well as the activities of day-to-day living and move the City and the region toward a more sustainable future.

Because the actual effectiveness of all the feasible policies and programs included in the 2030 General Plan that avoid, minimize, or reduce greenhouse gas could not be quantified, the impact was identified in the Master EIR as a significant and unavoidable cumulative impact.

General Plan Consistency of the Curtis Park Village Project

The 2030 General Plan identifies a mix of Traditional Neighborhood Low Density (TNLD),

Traditional Neighborhood Medium Density (TNMD) and Traditional Center (TC) on the Curtis Park Village site. These designations include detached and attached single-family homes, multifamily dwellings, commercial or mixed use development and compatible public and quasi-public uses. The Land Use and Urban Form Diagram in the 2030 General Plan designates TNLD for the northern portion of the site, TNMD for the central portion and TC in the southern portion. Each of the three designations permit residential and commercial development. The development program analyzed in the Master EIR for the Curtis Park Village site included a mix of 549 attached and detached dwelling units and 200,000 square feet of commercial development.

The proposed Curtis Park Village project development program and mix of uses is generally consistent with the development program anticipated by the 2030 General Plan and the Master EIR. The Curtis Park Village project proposes a mix of TNLD, TNMD, Traditional Neighborhood High Density, and TC development. The proposal locates lower density single family homes to the north, higher density attached homes and apartments in the central area and commercial uses to the south. The proposed 527 dwelling units fall within the range anticipated by the General Plan (549). The 259,000 square feet of commercial space appears to be about 30% greater than was studied in the Master EIR. However, the commercial floor area ratio (FAR) of 0.37 is well within the range of 0.3-2.0 FAR permitted in TC. As a result, the land uses and their associated density and intensity are consistent with the 2030 General Plan.

In addition to determining consistency with the Land Use and Urban Form Diagram, goals and policies of the General Plan's ten elements are relevant.

Land Use and Urban Design Element:

LU 5 Traditional Center Urban Form Guidelines (2030 General Plan, page 2-68)

While the guidelines are not goals or policies, and are not mandatory or binding on the applicant, they do express the City's desired urban form vision. For Traditional Centers, the guidelines call for:

1. small, rectangular blocks;
2. small, narrow lots providing a fine-grained development pattern;
3. building heights ranging from one to four stories;
4. lot coverage not exceeding 80 percent;
5. buildings sited at or near the sidewalk and typically abutting one another with limited side yard setbacks;
6. building entrances set at the sidewalk;
7. rear alleys and secondary streets providing service access to reduce the need for driveways and curb cuts on the primary street;
8. parking provided on-street as well as in...lots at the side or rear of structures;
9. transparent building frontages with pedestrian-scaled articulation and detailing;
10. moderately wide side sidewalks;
11. public streetscapes serving as the center's primary open space, complemented by outdoor seating, plazas, courtyards, and sidewalk dining areas.

These guidelines provide the staff and applicant with guidance regarding project design, and

support the City's identified goal of encouraging development by providing specific and enforceable standards for development.

LU 5 Traditional Centers Goals and Policies

Policy LU 5.3.1 Development Standards. The City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility in development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

Mobility Element:

The following goals and policies are relevant to the design of the Curtis Park Village project. They primarily relate to the design of public and private streets and the desired relationships among buildings, streets and parking facilities.

Policy M 1.3.1 Grid Network. The City shall require all new residential, commercial, or mixed-use development that proposes or is required to construct or extend streets to develop a transportation network that provides for a well-connected, walkable community, preferably as a grid or modified grid.

Policy M 1.3.2 Private Complete Streets. The City shall require large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.

Policy M 2.1.3 Streetscape Design. The City shall require that pedestrian-oriented streets be designed to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, news racks, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.

Policy M 2.1.4 Cohesive Network. The City shall develop a cohesive pedestrian network of public sidewalks and street crossings that makes walking a convenient and safe way to travel.

Policy M 2.1.5 Continuous Network. The City shall provide a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles.

Policy M 2.1.6 Building Design. The City shall ensure that new buildings are designed to engage the street and encourage walking through design features such as placing the building with entrances facing the street and providing connections to sidewalks.

Policy M 2.1.7 Parking Facility Design. The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.

Policy M 2.1.8 Housing and Destination Connections. The City shall require new

subdivisions and large-scale developments to include safe pedestrian walkways that provide direct links between streets and major destinations such as transit stops and stations, schools, parks, and shopping centers.

