

SACRAMENTO

# Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall

Final Subsequent Environmental Impact Report

P15-040 | SCH No. 2006032058

October 2016

Prepared by:



Prepared for:

*City of*  
**SACRAMENTO**

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# TABLE OF CONTENTS

## Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall Final Subsequent Environmental Impact Report

	<b><u>Page</u></b>
<b>1. Introduction and List of Commenters</b>	<b>1-1</b>
1.1 Purpose of this Document	1-1
1.2 Summary of Proposed Project	1-1
1.3 Project Actions	1-2
1.4 Organization of the Final SEIR	1-4
1.5 Public Participation and Review	1-5
1.6 List of Commenters	1-6
<b>2. Revisions to the Draft EIR</b>	<b>2-1</b>
2.1 Introduction	2-1
2.2 Changes to the Proposed Project	2-2
2.3 Text Changes to the Draft SEIR	2-2
<b>3. Comments and Responses</b>	<b>3-1</b>
3.1 Introduction	3-1
<b>4. Mitigation Monitoring Plan</b>	<b>4-1</b>
4.1 Introduction	4-1
4.2 Mitigation Measures	4-1
4.3 MMP Components	4-1

### Figures

Figure S-3	Illustrative Site Plan: KP Medical Center - Phase 2	2-40
Figure S-4	Major League Soccer Stadium Conceptual Site Plan	2-41
Figure S-5	Pump Station and Outfall Site	2-42
Figure 2-10	2016 Railyards Specific Plan Districts	2-43
Figure 2-18	Utilities – Wastewater System	2-44
Figure 2-20	Open Space and Park Plan	2-45
Figure 2-24	Illustrative Site Plan: KP Medical Center - Phase 1	2-47
Figure 2-25	Illustrative Site Plan: KP Medical Center - Phase 2	2-48
Figure 2-28	Major League Soccer Stadium Conceptual Site Plan	2-49
Figure 2-29	Stadium West (8th Street/Entry Plaza) Elevation, Stadium South (Railyards Boulevard) Elevation	2-50
Figure 2-30	Stadium East (10th Street) Elevation, North Elevation	2-51

	<b><u>Page</u></b>
Figure 2-31 Stadium Longitudinal Building Sections, Transverse Building Sections	2-52
Figure 2-32 Stadium Field Level Plan	2-53
Figure 2-33 Stadium Main Concourse Level Plan	2-54
Figure 2-34 Stadium Suite Level Plan	2-55
Figure 2-35 Stadium Press Level Plan	2-56
Figure 2-36 Stadium Plaza Plan	2-57
Figure 2-37 MLS Stadium Site Amplified Sound Plan	2-58
Figure 2-38 Stadium Signage Plan	2-59
Figure 2-39 MLS Stadium Naming Sponsor Signage Elevations	2-60
Figure 2-40 Stadium Lighting Plan	2-51
Figure 2-41 MLS Stadium Bicycle Plan	2-62
Figure 2-42 Stadium Grading Plan	2-63
Figure 2-44 Pump Station and Outfall Site	2-64
Figure 4.1-21 MLS Stadium Articulation	2-65
Figure 4.8-1 Railyards Soil Investigation and Cleanup Areas	2-66
Figure 4.10-2 KP Medical Center Helistop 65 dBA CNEL Contour at Ground Level	2-67
Figure 4.10-3 KP Medical Center Helistop 65 dBA CNEL Contour Elevated	2-68
Figure 4.10-4 MLS Stadium - Soccer Game - Noise Contour Map - With Development	2-69
Figure 4.10-5 MLS Stadium - Outside Stages - Noise Contour Map - With Development	2-70
Figure 4.10-6 MLS Stadium - Music Concert - Noise Contour Map - With Development	2-71
Figure 4.10-7 MLS Stadium - Soccer Game - Noise Contour Map - Zero Development	2-72
Figure 4.10-8 MLS Stadium - Outside Stages - Noise Contour Map - Zero Development	2-73
Figure 4.10-9 MLS Stadium - Music Concert - Noise Contour Map - Zero Development	2-74
Figure 4.11-3 Sacramento City and Twin Rivers Unified School Districts	2-75
Figure 4.12-13a 7th Street Plan View	2-77
Figure 4.12-13b 7th Street Plan View	2-78
Figure 4.12-37 Planned Cumulative Roadway and Transit System Improvements Railyards Specific Plan Vicinity	2-79
Figure 4.13-1 Existing CSS/Sanitary Sewer Pipelines	2-81
 <b>Tables</b>	
Table 1-1. Comment Letters Regarding the Draft SEIR	1-7
Table 4.2-18. Unmitigated Stormwater Outfall Maximum Daily Construction Emissions (ppd)	2-9
Table 4.2-19. Mitigated Stormwater Outfall Construction Emissions Maximum Daily Construction Emissions (ppd)	2-9
Table 4.3-4. Impacts to Habitats Present within the Stormwater Outfall Area	2-14
Table 4.11-2. Sacramento City USD Schools and Capacities in the RSP Area Vicinity	2-27
Table 4.11-2. Sacramento City USD Schools and Capacities in the RSP Area Vicinity	3-98
Table 3-1. Comparison of SCUSD and SACOG Student Generation Rates	3-103
Table 3-2. Comparison of Student Generation with SCUSD and SACOG Rates	3-104
Table 4-1. Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall Mitigation Monitoring Plan	4-3
 <b>Appendices</b>	
Appendix K Water Supply Assessment	2-83

# CHAPTER 1

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## Introduction and List of Commenters

### 1.1 Purpose of this Document

This document includes all agency and public written comments received on the Draft Subsequent Environmental Impact Report (Draft SEIR, SCH #2006032058) for the Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall projects. Also included are changes in the text of the Draft SEIR either in response to written comments or initiated by staff.

Written comments were received by the City of Sacramento during the public comment period from June 10, 2016 through July 27, 2016. This document includes written responses to each comment received on the Draft SEIR. This Final SEIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft SEIR (and Appendices) constitutes the SEIR for the proposed projects that will be used by the decision-makers during project hearings. The responses and text changes correct, clarify, and amplify text in the Draft SEIR, as appropriate. These changes do not alter the conclusions of the Draft SEIR.

### 1.2 Summary of Proposed Projects

The applicant has proposed the Railyards Specific Plan Update (RSPU) with the intention to continue and reinforce the vision of the Railyards as an extension of the downtown, resulting in a variety of changes to the approved Railyards Specific Plan (RSP). Like the 2007 RSP, the proposed RSPU provides a flexible development regulatory framework, does not prescribe any particular mix of uses within each category or block within the RSP Area, and anticipates that allowable development for each particular use will depend, in part, on the amount of development capacity that is taken up by other uses. Generally, the RSPU allows for development of between 6,000 and 10,000 dwelling units, between 2,757,027 and 3,857,027 square feet of office space, 514,270 square feet of retail space, 718,003 square feet of hospital uses, 510,000 square feet of medical office uses, 491,000 square feet of flexible mixed use space, 1,100 hotel rooms, 485,390 square feet of historic/cultural space, a 25,000-ticketed attendee capacity sports and entertainment stadium, and approximately 30 acres of open space.

Kaiser Foundation Hospitals, a California nonprofit public benefit corporation (Kaiser) is applying for land use entitlements for the development of a new, state-of-the-art approximately 1.3 million square-foot Kaiser Permanente Medical Center (KP Medical Center) campus in the

City. The KP Medical Center would bring a comprehensive set of health care services to Kaiser Permanente members in the City and surrounding communities, including without limitation: a comprehensive collection of inpatient and outpatient primary and specialty care services; diagnostic and treatment services; surgical services and emergency care; urgent care; radiation/oncology services; diagnostic services including radiology and telemedicine; women's services; and supporting ancillary health care services such as optical, pharmacy, laboratory, education and training.

The proposed Major League Soccer (MLS) Stadium would include the construction of an outdoor stadium intended to accommodate sporting and entertainment events. It is expected that the stadium would be initially built with capacity for up to 19,621 ticketed attendees, but over time could be expandable to accommodate up to 25,000 ticketed attendees.

The proposed Stormwater Outfall would drain stormwater from the RSP Area and discharge it to the Sacramento River. The proposed pump station would be located under the I-5 viaduct immediately south of Railyards Boulevard and convey the stormwater to the river via five vertical turbine pumps.

### **1.3 Project Actions**

The proposed projects are anticipated to include, but may not be limited to, the following City actions:

- Approval of a Water Supply Assessment;
- Certification of the SEIR to determine that the SEIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of the City of Sacramento;
- Adoption of a Mitigation Monitoring Plan (MMP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the project's significant effects on the environment;
- Adoption of Findings of Fact, and for any impacts determined to be significant and unavoidable, a Statement of Overriding Considerations;
- Approval of one or more amendments to the City's 2035 General Plan;
- Approval of the Railyards Specific Plan Update;
- Approval of amendments to the Railyards SPD, Chapter 17.440 of the City Code;
- Approval of amendments to the Railyards Design Guidelines;

- Approval of revisions to the Central Shops Historic District Ordinance (Ordinance # 2007-103) to change the boundary of the District, remove the Water Tower as a contributing resource in the District, and delete the references to relocation of the Water Tower into the District;
- Approval of a landmark designation for the Water Tower on its original site;
- Approval of a Conditional Use Permit for a Sports Facility (MLS Stadium and related facilities) on Lots 52(a-e) in the C-3 SPD zone;
- Approval of a Conditional Use Permit for a helistop at the KP Medical Center;
- Approval of a Conditional Use Permit for stand-alone, all-weather MLS Stadium parking lots;
- Approval of a Tentative Subdivision Map;
- Approval of a Master Development Agreement;
- Approval of a Site Plan and Design Review Permit for the MLS Stadium, including surrounding plaza area;
- Approval of a variance from the City's Noise Ordinance to allow extended construction hours and operation of the MLS Stadium and associated facilities;
- Approval of a Site Plan and Design Review Permit for the Stormwater Outfall;
- Approval of a Finance Plan;
- Amendments to the City's Bicycle Master Plan;
- Approval of a rezone; and
- Approval of a Mixed Income Housing Strategy.

The proposed projects are anticipated to include, but may not be limited to, the following actions by entities other than the City:

- Approval of a construction activity stormwater permit, including a Stormwater Pollution Prevention Plan, from the Central Valley Regional Water Quality Control Board (CVRWQCB);
- Approval of a pre-treatment permit from the Sacramento Regional County Sanitation District to allow discharges associated with construction dewatering to the combined sewer system (CSS);

- Approval of a stationary source permit from the Sacramento Metropolitan Air Quality Management District (SMAQMD);
- Approval of a permit pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, including any related Biological Opinion from the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS);
- Approval of a Section 408 permit to alter the existing levee pursuant to Section 14 of the Rivers and Harbors Act (33 CFR 408) from the U.S. Army Corps of Engineers;
- Approval of a water quality certification under Section 401 of the Clean Water Act by the Central Valley Regional Water Quality Control Board (CVRWQCB);
- Approval of a Streambed Alteration Agreement pursuant to Section 1600 of the California Fish and Game Code from the California Department of Fish and Wildlife;
- Approval of an encroachment permit from the Central Valley Flood Protection Board;
- Approval of a lease from the California State Lands Commission;
- Approvals of the design of the proposed hospital by the California Office of Statewide Health Planning and Development (OSHPD); and
- Approval by California State Department of Parks and Recreation for encroachment by the Stormwater Outfall pipes and structures.

## 1.4 Organization of the Final SEIR

The Final SEIR is organized as follows:

**Chapter 1 – Introduction and List of Commenters:** This chapter summarizes the projects under consideration and describes the contents of the Final SEIR. This chapter also contains a list of all of the agencies or persons who submitted comments on the Draft SEIR during the public review period, presented in order by agency, organization, individual and date received.

**Chapter 2 – Revisions to the Draft SEIR:** This chapter describes changes and refinements made to the proposed projects since publication of the Draft SEIR. These refinements, clarifications, amplifications, and corrections, which are described as a narrative in the beginning of the chapter, would not change the environmental analysis and conclusions presented in the Draft SEIR for the reasons discussed in Chapter 2. This chapter also summarizes text changes made to the Draft SEIR in response to comments made on the Draft SEIR and staff-initiated text changes. Changes to the text of the Draft SEIR are shown by either ~~striketrough~~ where text has been deleted, or double underline where new text has been inserted.

**Chapter 3 – Comments and Responses:** This chapter contains the comment letters received on the Draft SEIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter A1 are numbered A1-1, A1-2, A1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

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

Some comments that were submitted to the City do not pertain to substantial environmental issues or do not address the adequacy of the analysis contained in the Draft SEIR. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to environmental issues analyzed in the Draft SEIR, does not ask a question about the adequacy of the analysis contained in the Draft SEIR, expresses an opinion related to the merits of the proposed projects, or does not question an element of or conclusion of the Draft SEIR, the response notes the comment and may provide additional information where appropriate. Many comments express opinions about the merits or specific aspects of the proposed projects and these are included in the Final SEIR for consideration by the decision-makers.

**Chapter 4 – Mitigation Monitoring Plan:** This chapter contains the Mitigation Monitoring Plan (MMP) to guide the City in its implementation and monitoring of measures adopted in the SEIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

## 1.5 Public Participation and Review

The City of Sacramento has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft SEIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft SEIR:

- A Notice of Preparation (NOP) for the SEIR was filed with the State Clearinghouse on June 26, 2015. The official 30-day public review comment period for the NOP ended on July 27, 2015 (SCH# 2006032058), although the City established an extended public review comment period that ended on July 30, 2015. The NOP was distributed in particular to governmental agencies, organizations, and persons interested in the proposed projects. The City sent the NOP to agencies with statutory responsibilities in connection with the proposed projects with the request for their input on the scope and content of the

environmental information that should be addressed in the SEIR. The NOP was also published on the City's website and filed at the County Clerk's office.

- A public scoping meeting for the SEIR was held on July 22, 2015.
- A Notice of Completion (NOC) and copies of the Draft SEIR were filed with the State Clearinghouse on June 10, 2016. An official 45-day public review period for the Draft SEIR was established by the State Clearinghouse, ending on July 27, 2016. A Notice of Availability (NOA) for the Draft SEIR was published in the Sacramento Bulletin on June 10, 2016 and sent to appropriate public agencies, all property owners within the project area, property owners within 1,000 feet of the project area, and to occupants of property contiguous to the project area. The Draft SEIR was also published on the City's website at <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports.aspx>.
- Copies of the Draft SEIR were available for review at the following locations:  
  
City of Sacramento  
Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
  
Sacramento Public Library  
828 I Street  
Sacramento, CA 95814
- An informational workshop was held on June 15, 2016 at the Tsakopoulos Library Galleria, 828 I Street, Sacramento to inform the public of key analyses and conclusions reached in this Draft SEIR. The workshop followed an open house format and included a brief presentation on the proposed projects and presentation of significant environmental impacts.

## 1.6 List of Commenters

The City of Sacramento received 20 comment letters during the comment period on the Draft SEIR for the proposed projects. Table 1-1 below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter.

**TABLE 1-1.  
COMMENT LETTERS REGARDING THE DRAFT SEIR**

<b>Letter #</b>	<b>Entity</b>	<b>Author(s) of Comment Letter/e-mail</b>	<b>Date of Comment Letter/e-mail</b>
<b>Agencies – Federal, State, and Local</b>			
A1	Sacramento County, Department of Transportation	Matthew Darrow	June 13, 2016
A2	Sacramento Regional County Regional Sanitation District (Regional San, SRCSD)	Sareena Moore, SRCSD/SASD, Policy and Planning	June 15, 2016
A3	Central Valley Regional Water Quality Control Board (CVRWQCB)	Stephanie Tadlock, Environmental Scientist	July 15, 2016
A4	California Department of Transportation (Caltrans)	Eric Fredericks	July 25, 2016
A5	California State Lands Commission (CSLC)	Cy Oggins	July 25, 2016
A6	Sacramento City Unified School District (Lozano Smith Attorneys at Law)	Harold M. Freiman	July 27, 2016
A7	Sacramento Metropolitan Air Quality Management District (SMAQMD)	Paul Philley, Program Coordinator, Land Use & Transportation Program	July 27, 2016
A8	Sacramento Regional Transit District	Jeffrey P. Damon, Director, Long Range Planning	July 27, 2016
A9	Department of Toxic Substances Control (DTSC)	Ruth Cayabyab, Brownfields and Environmental Restoration Program	July 27, 2016
A10	Sacramento Area Council of Governments (SACOG)	Mike McKeever, Chief Executive Officer	July 27, 2016
A11	Sacramento County Environmental Management Department	Christopher Hunley, Environmental Compliance Division,	July 27, 2016
A12	CA Governor's Office of Planning and Research State Clearinghouse (OPR-SCH)	Scott Morgan, Director, State Clearinghouse	July 26, 2016
<b>Organizations</b>			
O1	Unite Here Local 49	Ty Hudson, Research Analyst	July 26, 2016
O2	Environmental Resources Management (ERM, for Union Pacific Railroad Company)	Brian Magee, Program Director and Benjamin Leslie-Bole, Partner	July 27, 2016
O3	Sacramento Area Bicycle Advocates	Jordan Lang, Project Analyst	July 27, 2016
O4	Environmental Council of Sacramento (ECOS)	Alex Kelter, Co-Chair, Land Use Committee	July 27, 2016
<b>Individuals</b>			
I1		Nancy Fitzpatrick	June 15, 2016
I2		Jack Sales	June 30, 2016
I3		Douglas Nowak	June 30, 2016
I4		Jack Sales	July 27, 2016

# CHAPTER 2

## Revisions to the Draft SEIR

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### 2.1 Introduction

This chapter describes changes made to the proposed projects since the publication of the Draft SEIR as well as text changes made to the Draft SEIR either in response to a comment letter or initiated by City staff or in response to a modification to the proposed projects.

Under CEQA, recirculation of all or part of an EIR may be required if significant new information is added after public review and prior to certification. According to State CEQA Guidelines section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, the Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The changes to the proposed projects and text changes described below update, refine, clarify, and amplify the project information and analyses presented in the Draft SEIR. No new significant impacts are identified, and no information is provided that would involve a substantial increase in severity of a significant impact that would not be mitigated by measures agreed to by the project applicant. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft SEIR. Recirculation of any part of the SEIR therefore is not required.

## 2.2 Changes to the Proposed Projects

This section summarizes changes made to the proposed projects. The summary included here is intended to succinctly describe changes to the project design, refinement of project elements, and any changes to project images since publication of the Draft SEIR. Specific text changes to the Draft SEIR are noted below in section 2.3, Text Changes to the Draft SEIR. Revised Draft SEIR figures are included at the end of this chapter. These changes are minor and do not change the environmental analysis or significance conclusions described in the Draft SEIR.

## 2.3 Text Changes to the Draft SEIR

This section summarizes text changes made to the Draft SEIR either in response to a comment letter, initiated by City staff, or in response to a modification to the proposed projects. New text is indicated in double underline and text to be deleted is reflected by a ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft SEIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft SEIR. The text changes do not result in a change in the analysis or conclusions of the Draft SEIR.

## Chapter 2, Project Description

The description of the H SPD designation on page 2-27 is revised to read:

***H SPD.*** A total of 17.8 acres of the RSP Area would be designated H SPD. The H SPD hospital land use designation would allow residential densities from 24 to 250 units per acre pursuant to a conditional use permit, and non-residential and mixed-use development with a minimum FAR of 0.5 and up to a maximum FAR of 8.0.

The H SPD would allow all uses normally permitted in the H zone with the addition of the following uses would be permitted uses: (1) a major medical facility Phase 1 with (i) a hospital not in excess of 658,000 sf (420 beds), (ii) up to 210,000 sf of medical office building(s), (iii) central utilities building up to 60,000 sf, (iv) two 1,500 stall parking structures ~~(one in each of Phase 1 and Phase 2)~~, and (v) at least 200 stalls of surface parking; and (2) nonresidential care facilities; produce stand; outdoor market; athletic clubs; fitness studios; commercial services; restaurants; and retail stores not exceeding 6,400 sf and a residential care facility located on specifically identified parcels fronting on 5<sup>th</sup> Street. In addition, the following uses would be allowed subject to approval of a conditional use permit: a major medical facility with elements exceeding the permitted sizes, including up to 300,000 sf of medical office and ~~1,500 stalls of structured parking~~; hotels; motels; multi-unit dwellings; vocational schools; retail stores exceeding 6,400 sf; residential care facilities on parcels that do not front on 5<sup>th</sup> Street; and a helistop.

There would be no maximum height in the H SPD zone. The maximum street-wall height in the H zone would be 85 feet along Railyards Boulevard; 125 feet along Bercut Drive, and along South Park Street from Bercut Drive to Hopkins Walk; and 65 feet along 5<sup>th</sup> Street, and along South Park Street from Hopkins Walk to 5<sup>th</sup> Street. One hundred percent of the building frontage is permitted along the build-to line. Parking would be permitted at a ratio of three (3) spaces per built bed and one (1) space per future bed for hospital uses (with the future ratio applicable only to Phase 1), and three and a half (3.5) spaces per 1,000 gross sf of medical office space. In the H SPD zone, all vehicular ingress and egress from Railyards Boulevard would be required to occur at signalized intersections.

The list of project approvals and entitlements on pages 2-76 through 2-78 is revised to read:

## **Project Approvals and Entitlements**

### ***City of Sacramento***

The ~~P~~roposed projects are anticipated to include, but may not be limited to, the following City actions:

- Approval of a Water Supply Assessment;
- Certification of the SEIR to determine that the SEIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of the City of Sacramento;
- Adoption of a Mitigation Monitoring Plan (MMP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the project's significant effects on the environment;
- Adoption of Findings of Fact, and for any impacts determined to be significant and unavoidable, a Statement of Overriding Considerations;
- Approval of one or more amendments to the City's 2035 General Plan;
- Approval of the Railyards Specific Plan Update;
- Approval of amendments to the Railyards SPD, Chapter 17.440 of the City Code;
- Approval of amendments to the Railyards Design Guidelines;
- Approval of revisions to the Central Shops Historic District Ordinance (Ordinance # 2007-103) to change the boundary of the District, remove the Water Tower as a contributing resource in the District, and delete the references to ~~remove the~~ relocation of the Water Tower into the District;

- Approval of a landmark designation nomination for the Water Tower on its original site;
- Approval of a Conditional Use Permit for a Sports Facility (MLS Stadium and related facilities) on Lots 52(a-e) in the C-3 SPD zone;
- ~~Approval of Conditional Use Permits for establishments that sell alcohol for off-premise consumption;~~
- Approval of a Conditional Use Permit for a helistop at the KP Medical Center;
- Approval of a Conditional Use Permit for stand-alone, all-weather MLS Stadium parking lots;
- Approval of a ~~Vesting~~ Tentative Subdivision Map;
- Approval of a one or more Master Development Agreements;
- Approval of a Site Plan and Design Review Permit for the MLS Stadium, including surrounding plaza area;
- Approval of a variance from the City's Noise Ordinance to allow extended construction hours and operation of the MLS Stadium and associated facilities;
- Approval of a Site Plan and Design Review Permit for the Stormwater Outfall;
- ~~Approval of a grading permit to regulate land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from construction activities; and~~
- ~~Approval of a groundwater memorandum of understanding from the City of Sacramento for construction dewatering.~~
- Approval of a Finance Plan;
- Amendments to the City's Bicycle Master Plan;
- Approval of a rezone; and
- Approval of a Mixed Income Housing Strategy.

### ***Other Local, Regional, State or Federal Agencies***

The ~~Proposed Projects~~ are ~~is~~ anticipated to include, but may not be limited to, the following actions by entities other than the City:

- Approval of a construction activity stormwater permit, including a Stormwater Pollution Prevention Plan, from the Central Valley Regional Water Quality Control Board (CVRWQCB);

- Approval of a pre-treatment permit from the Sacramento Regional County Sanitation District to allow discharges associated with construction dewatering to the combined sewer system (CSS);
- Approval of a pre-treatment permit from the Sacramento Regional County Sanitation District to allow discharges associated with construction dewatering to the CSS;
- Approval of a stationary source permit from the Sacramento Metropolitan Air Quality Management District (SMAQMD);
- Approval of a permit pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, including any related Biological Opinion from the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS);
- Approval of a Section 408 permit to alter the existing levee pursuant to Section 14 of the Rivers and Harbors Act (33 CFR 408) from the U.S. Army Corps of Engineers;
- Approval of a water quality certification under Section 401 of the Clean Water Act by the Central Valley Regional Water Quality Control Board (CVRWQCB);
- Approval of a Streambed Alteration Agreement pursuant to Section 1600 of the California Fish and Game Code from the California Department of Fish and Wildlife;
- Approval of an encroachment permit from the Central Valley Flood Protection Board;
- Approval of a permit lease from the California State Lands Commission;
- Approvals of the design of the proposed hospital by the California Office of Statewide Health Planning and Development (OSHPD); and
- Approval by California State Department of Parks and Recreation for encroachment by the Stormwater Outfall pipes and structures.

Pages 2-133 through 2-136, under the heading 2.5.3 Pump Station and Stormwater Outfall, the text is revised to read:

## 2.5.3 Pump Station and Stormwater Outfall

Stormwater drainage for the proposed RSPU would be collected, treated, and generally conveyed within the RSP Area from east to west. The stormwater would discharge into the Sacramento River, on the western edge of the RSP Area, via a new pump station and outfall system, in accordance with all stormwater permitting requirements.

The proposed pump station would be located under the I-5 viaduct immediately south of Railyards Boulevard (see **Figure 2-44**, Pump Station and Outfall Site). The runoff from the proposed ~~RPSU area~~ RSP Area would be collected in 60-inch and 72-inch storm drain pipes

that would discharge to the pump station wet well. The proposed pump station wet well structure would be ~~55 feet long and 60 feet wide~~ 105 feet long and 120 feet wide, most of which would be located underground. A mechanical trash rack at the entrance to the wet well would intercept debris that is not captured by upstream controls. Automatic rakes on the trash racks would deposit any debris into containers for removal.

The wet well would be located approximately 50 feet from the existing landside toe of the Sacramento River East Levee at a depth of 30 feet below existing grade (see **Figure 2-45**, Stormwater Pump Station and Outfall Plan). The total volume capacity of the wet well would be 100,000 cubic feet. The above-ground features would include a small building for the electrical switchgear and controls, an emergency generator, pump motors, and trash rack grates. The pump station site would include two access points with 26-foot gates for maintenance access. A 7-foot high ~~fence~~ masonry wall would be constructed around the pump station site for security and to visually screen the site from the adjacent roads. Power would be supplied to the site from a ~~medium-voltage~~ 480-volt underground feed.