Policy M 3.1.12 Direct Access to Stations. The City shall ensure that projects located in the Central City and within ½ mile walking distance of existing and planned light rail stations provide direct pedestrian and bicycle access to the station area, to the extent feasible.

Goal M 4.3 Neighborhood Traffic. Enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques, while recognizing the City's desire to provide a grid system that creates a high level of connectivity.

Policy M 4.3.1 Neighborhood Traffic Management. The City shall continue wherever possible to design streets and approve development applications in such as manner as to reduce high traffic flows and parking problems within residential neighborhoods.

M 5.1.8 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways.

Buildings constructed as part of the project would be required to comply with current California building codes that enforce energy efficiency.

The City of Sacramento has adopted an approach that seeks to implement community development principles that encourage pedestrian-friendly, multi-use development that reduces vehicle miles travelled. The various goals and policies applicable to the project through the 2030 General Plan provides just such a framework, and are effective tools to mitigate climate change through reduction of greenhouse gas emissions. These goals and policies have accurately been described in the Master EIR as mitigation for such effects.

The City has acknowledged that the sum of greenhouse gas emissions that could be generated by development under the 2030 General Plan would be cumulatively considerable, and has identified the goals and policies under the 2030 General Plan as the primary vehicle to mitigating such impacts. This programmatic approach achieves reductions in the two main emitting categories: motor vehicle emissions and energy used in buildings. By adopting measures that are applicable community-wide, the City has implemented a reduction strategy that is fair and can be implemented with confidence that emission reductions will actually occur.

The City has identified greenhouse gas reductions goals as stated in AB 32 and other State guidance as relevant to the impact analysis. This is consistent with guidance provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD). In its CEQA Guide, December 2009, the District suggests that local agencies properly consider adopting a threshold that considers whether an individual project's GHG emissions would substantially hinder the State's ability to attain the goals identified in AB 32. (CEQA Guide, page 6-11)

Conclusion

The Master EIR concluded that greenhouse gas emissions that could be emitted by development that is consistent with the 2030 General Plan would be cumulatively considerable and unavoidable (Errata No. 2, Page 12). The Master EIR includes a full analysis of greenhouse gas emissions and climate change, and adequately addresses these issues.

The project is consistent with the City's goals and policies as set forth in the 2030 General Plan and Master EIR relating to reduction of greenhouse gas emissions. The project would not impede the City's efforts to comply with AB32 requirements. The project would not have any significant additional environmental effects relating to greenhouse gas emissions or climate change.

F. Project Alternatives.

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

All alternatives to the project assume that the site is fully remediated to DTSC standards. The site is currently undergoing remediation under the auspices of DTSC.

Alternatives Considered and Dismissed from Further Consideration

Off-Site Alternative

Section 15126.6(f)(2)(B) of the CEQA Guidelines states, "If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reason in the EIR." A feasible alternative location for the proposed project that would result in substantially reduced impacts does not exist.
The CEQA Guidelines (Section 15126.6[b]) requires that only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. The Off-Site Alternative would involve the construction of the proposed project on an alternative location. The Off-Site Alternative would have the same type and intensity of uses as the proposed project. However, the Applicant does not own an alternative location in which to construct the proposed project. Furthermore, although other vacant properties are located in the City of Sacramento, infill parcels of substantial size like the project site are limited. It should also be noted that, by definition, CEQA states that an alternative should avoid or substantially lessen one or more of the environmental effects of the project. Alternative locations within the City would generally contain similar characteristics as the project site, and the development of greenfield sites located outside the City would likely result in greater impacts than the proposed project. Therefore, development of the project on an alternative location would be expected to result in at least the same level of impacts as the proposed project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the proposed project, does not exist.

Village Green Alternative

The Village Green Alternative was proposed during community consultation.

The stated purpose of the Alternative is to create a more human scale environment with activities centered on a village green as a means of reducing the emphasis on the automobile and the visual impacts of parking lots. Overall, the Village Green Alternative would result in the construction of 126,000 square feet of commercial space and 602 residential units. By comparison, the proposed project includes approximately 260,000 square feet of commercial uses and 470 residential units.

As shown in Table 5.2-10 in the Transportation and Circulation chapter of this Draft EIR, the mix of commercial uses included in the proposed project would result in traffic throughout the day, whereas residential traffic typically is concentrated at the peak morning and evening commute hours. Therefore, the substantial number of additional residential units included in the Village Green Alternative would result in greater impacts to traffic. In addition, due to the increased population associated with the additional residential units, this Alternative would increase the demand for police and fire protection services, as well as park and school facilities, beyond what is anticipated for the proposed project.