The 100-year peak design flow for the proposed pump station would be approximately 200,000 gpm (450 cfs). The pump station would include ~~seven pumps, and a sump pump for low flows~~ two 200 cfs pumps, two 100 cfs pumps, and a 1 cfs sump pump for low flows, for a total flow capacity of 600 cfs. The design head (the capacity of the pumps to lift the water to a certain height) for the pumps would be 25 feet. The pump station would be able to pump a minimum of 400 cfs with any single pump out of commission. The ~~seven~~ five vertical turbine pumps would discharge into seven discharge force mains and ultimately into the Sacramento River.

The discharge force mains would include seven (7) 36-inch pipes and one (1) 12-inch pipe laid in parallel formation over the levee to a concrete-encased outfall structure along the riverbank (see **Figure 2-46**, Stormwater Outfall and Pump Station Sections). A vertical bend with air release valves at the high point would be constructed with the inverts of the pipes just above the 200-year water surface elevation of ~~34.0 feet~~ 36.1 feet (National American Vertical Datum, or NAVD 88). Backwater flow would be prevented with an isolation/vacuum breaker vault that would be constructed at the waterside hinge point of the levee.

The pipes would discharge at a headwall that would be located in the river, and which would be designed to minimize hydraulic impact to the flow in the river. The pipe inverts at the discharge headwall would be located at an elevation of ~~7.0 foot (NAVD)~~ 13.10 feet (NAVD 88), which would typically be above the summer water surface to allow for maintenance, but submerged during higher flows in the winter (see Figure 2-46).

The headwall would be part of a concrete outfall structure that would be 60 feet long and 11 feet wide. The top of the headwall would be at an elevation of 21.10 feet (NAVD 88) and the floor at 11.10 feet (NAVD 88) (see **Figure 2-47**, Stormwater Headwall Front View).  
Structural components including piling would extend an additional 7 feet below the surface of

the river bank. Wing walls on the sides of the outfall structure would be sloped to match the river bank. 15 feet of erosion control riprap (1/4 ton) would be placed below the outfall structure in a layer approximately 1-foot deep. A four-foot wide staircase would be constructed on the south side of the outfall structure to allow for maintenance and inspection access from the top of the bank. The construction of the headwall and access stairway would result in a disturbed area during construction of the outfall of approximately 0.17 acres (see **Figure 2-47, Stormwater Headwall Front View**). The river bank would be rebuilt to the same or greater integrity as exists currently. Post construction maintenance activities would be limited to the outfall structure itself, approximately 0.06 acres.

Construction of the pumping station, pipes and outfall will involve excavation with heavy machinery. An approximately 70-foot wide trench will be cut into the levee up to a depth of 15 feet below the existing ground surface. To provide equipment access during construction, an additional 10 feet on either side of the trench will be cleared and temporarily impacted. Once the pipes and other infrastructure are installed the area will be backfilled. At the high-point of the outfall pipes, where the isolation/vacuum breaker vault is located, the top of the levee will be raised approximately 5 feet to allow for appropriate clearances. At the river, a sheet pile cofferdam will be installed using vibratory pile driving to isolate the area of the pipe outfalls, headwall structure and riprap during construction and installation. After construction these sheet piles will be cut off at surface level and provide permanent containment for the riprap.

The outfall structure and rip-rap would permanently impact 0.04 acres of riverine habitat with an additional 0.02 acres temporarily disturbed during construction. Excavation for and installation of the outfall pipes and pump station would permanently impact 0.01 acres of Valley Foothill Riparian habitat as well as 0.74 acres of Developed and Vacant areas. Temporary access impacts adjacent to the outfall pipes would include 0.001 acres of Valley Foothill Riparian and 0.06 acres of Developed and Vacant areas. After installation of the outfall pipes, the trench would be backfilled with high-density fill to stabilize the slope and maintain the integrity of the levee. All disturbed areas would be stabilized and replanted as appropriate. Post-construction maintenance activities would be limited to the outfall structure and rip-rap areas, approximately 0.04 acres.

## Chapter 3, Land Use, Population, and Housing

In order to reflect SACOG's conclusions of the proposed projects' consistency with the Regional Blueprint and MTP/SCS, the following text is added following the last paragraph on page 3-34, the second paragraph on page 3-35, the last paragraph on page 3-35, and the third paragraph on page 3-36:

In addition, SACOG evaluated the buildout of the RSPU and determined that the land use mix proposed in the RSPU would be consistent with the principles of the Regional Blueprint

and the MTP/SCS. More specifically, SACOG's evaluation determined that the proposed RSPU would use an existing site to balance housing and employment in the Central City, an area that provides transportation choices, would provide housing that would meet the needs of all subsets of the population, would provide travel benefits of reduced VMT and increased walking, biking, and transit use, and would conserve natural resources and provide public-use open spaces in an urban setting.<sup>1</sup>

## Section 4.1, Aesthetics, Light and Glare

Page 4.1-74, Mitigation Measure 4.1-1 is revised to clarify the naming of Lot 46 as follows:

*Within ~~Block~~ Lot 46, the maximum street-wall height for structures facing 7<sup>th</sup> Street shall be 35 feet in height.*

Page 4.1-78, Mitigation Measure 4.1-2 is revised to clarify the naming of Lot 35 as follows:

*For development within the allowable footprints on ~~Parcel~~ Lot 35, the following base height requirements shall be added to the RSPU Design Guidelines and enforced through the SPD and the City's Site Plan and Design Review permit process:*

- *On the southern development lot, any portion of a building within 80 feet of the required setback from the riverbank shall be no greater than 35 feet in height.*

## Section 4.2, Air Quality

Page 4.2-47, first sentence under the Stormwater Outfall heading is revised to read:

Construction of the proposed Stormwater Outfall could begin as early as ~~2016~~ 2017 and last approximately one ~~month~~ month.

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<sup>1</sup> Mike McKeever, Chief Executive Officer, Sacramento Area Council of Governments, Letter to Scott Johnson, July 27, 2016.

Page 4.2-47, Table 4.2-18 is revised to reflect a 2017 construction year as follows:

**TABLE 4.2-18.  
UNMITIGATED STORMWATER OUTFALL MAXIMUM DAILY  
CONSTRUCTION EMISSIONS (PPD)**

Construction Year	NO <sub>x</sub> (ppd)	PM <sub>10</sub> (ppd)	PM <sub>2.5</sub> (ppd)	PM <sub>10</sub> (tpy)	PM <sub>2.5</sub> (tpy)
<del>2016</del> <b>2017</b>	14	<b>2</b>	<b>1</b>	<1	<1
SMAQMD Threshold <sup>3</sup>	85	0	0	0	0
Maximum	14	<b>2</b>	<b>1</b>	<1	<1
Significant (Yes or No)?	No	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

NOTES:

1. Project construction emissions estimates were made using CalEEMod version 2013.2.2. See Appendix C.1 for model outputs and more detailed assumptions.
2. Values in bold are in excess of the applicable SMAQMD significance threshold.
3. SMAQMD has established a zero emissions threshold for PM<sub>10</sub> and PM<sub>2.5</sub> when projects do not implement their Best Available Practices (BMP).

SOURCE: ESA, 2016

Page 4.2-48, Table 4.2-19 is revised to reflect a 2017 construction year as follows:

**TABLE 4.2-19.  
MITIGATED STORMWATER OUTFALL CONSTRUCTION EMISSIONS MAXIMUM DAILY  
CONSTRUCTION EMISSIONS (PPD)**

Construction Year	NO <sub>x</sub> (ppd)	PM <sub>10</sub> (ppd)	PM <sub>2.5</sub> (ppd)	PM <sub>10</sub> (tpy)	PM <sub>2.5</sub> (tpy)
<del>2016</del> <b>2017</b>	11	1	1	<1	<1
SMAQMD NO <sub>x</sub> Threshold (ppd)	85	80	82	14.6	15
Maximum	11	1	1	<1	<1
Significant (Yes or No)?	No	No	No	No	No

NOTES:

1. Project construction emissions estimates were made using CalEEMod version 2013.2.2. See Appendix C.1 for model outputs and more detailed assumptions.
2. Values in bold are in excess of the applicable SMAQMD significance threshold.

SOURCE: ESA, 2016

Mitigation Measure 4.2-2(d) on page 4.2-51, is revised to read:

Project applicants shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO<sub>x</sub> that exceed SMAQMD's daily emission threshold of 85 lbs/day. ~~The project applicants shall coordinate with the SMAQMD for payment of fees into the Heavy Duty Low Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the applicable current SMAQMD Fee. The applicants shall keep track of actual equipment use and their NO<sub>x</sub> emissions so that mitigation fees can be adjusted accordingly for payment to the SMAQMD. Fees shall be paid to SMAQMD based upon the previously agreed upon Railyards Specific Plan fee of \$2,603 per acre developed.~~

Page 4.2-57, first sentence under the Stormwater Outfall heading is revised to read:

Since construction of the proposed Stormwater Outfall would likely be completed in the first year of construction, it is likely be operational in the year ~~2017~~ 2018.

## Section 4.3, Biological Resources

The text on pages 4.3-35 through 4.3-36 under the headings Street Trees and Heritage Trees describes the City's tree protection provisions. Since publication of the Draft SEIR, the Sacramento City Council adopted an Ordinance amending Sections 2.62.030 and 8.04.100, deleting and adding Chapter 12.56, and deleting Chapters 12.60 and 12.64 of the Sacramento City Code, relating to trees. These Code revisions do not change the biological resources analysis, impacts, conclusions, or mitigation measures presented in the Draft SEIR. The text on pages 4.3-35 through 4.3-36 under the headings Street Trees and Heritage Trees is revised to read:

### ***Street Trees***

The City recognizes that the planting and preservation of trees enhances the natural scenic beauty, increases life-giving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identity of the City. City Code 12.56<sup>2</sup> provides provisions to protect City street trees. All removal, trimming, pruning, cutting, or other maintenance activities on any city street tree requires a permit from the director of the department of transportation pursuant to City Code 12.56.070. A City street tree is defined as any tree growing on a public street right-of-way ~~and that~~ that is maintained by the City. The ~~director~~ Director may require, where appropriate, the replacement of street trees proposed for removal. In such case, the City is responsible for the full cost of tree removal and replacement.

On August 4, 2016, the Sacramento City Council passed an Ordinance amending Sections 2.62.030 and 8.04.100, deleting and adding Chapter 12.56, and deleting Chapters 12.60 and 12.64 of the Sacramento City Code, relating to trees. The revised Tree Ordinance:

- removes inconsistencies in the previous ordinance;
- clarifies how trees on both private and public property should be evaluated and regulated;
- integrates the definition of what were previously considered "Heritage Trees" under a new definition of "Private Protected Trees";

<sup>2</sup> City of Sacramento. Municipal Code Chapters 12.56 and 12.64, *Trees Generally and Heritage Trees*. [www.qcode.us/codes/sacramento](http://www.qcode.us/codes/sacramento). Accessed December 10, 2015.

- removes subjectivity regarding the identification of Heritage Trees;
- adds a category of trees with a circumference of 24 inches or greater on vacant, multi-family and commercial sites under the new definition of “Private Protected Trees”;
- states that identification of specific native species that would be covered under the Ordinance;
- clarifies the definition of a “city tree”;
- requires notification of proposed tree removals;
- requires City Council approval for city tree removals as part of public projects;
- for projects subject to discretionary permits under Title 17, the tree permit shall be processed under same notice, hearing and appeal provisions applicable in Title 17; and
- sets forth a plan to prepare an Urban Forest Management Plan.

### ***Heritage Trees***

Heritage trees promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise, provide shade to reduce energy consumption, and are a resource for nesting birds. City Code 12.64<sup>3</sup> provides provisions to protect significant specimen trees existing in the city known as “heritage trees.” The City Code defines “heritage trees” as follows:

1. Any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.
2. Any native *Quercus* species, *Aesculus californica* or *Platanus racemosa*, having a circumference of thirty-six (36) inches or greater when a single trunk, or a cumulative circumference of thirty-six (36) inches or greater when a multi-trunk, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.
3. Any tree thirty-six (36) inches in circumference or greater in a riparian zone. The riparian zone is measured from the centerline of the water course to thirty (30) feet beyond the high water line.
4. Any tree, grove of trees or woodland trees designated by resolution of the city council to be of special historical or environmental value or of significant community benefit.

<sup>3</sup> City of Sacramento. Municipal Code Chapters 12.56 and 12.64, *Trees Generally* and *Heritage Trees*. [www.qcode.us/codes/sacramento](http://www.qcode.us/codes/sacramento). Accessed December 10, 2015.

On August 4, 2016, the Sacramento City Council passed an Ordinance amending Sections 2.62.030 and 8.04.100, deleting and adding Chapter 12.56, and deleting Chapters 12.60 and 12.64 of the Sacramento City Code, relating to trees. The revised Tree Ordinance integrates the definition of what were previously considered “Heritage Trees” under a new definition of “Private Protected Trees.” A “private protected tree” is defined as:

A. A tree that is designated by city council resolution to have special historical value, special environmental value, or significant community benefit, and is located on private property;

B. Any native Valley Oak (*Quercus lobata*), Blue Oak (*Quercus douglasii*), Interior Live Oak (*Quercus wislizenii*), Coast Live Oak (*Quercus agrifolia*), California Buckeye (*Aesculus californica*), or California Sycamore (*Platanus racemosa*), that has a diameter at standard height (DSH; diameter of a tree measured at 4.5 feet above natural grade) of 12 inches or more, and is located on private property;

C. A tree that has a DSH of 24 inches or more located on private property that:

1. is an undeveloped lot; or

2. does not include any single unit or duplex dwellings; or

D. A tree that has a DSH of 32 inches or more located on private property that includes any single unit or duplex dwellings.