With respect to the other alternatives included in this DEIR, the Village Green Alternative uses are substantially similar to Reduced Commercial Alternative A, though Reduced Commercial Alternative A would have slightly more commercial space and fewer residential

units. In addition, Reduced Commercial Alternative B would contain less commercial space than the Village Green Alternative, and has fewer residential units. The Multi-Family Alternative assesses a similar number of residential units, 545 versus 602 for the Village Green Alternative, while including a larger commercial area. In addition, the Village Green Alternative would require additional park space based on an increase in the number of units. The alternatives included in the analysis below include a range of commercial square footages with the lowest total being lower than the Village Green Alternative. None of the alternatives would include as many residential units as the Village Green Alternative. Therefore, the Village Green Alternative would not reduce impacts to a greater extent than the alternatives included in the analysis, and may increase impacts as a result of the high number of residential units included in the Alternative. Furthermore, the Village Green Alternative is not anticipated to reduce any environmental impacts that would result from implementation of the proposed project. Therefore, because the Village Green Alternative would increase some environmental impacts and would not reduce any impacts, the Alternative is dismissed from further consideration.

Existing Zoning Alternative

Under the Existing Zoning Alternative, the project site would be built out pursuant to the existing zoning designation for the site. The site is currently zoned Heavy Industrial (M-2), which allows for the "manufacture or treatment of goods from raw materials." The Existing Zoning Alternative is not a feasible alternative for the project because the existing M-2 zoning for the project site is not consistent with the General Plan land use designations (Traditional Neighborhood Low Density, Traditional Neighborhood High Density, and Traditional Center) for the site and buildout of the project site with industrial uses would not meet any of the proposed project's objectives.

Summary of Alternatives Considered

No Project/No Build Alternative

Section 15126.6 (e)(1) of the State CEQA Guidelines requires that a "no project alternative" be evaluated in comparison to the proposed project. The No Project/No Build Alterative is defined in this section as the continuation of the existing condition of the project site. The No Project/No Build Alternative would allow the project site to continue in the existing undeveloped vacant state and would meet only one of the project objectives.

The remediation of the site to DTSC standards will be completed with or without the development of the Curtis Park Village project. It should be noted that although remediation of the site would continue until complete, DTSC cannot not issue a No Further Action letter certifying the site as clean until the City has approved a land use plan, pursuant to SB 120.

Facts in Support of Finding of Infeasibility

DTSC can not issue a No Further Action letter certifying the site as clean until the City has approved a land use plan. In addition the No Project/No Build Alternative would not meet any of the project objectives.

Reduced Commercial Alternative A

The Reduced Commercial Alternative A would include a reduction in the commercial land use area from approximately 260,000 square feet to 100,000 square feet. The other 160,000 square feet would instead be developed as an additional 74 single-family residential lots for a total of 252 single-family residential units on the project site, as opposed to 178 single-family units under the proposed project. In addition, the Alternative would include 310 multi-family residential units, which would be 18 more than included in the proposed project.

Facts in Support of Finding of Infeasibility

The Reduced Commercial Alternative A would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. In addition, the Reduced Commercial Alternative A would not meet Objective 4, as the project would have limited neighborhood serving commercial and retail uses, and entertainment opportunities.

Reduced Commercial Alternative B

The Reduced Commercial Alternative B would include a reduction of square footage in the commercial land use area from the proposed plan of 260,000 square feet to 100,000 square feet. In addition, the Reduced Commercial Alternative B would result in the development of 112 more single-family residential units and 18 more multi-family residential units than the proposed project. The reduction in square footage in the commercial land-use area from the

Facts in Support of Finding of Infeasibility

The Multi-Family Alternative would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. The Multi-Family Alternative would not meet Objective 4, as the project would include limited neighborhood serving commercial and retail uses, and entertainment opportunities.

F. Statement of Overriding Considerations:

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

The project would provide a range of residential uses and retail services that would serve the Curtis Park Village neighborhood. The project would construct approximately 259,000 square feet of retail uses, including a two-story building with 38,000 square feet per floor for athletic club and recreation/entertainment uses. The project would generate sales tax revenue for the City, which can be used to support City services and programs.

The project site is a former industrial railroad site and a superfund site. The project site is currently undergoing remediation by DTSC as an action separate from the Curtis Park Village project.