Page 4.3-46, the Management Actions bullet of Mitigation Measure 4.3-2(d) is revised to read:

- ***Management Actions:***
  - *Install, or cause to be installed, and/or maintain to ensure good working order, nest guards on weep holes where purple martin are known to nest, subject to approval from the facility’s owner*

Page 4.3-50, second paragraph, is revised to read:

The applicant has indicated that to the greatest extent possible the proposed cofferdam would be installed using a vibratory pile driver, which would generate relatively low underwater noise levels and is not likely to cause physical injury to special-status fish species. However, if hard substrate is encountered impact pile driving may be required. As opposed to vibratory pile driving, impact pile driving could generate underwater sound levels that exceed injury and harm thresholds for fish.

Page 4.3-51, last paragraph, first sentence, is revised to read:

The removal of valley-foothill riparian habitat at the proposed Outfall site would result in a reduction of 0.05~~6~~ acres of SRA habitat for Chinook salmon and steelhead.

Page 4.3-59, second paragraph, is revised to read:

The banks of the Sacramento River in the vicinity of the Outfall are not suitable for nesting western pond turtles. Though unlikely, turtles could use the bank of the river in the vicinity of the proposed Outfall site as basking habitat. Consistent with analysis in the 2007 RSP EIR, alteration of habitat near the Sacramento River could have a potential impact on this species. However, because of the quality of basking habitat, the magnitude of impact is small (less than ~~0.01-0.07~~ 0.07 acres of valley foothill riparian and riverine habitat [tidal perennial stream below OHWM of the Sacramento River]), and the fact that there is similar habitat in the vicinity of the Outfall, construction of the Outfall would not result in the local extirpation of, or reduction in, the western pond turtle populations or habitat below self-sustaining levels. As such, impacts to this species from construction of the Stormwater Outfall would be **less than significant**.

Pages 4.3-62 through 4.3-65 describe Impact 4.3-7: Development of the proposed projects could result in net reduction of sensitive habitats including protected wetland habitat as defined in Section 404 of the Clean Water Act, riparian vegetation, and state jurisdictional waters/wetlands. Since publication of the Draft SEIR and as part of the regulatory permit application preparation process, refinements were made to habitat classification types and associated impact areas that are anticipated to result from implementation of the proposed project. These refinements do not change the biological resources analysis, impacts, conclusions, or mitigation measures presented in the Draft SEIR. The text on pages 4.3-63 through 4.3-64 under the Impact 4.3-7 (Stormwater Outfall subsection) is revised to read:

### ***Stormwater Outfall***

Impact 6.2-8 (pages 6.2-43 to 6.2-45) of the 2007 RSP EIR did not include a discussion of impacts to the Sacramento River. However, to provide a conservative estimate of potential impacts, this analysis assumes the Sacramento River is an “other waters of the U.S.,” as defined under Section 404 of the CWA.

Although the final design of the proposed Stormwater Outfall is subject to change, this analysis provides an estimate of potential impacts based on current design drawings. Construction of the Stormwater Outfall is expected to result in the removal of up to ~~0.05~~ 0.013 acres of valley foothill riparian habitat, and fill of ~~0.01~~ 0.06 acres of riverine habitat (tidal perennial stream below OHWM of Sacramento River). **Table 4.3-4** details impacts to habitats present within the proposed Stormwater Outfall area.

Development of the Stormwater Outfall would result in up to ~~0.01~~ 0.06 acres of fill in riverine habitat (tidal perennial stream below the OHWM of the Sacramento River), and removal of up to ~~0.05~~ 0.013 acres of valley foothill riparian habitat. Placement of fill in riverine habitat below the OHWM of the Sacramento River, and removal of riparian habitat is considered a **significant impact**.

**TABLE 4.3-4.  
IMPACTS TO HABITATS PRESENT WITHIN THE STORMWATER OUTFALL AREA**

<b>Habitat/Land Cover</b>	<b>Area (acres)</b>
Vacant	<del>0.57</del> <u>0.67</u>
Developed	<del>0.07</del> <u>0.13</u>
Valley Foothill Riparian ( <del>above OHWM</del> )	0.04 <u>0.013</u>
<del>Valley Foothill Riparian (below OHWM)</del>	<del>0.04</del>
Riverine ( <del>Sacramento River, Tidal Perennial Stream (below OHWM of Sacramento River- and outside the RSP Area)</del> )	0.04 <u>0.06</u>
<b>Total</b>	<b><del>0.7</del> <u>0.873</u></b>

Source: ESA, 2016; ICF, 2015 Draft Request for preliminary jurisdictional determination of the delineation of the proposed I Street Bridge Project, Sacramento County and Yolo County, California Letter. Sacramento, CA. June 23, 2015.

### **Summary**

The KP Medical Center and MLS Stadium do not occur within sensitive habitats. Therefore, no impact would result from construction of these project components. Proposed development of the proposed RSPU occurs east of the Sacramento River levee, and does not propose development in sensitive habitats. Therefore, no impact would result from construction of the proposed RSPU. Development of the proposed Stormwater Outfall could result in removal of up to ~~0.05~~ 0.013 acres of valley foothill riparian habitat, and fill of ~~0.04~~ 0.06 acres of riverine habitat (tidal perennial stream below the OHWM of the Sacramento River) which would be considered a **significant** impact.

Page 4.3-67, second paragraph, is revised to read:

Construction and operation of the proposed Stormwater Outfall would not be expected to result in disturbance to the extent that it would permanently and substantially interfere with the movement of resident or migratory terrestrial wildlife species. During construction, potential impacts to terrestrial wildlife movement along the Sacramento River would be temporary and limited to the ~~0.7~~ 0.87 acre footprint of the outfall structure and temporary construction access areas. After construction is complete, the majority of the Stormwater Outfall would be underground and the surface conditions would be restored. Therefore impacts to terrestrial species would be **less than significant**.

There will be no nighttime construction; therefore no impact on migratory and native fish species within the Sacramento River would occur from nighttime lighting. Impacts associated with construction and operation of the proposed Stormwater Outfall are described under Impact 4.3-3 above.

Impact 4.3-9 on pages 4.3-68 to 4.3-70, is revised to read:

**Impact 4.3-9: Development of the proposed projects could conflict with local policies protecting trees.**

***Railyards Specific Plan Update***

The 2007 RSP EIR discussed impacts to locally protected trees under Impact 6.2-10 (page 6.2-46). Impact 6.2-10 of the 2007 RSP EIR found that the loss of protected trees, including oak trees (*Quercus* species) could conflict with the City tree ordinance and would be considered a potentially significant impact. This determination was based on recognition that the 2007 RSP Area supports trees potentially protected by the City's tree ordinance. Consistent with 2007 conditions, the RSP Area contains mature trees that are protected under the City's tree ordinance within riparian habitat along the Sacramento River, within the Medical Center site, the MLS Stadium site, and ~~potentially~~ along the northern edge of the RSP Area. Therefore, construction within the RSP Area ~~has the potential to~~ would result in the disturbance ~~and/or~~ loss of protected trees. The loss of protected trees protected by the City tree ordinance would be considered a ~~potentially significant~~ impact.

**Railyards Specific Plan Update Land Use Variant**

Under the RSPU Land Use Variant, potential impacts to protected trees would be the same as discussed above for the proposed RSPU. As such, the discussion above would be applicable to the RSPU Land Use Variant and effects of the RSPU would be equal to those the proposed RSPU, resulting in a ~~potentially significant~~ impact.

***KP Medical Center***

The proposed Medical Center footprint contains ~~no one (1) trees that is protected under the 2016~~ City tree ordinance, defines as "heritage trees." As such, ~~e~~Construction of the proposed Medical Center ~~would~~ could damage, or remove the protected tree. As such, have construction of the Medical Center would have a significant impact ~~no impact~~ to a tree protected by the City tree ordinance.

***MLS Stadium***

The proposed Stadium footprint contains ~~no one (1) trees that is protected under the City tree ordinance. Construction of the proposed MLS Stadium could damage, or remove protected trees.~~ As such, construction of the proposed Stadium would have a no significant impact to trees protected by the City tree ordinance.

***Stormwater Outfall***

The proposed Outfall supports at least two (2) trees that are protected by the City tree ordinance. Construction of the Outfall could damage, or remove protected trees. As such this is considered a **significant impact**.

### **Summary**

Loss of protected trees within the RSP Area, including the site of the proposed Stormwater Outfall, and the trees along the northern edge of the RSP Area would result in a **significant impact**. ~~No~~Two protected trees are present within the MLS Stadium and KP Medical Center areas, one tree on each site. ~~therefore no~~ Therefore, an impact to protected trees ~~would~~ could occur and the impact would be significant.

### **Mitigation Measure**

Mitigation Measure 4.3-9 is similar to Mitigation Measure 6.2-10 in the 2007 RSP EIR, but has been modified for clarity.

#### **Mitigation Measure 4.3-9 (RSPU, KPMC, MLS, SO)**

*All tree removal within the RSP Area shall comply with the current City of Sacramento tree protection ordinance. The applicant shall implement mitigation measures to protect retained trees, and replace for the loss of tree resources (tree protection, and replacement measures shall be determined in consultation with the City).*

**Impact Significance After Mitigation:** Implementation of Mitigation Measure 4.3-9 would reduce this impact to a **less-than-significant** level through compliance with the City's established requirements to avoid or mitigate for the loss of protected trees.

## **Section 4.4, Cultural Resources**

The second paragraph, third sentence on page 4.4-48 is revised as follows:

Since at least 2000, Kyle Wyatt has served as the dual role as ERM West archaeological monitor for the project, and curator at the California State Railroad Museum.

Footnote 55 on page 4.4-48 of the Draft SEIR is revised as follows:

<sup>55</sup> Wyatt, Kyle, ~~ERM West Archaeological Monitor, California State Railroad Museum,~~ Personal communication with R. Scott Baxter, ESA, December 3, 2015.

Mitigation Measure 4.4-1(d) is added to Mitigation Measure 4.4-1 to provide an additional mitigation measure applicable to the Stormwater Outfall regarding potentially submerged archaeological resources in the Sacramento River. Mitigation Measure 4.4-1(d) is added and the Impact Significance After Mitigation paragraph on pages 4.4-60 and 4.4-61 is revised to read:

#### **Mitigation Measure 4.4-1(d) (SO)**

*The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (CSLC) (PRC Section 6313[a]). In the case of an inadvertent discovery of a submerged shipwreck or related*

artifacts, all work must cease in the immediate vicinity of the find and the lead agency's archaeological resource staff will be notified immediately in order to initiate consultation with the CSLC staff within two business days of such discovery.

PRC Section 6313 (c) states any submerged historic resource remaining in state waters for more than 50 years will be presumed to be archaeologically or historically significant. If the lead agency's archaeologist, in consultation with the CSLC staff, determines that a historical resource may be present, the lead agency will retain the services of a qualified maritime archeological consultant. The maritime archeological consultant will recommend whether the discovery is an historical/archeological resource that retains sufficient integrity and is of potential historical or scientific significance. The maritime archeological consultant also will recommend as to what action, if any, is warranted. Based on this information, and consultation with the CSLC, implementation of additional measures may be required.

Measures shall include preservation in situ of the historical resource, implementation of a data recovery program, or other such action that preserves the cultural value of the resource. The maritime archeological consultant will submit a Final Cultural Resources Technical Report to the lead agency, NCIC, and the CSLC staff. This report will include an evaluation of the historical significance, with a description of the archeological and historical research methods employed in any archeological data recovery program undertaken.

**Impact Significance After Mitigation:** With the implementation of Mitigation Measure 4.4-1(a) through ~~(e)~~(d), this impact would be reduced to a **less-than-significant** level. Implementation of pre-construction testing and accidental discovery procedures during construction would lessen anticipated impacts to prehistoric and historic period, including Native American archaeological resources by ensuring that previously unidentified archaeological resources are protected. During construction activities, inadvertent discoveries of submerged resources in the Sacramento River would be protected through the appropriate evaluations of the resource and proper steps to take to preserve or recover the resource.

Page 4.4-65, last paragraph, fifth sentence is revised to read:

Interstate 5 abuts the Central Shops Historic District to the west, creating a physical barrier and transition between the Sacramento River District and the Central Shops Historic District.

Mitigation Measure 4.4-8 and the Impact Significance After Mitigation on page 4.4-77 is revised to read:

### Mitigation Measures

#### **Mitigation Measure 4.4-8 (RSPU, SO)**

*Implement Mitigation Measures 4.4-1(a) through 4.4-1(e)(d).*

**Impact Significance After Mitigation:** Implementation of **Mitigation Measures 4.4-1(a) through 4.4-1(e)(d)** would ensure that existing archaeological resources are identified, evaluated and treated promptly before they can be damaged or destroyed during construction. However, as noted above, archaeological resources are finite. As such, the loss of this material record cannot be completely mitigated. Therefore, the project's potential contribution to this impact would be **significant and unavoidable**.

## Section 4.7, Global Climate Change

Page 4.7-17, third paragraph, is revised to read:

The RSPU would be located in the Central Business District, and the transportation network would directly connect to the city's downtown grid, which is not a part of the City where installation of traffic calming measures is encouraged. Consequently, this criterion would not apply to the proposed RSPU, and traffic calming measures are not proposed. The proposed RSPU circulation system would include such features as neighborhood signs, warning signs, stop signs, striping, bicycle lanes (including buffered bicycle lanes on 6<sup>th</sup> Street), bot dots with reflective markers, enhanced sidewalks and crosswalks, curb extensions (bulb-outs), on street parking, planters with street trees, and other features that would calm traffic and enhance non-automotive modes of travel. These features would be consistent with the traffic calming actions called for in the Climate Action Plan.

Page 4.7-20, the second paragraph is revised to read:

The RSPU would be consistent with all six ~~five~~ applicable CAP consistency questions described above. ~~The consistency criteria regarding traffic calming (Question 2) does not apply to the project.~~ This impact would be considered **less than significant** because the project would be consistent with each of the applicable criteria.

Page 4.7-20, the fourth paragraph on the page under question 2 is revised to read:

The Land Use Variant would be located in the Central Business District, and the transportation network would connect directly to the city's downtown grid, which is not a part of the City where installation of traffic calming measures is encouraged. Consequently, this measure would not apply to the Land Use Variant and traffic calming measures are not

~~proposed.~~ The Land Use Variant would include similar types of traffic calming measures as the proposed RSPU including signage, striping, and other features that would limit and slow traffic. These features would be consistent with the traffic calming actions called for in the Climate Action Plan.

Page 4.7-22, the second paragraph is revised to read:

The RSPU Land Use Variant would be consistent with all six ~~five~~ applicable CAP consistency questions described above. ~~The consistency criterion regarding traffic calming (Question 2) does not apply to the project.~~ This is a **less-than-significant** impact because the project would be consistent with each of the applicable criteria.

Page 4.7-22, the fifth paragraph on the page under question 2 is revised to read:

~~The KP Medical Center would be located in the middle area of the RSP Area within the Central Business District, and the transportation network around the KP Medical Center would connect directly to the city's downtown grid, which is not a part of the City where installation of traffic calming measures is encouraged. Consequently, this measure would not apply to the KP Medical Center and traffic calming measures are not proposed. The KP Medical Center would include similar types of traffic calming measures as the proposed RSPU including signage, striping, and other features that would limit and slow traffic. These features would be consistent with the traffic calming actions called for in the Climate Action Plan.~~

Page 4.7-25, the second paragraph is revised to read:

The KP Medical Center project would be consistent with all six ~~five~~ of the applicable CAP consistency criteria described above. ~~The consistency criterion regarding traffic calming (question 2) does not apply to the project.~~ This is a **less than significant** impact because the project would be consistent with each of the applicable criteria.

Page 4.7-25, the fifth paragraph on the page under question 2 is revised to read:

~~The proposed MLS Stadium would be located in the eastern area of the RSP Area within the Central Business District, and the transportation network around the MLS Stadium would connect directly to the city's downtown grid, which is not a part of the City where installation of traffic calming measures is encouraged. Consequently, this measure would not apply to the MLS Project and traffic calming measures are not proposed. The MLS Stadium would include similar types of traffic calming measures as the proposed RSPU including signage, striping, on-street passenger drop-off areas, and other features that would limit and slow traffic. These features would be consistent with the traffic calming actions called for in the Climate Action Plan.~~

Page 4.7-27, the second paragraph is revised to read:

The MLS Stadium would be consistent with ~~five of the~~ all six CAP consistency criteria described above. ~~The criterion regarding traffic calming (criterion 2) does not apply to the project.~~ This is a **less-than-significant** impact because the project would be consistent with each of the applicable criteria.

## Section 4.8, Hazards and Hazardous Materials

Page 4.8-3, third bullet on the list, is revised include the following footnote:

<sup>4</sup> The requirement of a LUC is project-specific and based on the proposed remedy. For other Remedial Action Plans where remediation is proposed to result in unrestricted land use, a LUC may not be required.

Page 4.8-12, end of the first paragraph, is revised to include the following text:

See Section 4.8-2 Regulatory Setting for additional discussion on the 2015 LUC and Figure 4.8-4 for the portions of the RSP Area covered by the 2015 LUC.

Page 4.8-14, first paragraph, is revised to read:

DTSC approved the Five-Year Review, concluding ~~that some of the remedial goals for constituents of concern should be changed (e.g., lead) but that the implemented remedies are still protective of human health and the environment, as supported by engineering and institutional controls mandated by the recently approved LUC~~ the remedy is currently protective and will remain protective in the future, as development and reuse occurs, because remedy construction is complete, access is restricted where necessary by engineering controls, and LUCs will be recorded or updated. Soils in the Property were remediated to cleanup levels that, along with adherence to the restrictions in the LUCs, are protective of all populations for planned uses.<sup>4</sup>

Page 4.8-16, fourth paragraph, first sentence, is revised to read:

The Final Draft Remedial Action Plan was approved on July 3, 2013. ~~In January 2013 the remedial action plan was approved by DTSC.~~

Page 4.8-16, last paragraph, second sentence is revised to read:

Certification for Central Shops soil is currently scheduled for 2017 ~~of Remedial Action is anticipated from DTSC in 2016.~~

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<sup>4</sup> ERM, 2015 (June). First Five-Year Review Report, Former SPTCo Sacramento Railyard, Sacramento, California. Prepared for Union Pacific Railroad Company, p. 10-1.

Page 4.8-17, second paragraph, fourth sentence, is revised to read:

Closure and certification was issued by the Southern Pacific Transportation Company on May 27, 1994. A LUC was recorded on May 19, 1994. DTSC certified the regulatory closure of the site on May 27, 1994, and the LUC was recorded.

Page 4.8-17, the following is added after the last sentence of the third paragraph:

A new LUC will be recorded for the areas that are not included in the May 19, 1994 Sacramento Station LUC so the remedy can be certified as complete.

Page 4.8-17, last paragraph, last sentence, is revised to read:

Construction of these features was and is being completed in accordance with terms of the Sacramento Station Covenant and the Railyards Project Soil and Groundwater Management Plan (SGMP) and similar applicable plans that were developed for the Track Relocation, 6<sup>th</sup> Street, 5<sup>th</sup> Street and Railyards Boulevard and Sacramento Valley Station – Phase 2 project which were completed prior the 2015 SGMP.

Page 4.8-19, third paragraph, first sentence is revised to read:

Groundwater under the Sacramento Station, which is part of the South Plume remediation area, is subject to remedial measures under the Central Shops and South Plume Remedial Action Plan which was approved in July January 2013, and is currently being implemented.

Page 4.8-19, fourth paragraph, first sentence, is revised to read:

Prior to the Central Shops and South Plume Remedial Action Plan, the Final Feasibility Study Report for the South Plume Study Area was approved on June 30, in July 2010.

Page 4.8-19, header following the fifth paragraph, is revised to read:

**Lagoon Plume Groundwater**

Page 4.8-19, last paragraph, first sentence, is revised to read:

On January 30, 2015 in 2014, the Final Health Risk Assessment for the Lagoon Groundwater Study Area was approved completed.

Page 4.8-20, second paragraph, fourth sentence, is revised to read:

As discussed above, the Remedial Investigation Report – Former Manufactured Gas Plant Study Area ~~for both soil and groundwater~~ was completed in 2015.

Page 4.8-21, second paragraph, last sentence is revised to read:

In the upcoming years additional site remediation documentation is anticipated for the Lagoon ~~Plume~~ Groundwater, which occupies the northern portions beneath the MLS Stadium.

Page 4.8-27, first paragraph, is revised to add the following:

The Hazardous Materials Division of the Sacramento County Environmental Management Department is the designated Certified United Program Agency (CUPA) for the City of Sacramento and Sacramento County and is responsible for implementing six statewide environmental programs for Sacramento County. The CUPA program streamlines and provides consistent regulatory activities including inspections, permitting, and enforcement for the following specific environmental and emergency response areas, including:

Page 4.8-28, first paragraph, is revised to add the following:

**Table 4.8-3** lists the LUC within the RSP Area and Figure 4.8-4 identifies each areas covered by those restrictions. Further details for these LUCs are provided below and under Impact 4.8-1.

Page 4.8-31, second paragraph is revised to read:

Specifically, the SGMP is applicable to all development projects in areas within the RSP Area owned by DRV and relates to (1) soils moved, handled, disturbed and/or excavated by or on behalf of a project proponent in anticipation of or during the course of project development; (2) groundwater encountered by or on behalf of a project proponent during the course of project development that requires pumping for excavation activities; and (3) the imposition of and the required satisfaction of other obligations set forth in the SGMP.

Page 4.8-33, first paragraph, first sentence, is revised to read:

Development in Non-Certified Areas (such as the Central Shops Study Area and the ~~excluded triangle east of Vista Park (in portion of the northwest corner of the Lagoon Study Area east of Vista Park)~~) can only commence after the project proponent (defined in the SGMP as the entity that would be primarily responsible for construction of a development project) obtains written approval from DRV, the property owner (defined in the SGMP as a public or private entity that owns all or portions of the RSP Area where projects are to be developed) and DTSC of an addendum to the SGMP (Project Addendum, described in detail below).

Mitigation Measure 4.8-1 on page 4.8-43, is revised to read:

*If unidentified or suspected contaminated soil or groundwater evidenced by stained soil, noxious odors, or other factors, is encountered during site preparation or construction activities work shall stop in the area of potential contamination, and the type and extent of*

*contamination shall be identified by a ~~Registered Environmental Assessor (REA) or~~ qualified professional. The ~~REA or~~ qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations, and recommendations for appropriate handling and disposal. Site preparation or construction activities shall not recommence within the contaminated areas until remediation is complete and a “no further action” letter is obtained from the appropriate regulatory agency.*

Page 4.8-39, third paragraph, first sentence, is revised to read:

Certification of ~~Remedial action for soils within~~ for the Central Shops Study Area soil is ~~anticipated from DTSC in late 2016~~ scheduled for 2017.

Page 4.8-47, third paragraph, second sentence is revised to read:

As described in the Environmental Setting, contaminated groundwater under the RSP Area includes the South Plume, Lagoon ~~Plume~~ Groundwater and Manufactured Gas Plant Plume.

Page 4.8-52, second paragraph is revised to read:

While it is likely that contaminated groundwater associated with the Lagoon ~~Plume~~ Groundwater and South Plume would be extracted during dewatering activities, ...

Page 4.8-54, second paragraph, third sentence is revised to read:

As described in the Environmental Setting, contaminated groundwater under the RSP Area ~~is underlined by~~ includes the South Plume, Lagoon ~~Plume~~ Groundwater and Manufactured Gas Plant Plume.

Page 4.8-60, first sentence of the first paragraph is revised to read:

By ensuring that businesses in or adjacent to the RSP Area (which are within the City and, therefore, subject to City regulations) comply with the Unified Program, which provides consistent regulatory activities including inspections, permitting, and enforcement, the City would reduce impacts associated with the potential for accidental release of hazardous substances associated with construction activities and occupancy of uses under the RSPU.

Page 4.8-68, second paragraph, first sentence, is revised to read:

Certification of ~~soil remediation within the~~ for Central Shops Study Area soil is ~~anticipated from DTSC in late 2016~~ scheduled for 2017, followed by a LUC.

Page 4.8-72, last paragraph, third sentence, is revised to read:

The proposed projects would contribute to potential cumulative exposure associated with interference with remediation of the South Plume and Lagoon ~~Plume~~ Groundwater and accidental or inadvertent release of hazardous substances during transportation.

Page 4.8-74, Impact Statement 4.8-9 is revised to read:

**Impact 4.8-9: The proposed projects could contribute to cumulative dewatering activities that could interfere with remediation of the existing South Plume and Lagoon ~~Plume~~ Groundwater.**

Page 4.8-74, third paragraph is revised to read:

Within the RSP Area there are two existing groundwater plumes that extend beyond the boundaries of the RSP Area, South Plume and Lagoon ~~Plume~~ Groundwater (see Figure 4.8-2). As discussed in Section 4.5.1 Environmental Setting, the plumes contain contaminants of concern and are at various stages of remediation. The South Plume extends from the RSP Area beneath downtown Sacramento to approximately Q Street to the south, 5<sup>th</sup> Street to the west, and 12<sup>th</sup> Street to the east. Groundwater and soil vapor investigation and remediation are underway for the South Plume in accordance with the approved plans. The Lagoon ~~Plume~~ Groundwater is mostly contained within the RSP Area; however does extend slightly north past North B Street. Projects in areas that overlie the existing South Plume and Lagoon ~~Plume~~ Groundwater and require dewatering, depending on the rate and length of time, could interfere with on-going remediation efforts by pulling the contamination farther to the north or south and/or closer to the ground surface, resulting in a **significant cumulative impact**.

## Section 4.9, Hydrology and Water Quality

A new paragraph is added to page 4.9-13 immediately following the first paragraph under the State heading:

On April 7, 2015, the State Water Board adopted an Amendment to the State's Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries that added Part 1 Trash Provisions (the "Trash Amendment"). (See [http://www.waterboards.ca.gov/water\\_issues/programs/trash\\_control/](http://www.waterboards.ca.gov/water_issues/programs/trash_control/).) The City's stormwater collection system (MS4) is subject to the requirements set forth in the Trash Amendment. A key element of the Trash Amendments is a land-use based compliance approach that targets high trash generating areas, such as high density residential (10 unit/acre or greater), industrial, commercial, mixed urban, and public transportation land uses (referred to in the Trash Amendment as "Priority Land Uses"). Projects that include Priority Land Uses will be required to comply with the Trash Amendments by implementing appropriate measures and/or controls as determined by the City's Director of Utilities or designee, and these measures shall be included each project's improvement plans.