The project provides a range of residential uses, including single-family, multi-family, and senior housing, near the Sacramento light rail stations.

The City Council has considered these benefits and considerations and has considered the potentially significant unavoidable environmental effects of the project. The City Council has determined that the economic, legal, social, technological and other benefits of the Project outweigh the identified impacts. The City Council has determined that the project benefits set forth above override the significant and unavoidable environmental costs associated with the project.

The City Council adopts the mitigation measures in the final Mitigation Monitoring and Reporting Program, incorporated, by reference into these Findings, and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this statement of overriding considerations in accordance with Section 15093 of the CEQA Guidelines in supporting approval of the project.

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			5.2 Transportation and Circulation			
5.2-1	Impacts to study intersections under baseline plus project conditions.	5.2-1(a)	*At the Freeport Boulevard / 2nd Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches.*	Department of Transportation	Implement improvements prior to the first building permit	
		5.2-1(b)	*At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.*	Department of Transportation	Show improvements on improvement plans and construct prior to the first building permit	
		5.2-1(c)	*Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and*	Department of Transportation	Improvements shall be constructed at five percent of development based on trip generation	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			Caltrans			
		5.2-1(d)	*At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.*	Department of Transportation	Show improvements on improvements plans and construct prior to the first building permit in Area 3	
5.2-2	Impacts to study roadway segments under baseline plus project conditions.	*5.2-2*	*The project developer shall work with the Regional Transit District to provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.*	Regional Transit District and/or City Department of Transportation	Prior to occupancy	
5.2-3	Impacts to freeway ramp under baseline plus project conditions.	*5.2-3*	*Implement Mitigation Measure 5.2-1(c).*	See 5.2-1(c)	See 5.2-1(c)	
5.2-7	Impacts to on-site traffic circulation and safety under baseline plus project conditions.	*5.2-7(a)*	*The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall*	Department of Transportation	Prior to approval of improvement plans	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		be installed in compliance with City standards.			
		5.2-7(b) *The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.*	Department of Transportation	Prior to approval of improvement plans	
5.2-9	Impacts during construction.	*5.2-9(a)* *Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:* • *The number of truck trips, time, and day of street closures;* • *Time of day of arrival and departure of trucks;* • *Limitations on the size and type of trucks and provision of a staging area with a limitation on the number of trucks that can be waiting;* • *Provision of a truck circulation*	Department of Transportation Regional Transit City of Sacramento Fire and Police Departments	Prior to issuance of grading permits	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		pattern; • *Provision of a driveway access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);* • *Safe and efficient access routes for emergency vehicles;* • *Efficient and convenient transit routes;* • *Manual traffic control when necessary;* • *Proper advance warning and posted signage concerning street closures;* • *Provisions for pedestrian safety; and* • *Provisions for temporary bus stops, if necessary.* *A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*	City of Sacramento Fire and Police Departments	At least 14 days prior to commencement of construction that would partially or fully obstruct roadways	
5.2-10	Cumulative impacts to study intersections.	*5.2-10(a)* *24th Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.* *5.2-10(b)* *24th Street / Portola Way – The project applicant shall pay a fair share*	Department of Transportation Department of Transportation	Prior to issuance of building permits Prior to issuance of building permits	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		contribution to install a traffic signal at this intersection.			
		5.2-10(c) *Sutterville Road / Freeport Boulevard (north) – the applicant shall pay a fair share contribution to provide protected-permitted left turn phasing and install proper signage for southbound Freeport Boulevard.*	Department of Transportation	Prior to issuance of building permits	
		5.2-10(d) *Sutterville Road / City College Drive – The applicant shall pay a fair share contribution to provide overlap signal phasing to allow the northbound right turn traffic on City College Drive to proceed on a green arrow simultaneously with the westbound left turning movement, and prohibit U-turns for the westbound Sutterville Road approach to the intersection.*	Department of Transportation	Prior to issuance of building permits	
		5.2-10(e) *Sutterville Road / Road A – apply Mitigation Measure 5.2-1(b) which would provide overlap signal phasing to allow the southbound Road A Right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement; and prohibit U-turns for the eastbound left turning movement; provide one left-turn lane, one left-right lane, and one right-turn lane on the southbound approach; provide a dedicated right turn lane for the*			