## Section 4.10, Noise and Vibration

Page 4.10-42, last partial paragraph, the second sentence is revised to read:

In both cases, the helistop's future 65 dBA  $L_{dn}$  CNEL contour would be entirely on the KP Medical Center site.

Since the publication of the Draft SEIR, Kaiser Permanente provided the City with an additional technical report for a rooftop helistop. The record now includes flight track reports that identify likely helicopter flight paths for both an at-grade helistop and a helistop located on top of the proposed KP Medical Center hospital tower.<sup>5</sup> As a result of the change in flight paths that are reflected in the updated reports, the analysis of helicopter generated noise and the resulting noise contours that reflect the calculated noise levels have been updated. As such, page 4.10-44, Figure 4.10-2, and page 4.10-45, Figure 4.10-3, have been revised and are replaced with the updated version of Figures 4.10-2 and 4.10-3 provided at the end of this chapter.

Page 4.10-46, first partial paragraph, the second sentence is revised to read:

The ambient noise levels in the vicinity of the KP Medical Center site are much higher than those that would be generated by the proposed helistop by approximately 3 to 5 dBA near the helistop.

Page 4.10-46, first full paragraph, the third sentence is revised to read:

The noise generated by helicopter flights to and from the proposed helistop would result in a maximum noise exposure at the nearest onsite residences to the helistop, located on Block 4 across Railyards Boulevard, of up to 88 dBA  $L_{max}$  ~~dBA~~ at ground level and 82 dBA  $L_{max}$  elevated.

Page 4.10-46, second full paragraph, the second sentence is revised to read:

However, according to the City's Noise Control Ordinance standards (per Code Section 8.68.080), aircraft noise is preempted by state or federal law or regulation, thus, helicopter operations would be exempted from ~~not violate~~ the City's standards.

Page 4.10-46, last paragraph, the second sentence is revised to read:

FAA noise standards for aircraft are established in terms of long-term noise descriptors (Community Noise Exposure Level [CNEL]) which account for aircraft operations

<sup>5</sup> Flight Safety Institute, 2015 (August 28). *Initial Assessment of Helicopter Flight-Tracks*. Prepared for Kaiser Permanente's proposed "Rail Yard" hospital helistop.

throughout the day and night and were developed to address aircraft noise impacts on receptors near airports.

Page 4.10-51, first paragraph is revised to read:

The primary sources of amplified sound during either a soccer match, concert or music festival at the proposed MLS Stadium would be from the speakers at the temporary outdoor event stages (proposed to be located on the west and north sides of the Stadium), concert event stage (proposed to be located on the southernmost end of the soccer pitch), and public address systems at the primary Stadium entrances. Since the design of the sound system at the proposed MLS Stadium has not yet been finalized, the sound parameters of the speakers that could be used at the MLS Stadium are unknown at this time. However, detailed noise modeling using the proposed specific MLS Stadium design and anticipated noise attenuation was conducted to approximate noise levels resulting from a soccer match, music at the three proposed temporary stages outside of the MLS Stadium, and a concert event with the stage located on the south side of the pitch. Figures 4.10-4 through 4.10-6 show anticipated noise contours for these events assuming some development on parcels around the MLS Stadium within the RSP Area. Figures 4.10-7 through 4.10-9 show anticipated noise levels on opening day of the MLS Stadium and does not anticipate and development of the parcels immediately adjacent to the MLS Stadium and within the RSP Area.

Although the Stadium seating bowl would be largely concrete with openings (vomitories) to accommodate attendee ingress/egress and would be partially covered with a roof structure over much of the seating area, in order to provide a conservative analysis, no noise attenuation was attributed to the Stadium structure. In addition, as discussed in greater detail below, this SEIR assumes that sound amplification would be at levels that represent the maximum allowable under the City's Noise Control Ordinance.

Page 4.10-58, fourth paragraph, the first sentence is revised to read:

As illustrated in Figures 4.10-2 and 4.10-3, the ~~45~~ 65 dBA CNEL contour at either proposed helistop locations would be completely contained within the KP Medical Center area, which would not expose the nearest residential receptor near the KP Medical Center to exterior noise levels that would exceed 70 dBA  $L_{dn}$ .

## Section 4.11, Public Services

Page 4.11-27, first paragraph, is revised to read:

The RSP Area is within the current attendance boundaries for the Washington Elementary School, located at 520 18<sup>th</sup> Street in September, which reopened in 2016-17. The next closest SCUSD elementary school is William Land Elementary School, which is located at 2120 12th Street. The RSP Area is also within the attendance areas of; Sutter Middle School,

located at 3150 I Street, and C.K. McClatchy High School, located at 3066 Freeport Boulevard (see Figure 4.11-3). ~~The SCUSD plans to reopen Washington Elementary School, located at 520 18<sup>th</sup> Street in September.<sup>30</sup>~~ Students in the RSP Area may also attend Arthur Benjamin Health Professions High School, located at 451 McClatchy Way, the MET Charter High School at 810 V Street, or the Success Academy Alternative School at 5601 47<sup>th</sup> Ave. In addition, through Open Enrollment, students living with the RSP Area could apply for enrollment at other schools within the SCUSD, when space is available.

Page 4.11-27, Table 4.11-2 is revised to read:

**TABLE 4.11-2.  
SACRAMENTO CITY USD SCHOOLS AND CAPACITIES IN THE RSP AREA VICINITY**

School Name	Design Capacity	Current Enrollment	Excess Capacity
William Land Elementary School	644-585	436	205 149
Washington Elementary School <sup>1</sup>	706 390	n/a 200	n/a 190
Sutter Middle School	1,403	1,118	285
C.K. McClatchy High School	2,775	2,285	490

NOTES:

1. ~~Washington Elementary School is anticipated to be reopened for the 2016-2017 school year.~~ Washington Elementary School was reopened in the 2016-17 school year with an enrollment of 200 students, per Aman Javed, Manager, GIS/Facilities, Sacramento City Unified School District, electronic communication, September 23, 2016.

SOURCES:

1. Design capacity from City of Sacramento, Sacramento Entertainment and Sports Center & Related Development Draft Environmental Impact Report, December 2013, Table 4.9-1, and Harold M. Freiman, Lozano Smith, Attorneys at Law, Comments of the Sacramento City Unified School District on the Draft Subsequent Environmental Impact Report for Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, and Stormwater Outfall Projects, July 27, 2016.
2. Current enrollment from [www.scusd.edu/school](http://www.scusd.edu/school), accessed March 26, 2016. ~~Current 2015-2016 enrollment from <http://dq.cde.ca.gov/dataquest/Enrollment/GradeEnr.aspx?cChoice=DistEnrGr2&cYear=2015-16&cSelect=3467439--Sacramento%20City%20Unified&TheCounty=&cl.evel=District&cTopic=Enrollment&myTimeFrame=S&cType=ALL&cGender=B>, accessed September 27, 2016 for all schools except Washington Elementary School.~~

The text of the first full paragraph on page 4.11-27 of the Draft SEIR is revised as shown:

The RSP Area is within the current attendance boundaries for the Washington Elementary School, located at 520 18<sup>th</sup> Street in September, which reopened in 2016-17. The next closest SCUSD elementary school is William Land Elementary School, which is located at 2120 12<sup>th</sup> Street. The RSP Area is also within the attendance areas of, Sutter Middle School, located at 3150 I Street, and C.K. McClatchy High School, located at 3066 Freeport Boulevard (see Figure 4.11-3). ~~The SCUSD plans to reopen Washington Elementary School, located at 520 18<sup>th</sup> Street in September.<sup>30</sup>~~ Students in the RSP Area may also attend Arthur Benjamin Health Professions High School, located at 451 McClatchy Way, the MET Charter High School at 810 V Street, or the Success Academy Alternative School at 5601 47<sup>th</sup> Ave. In addition, through Open Enrollment, students living with the RSP Area could apply for enrollment at other schools within the SCUSD, when space is available.

Page 4.11-31, third paragraph, is revised to read:

The California Code of Regulations (CCR), Title 5, ~~Education Code governs all aspects of education within the state.~~ Title 5, Division 1, Chapter 13, Subchapter 1, Article 2 outlines minimum requirements for the placement of schools, and specifically addresses placement of school sites in proximity to railroad tracks, as shown below.

Page 4.11-39, third full paragraph, the first sentence is revised to read:

The California ~~Education Code~~ Code of Regulations establishes threshold for development of new school sites. Section 14010(d) specifically outlines measures to be taken if a school is proposed within 1,500 feet of a railroad track due to the potential risk to students.

Page 4.11-39, fourth full paragraph is revised to read:

The ~~Education~~ California Code of Regulations also requires that certain findings be made for new school sites within State-funded school districts, including a finding that a natural gas pipeline does not run through the school site. Previously, a petroleum gas transmission line did transect the RSP Area. However, the petroleum line has been relocated to the northwestern boundary of the RSP Area so that it is no longer ~~located within the RSP Area~~ transects the RSP Area or cuts through developable parcels. An easement would be provided over the petroleum pipeline route.

Page 4.11-40, Mitigation Measure 4.11-6, the last sentence is revised to read:

*In the event these conditions cannot be satisfied, SCUSD shall proceed in a manner than complies with California ~~Education Code~~ Code of Regulations, Title 5, section 14010(d).*

## Section 4.12, Transportation

The following paragraph is added after the first full paragraph on page 4.12-68 of the Draft SEIR:

One of the SACMET model's inputs is the number of students in schools throughout the region. The model matches those trip attractions with home-based-school trips, which comprise a portion of all home-based travel (along with work, shop, and other purposes). The traffic analysis considers the effects of school-related trips but does not isolate this individual trip purpose. The study does not isolate the effects of numerous other home-based trips, and non-home-based trips, though they are considered in the model. Separating out different trip purposes would have resulted in a substantially lengthier and more complicated document that would have not helped decision-makers understand the effects of the proposed projects. According to Table 1.2.4 of the 2010-2012 California Household Travel Survey Final Report

Appendix,<sup>6</sup> the statewide average one-way school trip was 15 minutes in duration. According to Table 8-7 of Appendix C4 of the SACOG 2016 MTP/SCS,<sup>7</sup> average one-way home-to-school travel distances in the SACOG region are eight miles to colleges, four miles for kindergarten for students being driven to school, and three miles for all kindergarten to 12<sup>th</sup> grade students age 5 to 15. According to Table 8-35 of Appendix C4, the most common modes of travel for school-based trips are private vehicle (63 percent), school bus (15 percent), walk (13 percent), and bike (6 percent). Because SACOG's travel demand model includes a mode choice component, its estimate of school trips not only considers the quantity of these trips, but also the travel mode they would be expected to use based on the availability of transit in the area.

To clarify the types of transit service improvements that may be implemented to support increased transit usage, the text on Draft SEIR page 4.12-116 under the Transit Mode Split header is revised:

#### **Transit Mode Split**

During a November 3, 2015 meeting with the applicant, RT, and City of Sacramento, RT officials expressed a willingness to work cooperatively with the City and the applicant to ensure that necessary light rail facilities and services would be in place by the time the proposed Stadium would open.<sup>8</sup> ~~Specific improvements identified as being necessary included~~ may include, but are not limited to:

- Construction of a new (either temporary or permanent) light rail station located on the east side of 7<sup>th</sup> Street north of Railyards Boulevard;
- Increased service frequency to accommodate special events (including 15-minute train headways and/or 3- or 4-car trains); and
- Increased service duration to accommodate transit riders after a Stadium event ends (e.g., service would extend until 10:30 PM or 11:00 PM for a 7:30 PM soccer match).

Page 4.12-232, Mitigation Measure is revised to read:

#### **Mitigation Measure 4.12-14-(a) (RSPU, KPMC, MLS)**

*Implement Mitigation Measure 4.12-7.*

<sup>6</sup> California Department of Transportation, 2013. *2010-2012 California Household Travel Survey Final Report Appendix* June 2013.

<sup>7</sup> Sacramento Area Council of Governments, 2016. *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Adopted February 18, 2016.

<sup>8</sup> The MLS Stadium would be constructed initially with seating for 19,621 attendees and the capacity to accommodate concerts with an attendance up to 21,500 people. In the event that the potential improvements identified are not implemented, the transit mode split is estimated to decrease to 2% and the MLS Stadium could accommodate 21,500 total attendees without adversely affecting the transportation impact analysis.

## Section 4.13, Utilities

Page 4.13-7, last sentence of the first paragraph is revised to read:

A separate City project is planned to construct ~~an offsite~~ a lift station within near the intersection of 10<sup>th</sup> and North B streets to bring those offsite flows to the RSP Area, conceptually planned to be located on Lot 51b, east of 10<sup>th</sup> Street.

Page 4.13-19, second to last paragraph, last sentence is revised to read:

Information in this section is based on the Railyards Water Master Plan, the City of Sacramento General Plan Technical Background Report, the City of Sacramento 2010 Urban Water Management Plan (UMWP), the City of Sacramento 2015 UWMP, and information from City staff.

Page 4.13-27, footnote 21, the following text is inserted at the end of the footnote:

Since the DSEIR was published, the City of Sacramento adopted the 2015 UWMP. As anticipated in the DSEIR, water demand has dropped substantially in the City of Sacramento. There has also been a modest reduction in projected supply. The new water supply and demand information contained in the 2015 UWMP would not alter the conclusions of the DSEIR with respect to the RSPU impact on water supply (Adrienne Graham, memorandum to file, September 27, 2016).

On pages 4.13-43 through 4.13-47, there are multiple paragraphs of text that are unintentionally italicized, making them appear that they are part of Mitigation Measure 4.13-7. However, those paragraphs are descriptive discussion and should not be construed as part of the mitigation measure. As a result, text on pages 4.13-43 through 4.13-47 under the Mitigation Measure heading is revised:

### **Mitigation Measure 4.13-7 (RSPU)**

*In order to ensure that sufficient capacity would be available to meet cumulative demands, the City shall implement, to the extent needed in order to secure sufficient supply, one or more of the following:*

*a. Maximize Water Conservation*

*Chapter 6 of the 2010 UWMP outlines an array of Demand Mitigation Measures (DMMs). In order to further reduce water demands, the City could require the Project to implement additional DMMs, which would support water conservation on site, and a partial offset of anticipated water demand for the Project. DMMs discussed in the 2010 UWMP include the following:*

- Water Survey Programs for Single Family and Multiple Family Residential Customers*
- Residential Plumbing Retrofit*

- *System Water Audits, Leak Detection, and Repair*
- *Metering with Commodity Rates for all New Connections and Retrofit of Existing Connections*
- *Large Landscape Conservation Programs and Incentives*
- *High Efficiency Washing Machine Rebate Program*
- *Public Information Programs*
- *School Education Programs*
- *Conservation Programs for Commercial, Industrial, and Institutional Accounts*
- *Wholesale Agency Programs*
- *Conservation Pricing*
- *Water Conservation Coordinator*
- *Water Waste Prohibition*
- *Residential Ultra-Low Flush Toilet Replacement Program*

*b. Implement New Water Diversion and/or Treatment Infrastructure*

*The 2010 UWMP proposes implementation of three potential additional projects that would support additional surface water diversion and/or treatment capacity within the City. Potential projects include:*

- 1. Installation of a new WTP – Install a new WTP along the Sacramento or American River to support additional diversion and treatment*
- 2. Expansion of the SRWTP – Use existing water entitlements and expand design and treatment capacity of the SRWTP*
- 3. Construction of a raw water line to the FWTP in order to take advantage of available and existing treatment capacity at the FWTP.*

*In addition to these projects, the City is working with other water agencies on the Sacramento River Regional Water Reliability Project or RiverArc Project, which could divert water from the Sacramento River to offset water currently diverted from the American River, and deliver that water to a new regional water treatment plant. That water would then be distributed through existing*

*and new pipelines to local water agencies, including the City of Sacramento.<sup>9</sup> For the City of Sacramento, the RiverArc Project would enable the city to divert surface water when the Hodge flow restrictions are in place on the American River. A new water treatment plant could also be used to during peak periods, which would increase water supply reliability in the north Natomas area.<sup>10</sup>*

*Each of these projects, if implemented, would require its own environmental review, as well as compliance with all applicable regulatory requirements and restrictions. Construction and operation of these facilities could result in the following categories of potentially significant impacts:*

- Exposure of soils to erosion and loss of topsoil during construction;*
- Surface water quality degradation;*
- Natural drainage courses and hydrology;*
- Construction-related air emissions;*
- Construction and operations-related noise impacts;*
- Visual and/or light and glare impacts;*
- Loss of protected species and degradation or loss of their habitats;*
- Conversion of existing agricultural lands or resources;*
- Degradation of fisheries habitat; and*
- Exposure to pre-existing listed and unknown hazardous materials contamination.*

*Mitigation measures would need to be developed to reduce any potentially significant impacts to less than significant levels. As such, due to the timing uncertainties associated with the long-term water supply infrastructure necessary to overcome the potential cumulative maximum day demands, project-specific mitigation measures would need to be tailored to the proposed projects. The following are illustrative of the types of mitigation measures that could be implemented to avoid or reduce those impacts listed above:*

- Reduction in operational and construction air emissions as required by SMAQMD;*

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<sup>9</sup> West Yost Associates, 2015. *Sacramento River Regional Water Reliability Project, Planning Phase 1*, August 2015, p. 1.

<sup>10</sup> West Yost Associates, 2015. *Sacramento River Regional Water Reliability Project, Planning Phase 1*, August 2015, p. 7.

- *Avoidance of surface water pollution through control of on-site stormwater flows, protection of top soils or stock piles from wind and water erosion, and implementation of related BMPs;*
- *Minimization of operational and construction noise through the use of noise attenuation measures;*
- *Avoidance and/or implementation of appropriate measures to restore, create, preserve or otherwise compensate for effects to biological resources;*
- *Avoidance of effects to buried cultural resources through investigation and pre-testing, and/or on-site archaeological monitoring and implementation of appropriate steps if cultural resources are discovered during earth moving activities;*
- *Avoidance of hazardous materials effects through appropriate investigation and remediation of any on-site hazards; and*
- *Avoidance, preservation or other appropriate compensation for loss of or adverse effects to important farmlands.*
- *The City, as a lead or responsible agency, would be required to implement environmental review and mitigation measures identified for each individual project. The City would not be responsible for the actions taken by other local jurisdictions or agencies.*

*c. Implement Additional Groundwater Pumping*

*As discussed in the 2010 UWMP, in order to meet demands under Hodge Flow restrictions, the City could also construct new groundwater production capacity and employ a conjunctive use program in order to meet future demands.*

*The implementation of this mitigation measure would require environmental analysis to assess if the construction or operation of new wells would have any adverse environmental consequences; its implementation would require environmental evaluation. Any new wells, appurtenances and/or infrastructure could result in the following potentially significant environmental impacts:*

- *Exposure of soils to erosion and loss of topsoil during construction;*
- *Construction-related air emissions;*
- *Destruction of buried archeological or paleontological resources;*
- *Changes in natural drainage courses and hydrology;*

- *Construction and operations-related noise impacts;*
- *Visual and/or light and glare impacts;*
- *Conversion of existing agricultural lands or resources;*
- *Drawdown of groundwater in the North American Subbasin; and*
- *Exposure to pre-existing listed and unknown hazardous materials contamination.*

*In addition, although this groundwater pumping mitigation measure could supply potable water to meet proposed site demands and offset a service area capacity deficit, this mitigation measure could also cause rapid drawdown of a sustained groundwater basin. This would run counter to current groundwater management planning. Additionally, increasing groundwater withdrawals could adversely affect other groundwater pumping activities in the region, or cause notable changes to known and unknown groundwater contamination plumes in the subbasin.*

*Mitigation measures would need to be developed to reduce any potentially significant impacts to less than significant levels. As such, due to the timing uncertainties associated with the long-term water supply infrastructure necessary to maintain sufficient system capacity, project-specific mitigation measures would need to be tailored to the proposed projects. The following are illustrative of the types of, mitigation measures that could be implemented to avoid or reduce those impacts listed above to less than significant levels:*

- *Reduction in operational and construction air emissions as required by SMAQMD;*
- *Avoidance of surface water pollution through control of on-site stormwater flows, protection of top soils or stock piles from wind and water erosion, and implementation of related BMPs;*
- *Minimization of operational and construction noise through the use of noise attenuation measures;*
- *Avoidance and/or implementation of appropriate measures to restore, create, preserve or otherwise compensate for effects to biological resources;*
- *Avoidance of effects to buried cultural resources through investigation and pre-testing, and/or on-site archaeological monitoring and implementation of appropriate steps if cultural resources are discovered during earth moving activities;*

- *Avoidance of hazardous materials effects through appropriate investigation and remediation of any on-site hazards; and*
- *Avoidance, preservation or other appropriate compensation for loss of or adverse effects to important farmlands.*

*The City, as a lead or responsible agency, would be required to implement mitigation measures identified for each mitigation project. The City would not be responsible for the actions taken by other local jurisdictions or agencies.*

## Chapter 7, Report Preparers

The list of report preparers inadvertently omitted the names and qualification of two individuals. As a result, the following text is added on page 7-2:

Chuck Bennett: B.S. Mechanical Engineering, 45 years of experience. Responsible for wind analysis and technical documentation.

Rachael Larson: M.S. Mechanical Engineering, B.S. Physics, 1 year of experience. Responsible for wind analysis and technical documentation.

## Changes to Figures

All revised Draft SEIR figures are included at the end of this chapter.

Figure S-3, Illustrative Site Plan: KP Medical Center - Phase 2, is revised to show the two potential helistop locations.

Figure S-4, Major League Soccer Stadium Conceptual Site Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure S-5, Pump Station and Outfall Site, is revised to show revised pipelines connecting the pump station to the outfall structure.

Figure 2-10, 2016 Railyards Specific Plan Districts, is revised to show the slightly corrected boundaries of the Central Shops District and the West End District Transition Zone.

Figure 2-18, Utilities – Wastewater System, is revised to reflect a changed location for the future lift station. The lift station is conceptually anticipated to be constructed on Lot 51b, east of 10<sup>th</sup> Street.

Figure 2-20, Open Space and Park Plan, is revised to update the renaming of open space areas and label open space connections.

Figure 2-24, Illustrative Site Plan: KP Medical Center - Phase 1, is revised to reflect that there are two potential helistop locations for the KP Medical Center. One location could be at ground-level south of South Park Drive, and the other potential location could be on top of the hospital tower. The revisions also reflect a future expansion area of the KP Medical Center north of Railyards Boulevard and west of 5<sup>th</sup> Street.

Figure 2-25, Illustrative Site Plan: KP Medical Center - Phase 2, is revised to reflect that there are two potential helistop locations for the KP Medical Center. One location could be at ground-level south of South Park Drive, and the other potential location could be on top of the hospital tower.

Figure 2-28, Major League Soccer Stadium Conceptual Site Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-29, Stadium West (8th Street/Entry Plaza) Elevation, Stadium South (Railyards Boulevard) Elevation, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-30, Stadium East (10<sup>th</sup> Street) Elevation, North Elevation, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-31, Stadium Longitudinal Building Sections, Transverse Building Sections, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-32, Stadium Field Level Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-33, Stadium Main Concourse Level Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-34, Stadium Suite Level Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-35, Stadium Press Level Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-36, Stadium Plaza Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-37, MLS Stadium Site Amplified Sound Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north. Localized amplified public address speakers are shown at the primary MLS Stadium entrances.

Figure 2-38, Stadium Signage Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north. Previously proposed signage pylons were removed from the

west plaza along 8<sup>th</sup> Street and the proposed MLS Stadium naming sponsor signage on the east and west facades of the MLS Stadium were reduced in length from approximately 200 feet to approximately 150 feet. Naming sponsor signage was also added to the north and south facades of the MLS Stadium.

Figure 2-39, MLS Stadium Naming Sponsor Signage Elevations, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north. The proposed MLS Stadium naming sponsor signage on the east and west facades of the MLS Stadium were reduced in length from approximately 200 feet to approximately 150 feet.

Figure 2-40, Stadium Lighting Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north. The lighting plan also shows Stadium façade lighting around the perimeter of the stadium.

Figure 2-41, MLS Stadium Bicycle Plan, is renamed to clarify that the bike plan is specific to the MLS Stadium. The figure is revised to show the revised MLS Stadium location moved approximately 40 feet to the north. Additional details are provided showing the locations of bicycle access to the MLS Stadium site, short term bike parking, long term employee bike parking, and proposed bike valet locations.

Figure 2-42, Stadium Grading Plan, is revised to show the revised MLS Stadium location moved approximately 40 feet to the north.

Figure 2-44, Pump Station and Outfall Site, is revised to show more detail for the storm drain pipes within the footprint of the stormwater outfall structure and reflect a revised site for the proposed force main ARV vault to the east of the American River Bike Trail.

Figure 4.1-21, MLS Stadium Articulation, is revised to show the revised stadium skin.

Figure 4.8-1, Railyards Soil Investigation and Cleanup Areas and Planning District Boundaries is renamed to Railyards Soil Investigation and Cleanup Areas. Additionally, the figure is revised to remove reference to districts within the RSP Area, clarify the boundaries of the Site Specific Investigation and Cleanup Areas, and update the source of the information to a more recent document.

Figure 4.10-2, KP Medical Center Helistop 65 dBA CNEL Contour at Ground Level, is renamed to reflect that the noise is measured in dBA CNEL.

Figure 4.10-3, KP Medical Center Helistop 65 dBA CNEL Contour Elevated, is revised to reflect updated helicopter arrival and departure flight tracks and show that the noise is measured in dBA CNEL.

Figure 4.10-4, MLS Stadium - Soccer Game - Noise Contour Map - With Development, is added to demonstrate noise contours that would result from a soccer match at the MLS Stadium, while

assuming development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.10-5, MLS Stadium - Outside Stages - Noise Contour Map - With Development, is added to demonstrate noise contours that would result from the use of amplified sound at the three proposed temporary outdoor stages at the MLS Stadium, while assuming development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.10-6, MLS Stadium - Music Concert - Noise Contour Map - With Development, is added to demonstrate noise contours that would result from a concert event at the MLS Stadium, while assuming development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.10-7, MLS Stadium - Soccer Game - Noise Contour Map - Zero Development, is added to demonstrate noise contours on opening day that would result from a soccer match at the MLS Stadium, while assuming no development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.10-8, MLS Stadium - Outside Stages - Noise Contour Map - Zero Development, is added to demonstrate noise contours on opening day that would result from the use of amplified sound at the three proposed temporary outdoor stages at the MLS Stadium, while assuming no development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.10-9, MLS Stadium - Music Concert - Noise Contour Map - Zero Development, is added to demonstrate noise contours on opening day that would result from a concert event at the MLS Stadium, while assuming no development on parcels immediately surrounding the MLS Stadium within the RSP Area.