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing..			
		~~*5.2-10(f) Not applicable. No feasible mitigation.*~~			
		5.2-10(g) Sutterville Road / Franklin Boulevard –The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds..	Department of Transportation	Prior to issuance of building permits	
		5.2-10(h) Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12th Avenue to the northbound SR 99 ramp.	Department of Transportation	Prior to issuance of building permits	
		5.2-10(i) Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted	Department of Transportation	Prior to issuance of building permits	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.			
			5.3 Air Quality			
5.3-2	Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities.	*5.3-2(a)*	*The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent 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, and a monthly summary of the visual survey results shall be submitted 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. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.*	Community Development Department SMAQMD	Prior to and during construction	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		5.3-2(b)	*Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:* • *Apply water, chemical stabilizer/ suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;* • *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;*		Prior to approval of grading permit	

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		• *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;* • *Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and* • *Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.*			
5.3-3	Impacts related to a temporary increase in NO_X emissions.	*5.3-3(a)* *Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent NO_X reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory*	SMAQMD	Prior to issuance of grading permit	

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			shall include the horsepower rating, engine production year, and project 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. Inventory shall not be required for any 30-day period in which construction activities do not occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.			
		5.3-3(b)	*Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO_X above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of NO_X construction offsets calculated by SMAQMD is $16,000 per ton.*	SMAQMD Community Development Department	Prior to issuance of grading permit	
5.3-5	Impacts related to long-term increases of criteria air pollutants.	*5.3-5(a)*	*Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Community Development Department to develop a project Air Quality Mitigation*	SMAQMD Community Development Department	Prior to issuance of grading permit	

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		Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following: • *Prohibit the installation of wood-burning fireplaces and stoves;* • *Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;* • *Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;* • *Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;* • *Incorporate onsite transit facility*			

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		improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service; • *Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;* • *Install efficient lighting and lighting control systems;* • *Install energy-efficient heating and cooling systems, appliances and equipment;* • *Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees to the extent practical;* • *Limit hours of operation of outdoor lighting to the extent practical; and* • *Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces,*	SMAQMD Community	Prior to issuance of occupancy permit	

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		including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.	Development Department		
		5.3-5(b) Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.			
5.3-8	Cumulative contribution to regional air quality conditions.	*5.3-8 Implement Mitigation Measures. 5.3-2(a) and (b) and 5.3-4(a) and (b).*	See 5.3-2 (a) and (b)	See 5.3-2(a) and (b)	
		5.4 Noise and Vibration			
5.4-2	Construction noise impacts to surrounding existing uses.	*5.4-2 Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:* • *Monday through Saturday 7:00 a.m. to 6:00 p.m.* • *Sunday 9:00 a.m. to 6:00 p.m.* *These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department*	Community Development Department	Prior to issuance of grading and building permits	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			prior to issuance of grading and construction permits.			
5.4-7	Railroad noise levels at exterior noise spaces of proposed project residences.	*5.4-7*	*Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.* *Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.*	City Engineer	Prior to the issuance of building permits	
5.4-8	Railroad noise levels at interior spaces of proposed residences on the project site.	*5.4-8(a)*	*Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:* • *Sound-rated windows and doors with STC rating of 35; and*	Community Development Department	Prior to issuance of building permits	

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			• *Stucco exterior siding.*			
		5.4-8(b)	*Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.*	Community Development Department	Prior to sale of residential lots	
5.4-9	Noise-producing commercial uses proposed within the project site.	*5.4-9(a)*	*Unshielded (i.e. unloading activities which are visible from any residential window), nighttime truck unloading shall be prohibited within 200 feet of any residential unit.*	Community Development Department	Prior to issuance of building permit and during project operations	
		5.4-9(b)	*Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.*	Community Development Department	Prior to issuance of building permit	
5.4-10	Park generated noise at residential uses proposed within the project site.	*5.4-10*	*Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.*	Parks and Recreation Department	During project operations	
			5.5 Biological Resources			
5.5-2	Impacts to burrowing owl.	*5.5-2*	*Prior to any ground disturbance associated with grading or construction, the applicant*	CDFG	Prior to any ground disturbance	

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			shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation. *The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:* *If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.*		associated with grading or construction	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			If ground disturbance associated with grading or construction commences outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997), shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.			
5.5-3	Impacts to Swainson's hawk nesting and foraging habitat.	*5.5-3*	*If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less*	CDFG Community Development Department	Pre-construction survey prior to site disturbance or construction	

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			than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).			
5.5-4	Impacts to raptors and migratory birds.	*5.5-4(a)*	*Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.*	Community Development Department CDFG	Pre-construction survey prior to grading or construction activities	
		5.5.4(b)	*Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad*			

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			tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.			