Figure 4.11-3, Sacramento City and Twin Rivers Unified School Districts, is revised to more clearly show the boundary between the school districts.

Figure 4.12-13a, 7th Street Plan View, in Section 4.12, Transportation, of the Draft SEIR has been renumbered to Figure 4.12-13a. The figure is also revised to show the future light rail station planned on the east side of 7th Street north of Railyards Boulevard under Baseline Plus RSPU Conditions.

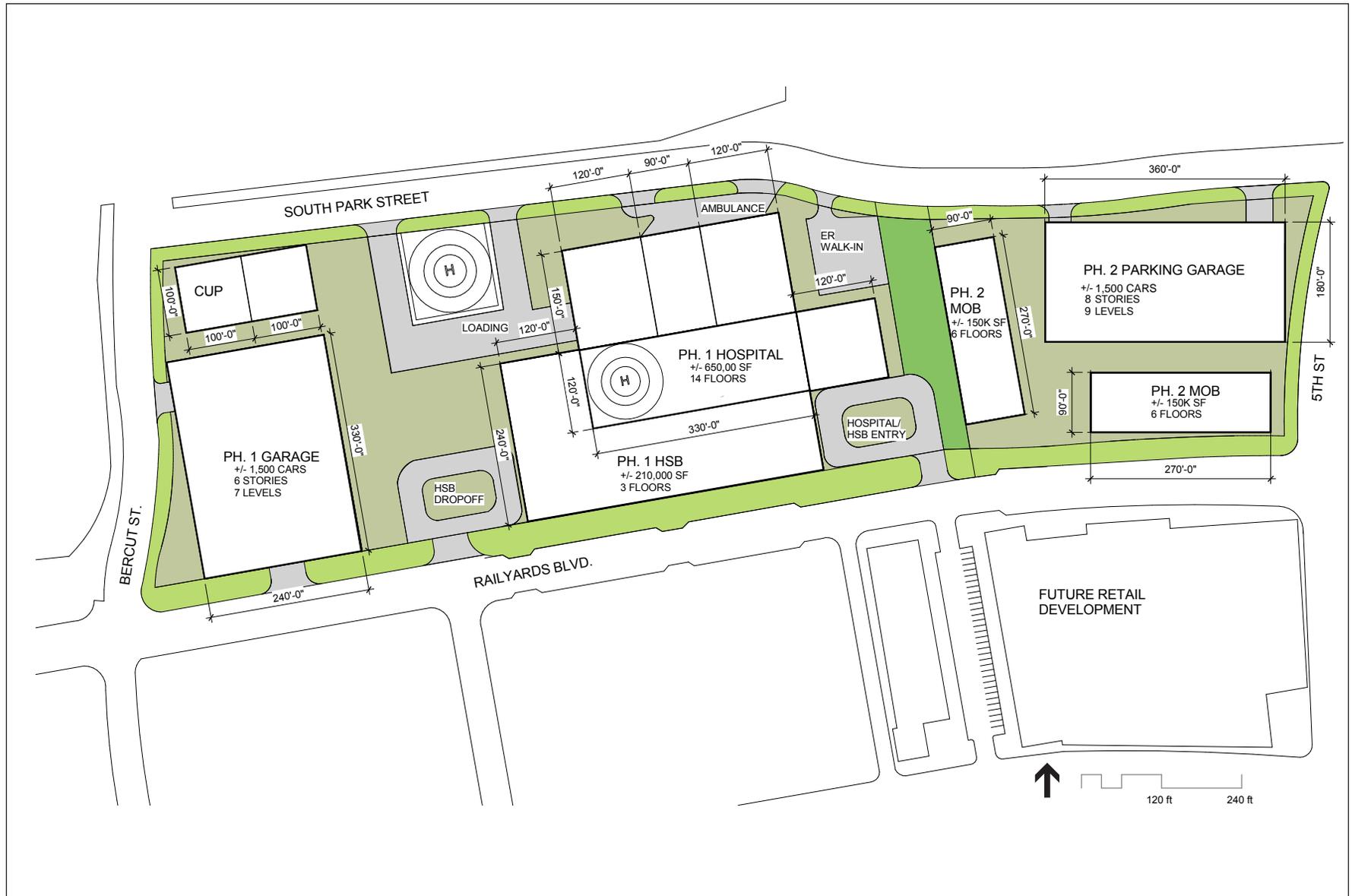
Figure 4.12-13b, 7th Street Plan View, in Section 4.12, Transportation, of the Draft SEIR has been renumbered to Figure 4.12-13b. The figure is also revised to show the future light rail station planned on the east and west sides of 7<sup>th</sup> Street north of Railyards Boulevard under Cumulative Plus RSPU Conditions.

Figure 4.12-37, Planned Cumulative Roadway and Transit System Improvements Railyards Specific Plan Vicinity, is revised to show the Dos Rios Blue Line light rail station as a future project.

Figure 4.13-1, Existing CSS/Sanitary Sewer Pipelines, is revised to show the proposed sewer lift station within the RSP Area. Additionally, the figure name is revised to Existing and Proposed CSS/Sanitary Sewer Pipelines to more accurately reflect the contents of the figure.

## Changes to Appendices

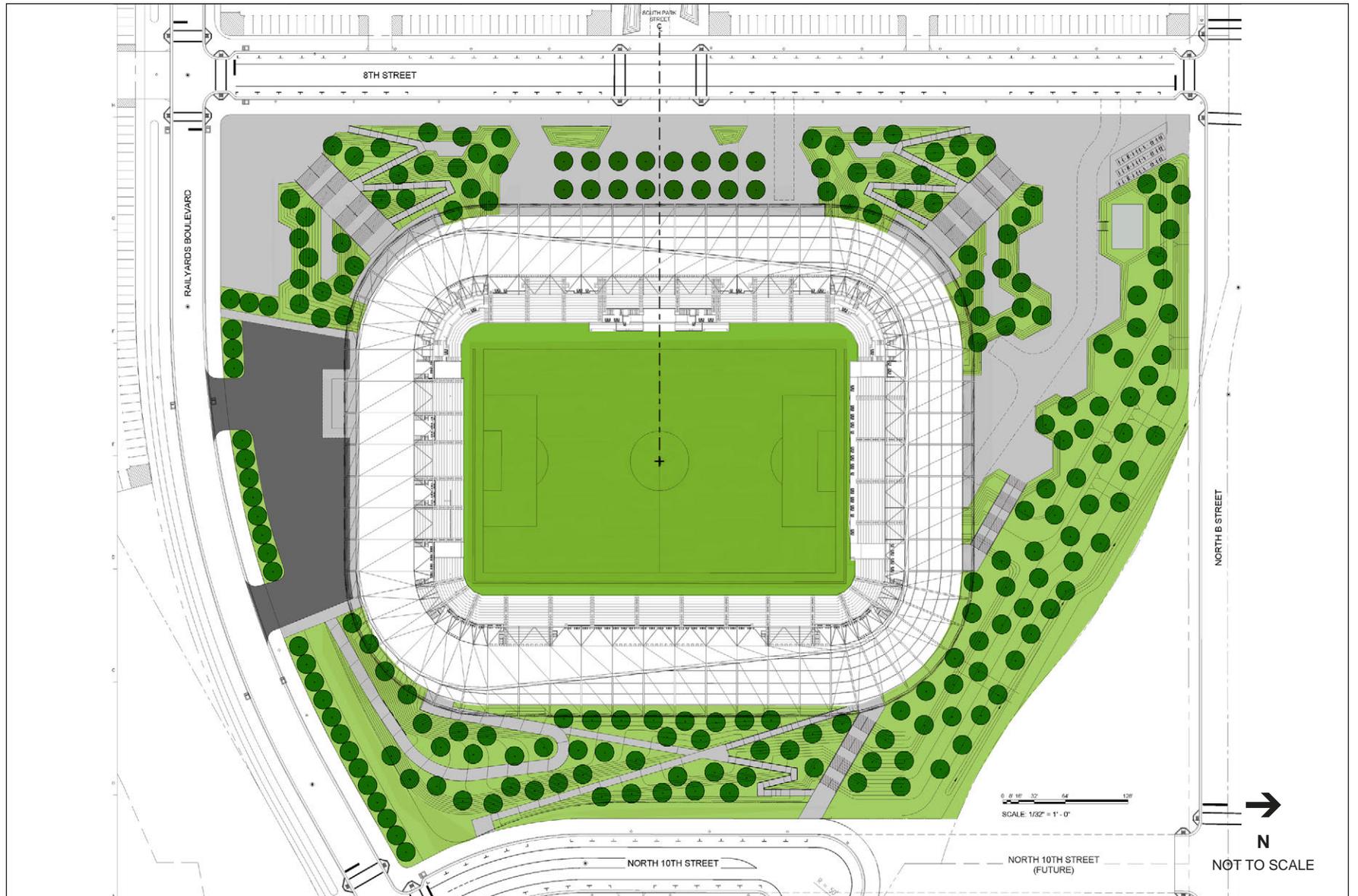
Appendix K, Water Supply Assessment, is updated to reflect that the City of Sacramento updated its water supply assessment form.



SOURCE: LIONAKIS 2016

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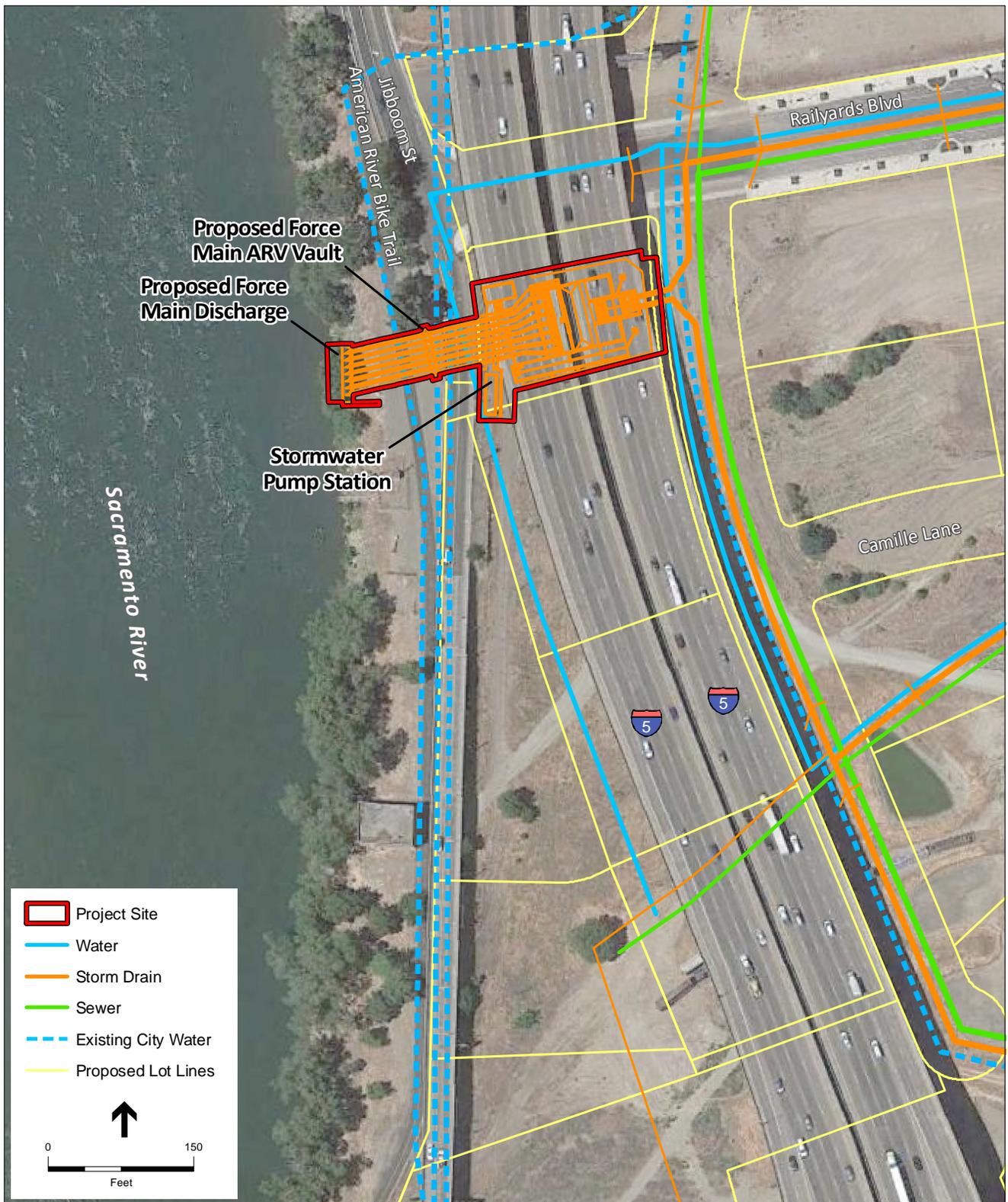
**Figure S-3**  
Illustrative Site Plan: KP Medical Center - Phase 2



SOURCE: HNTB, September 2016; adapted by ESA, 2016

Sacramento Railyards Specific Plan Update . 150286

**Figure S-4**  
Major League Soccer Stadium Conceptual Site Plan

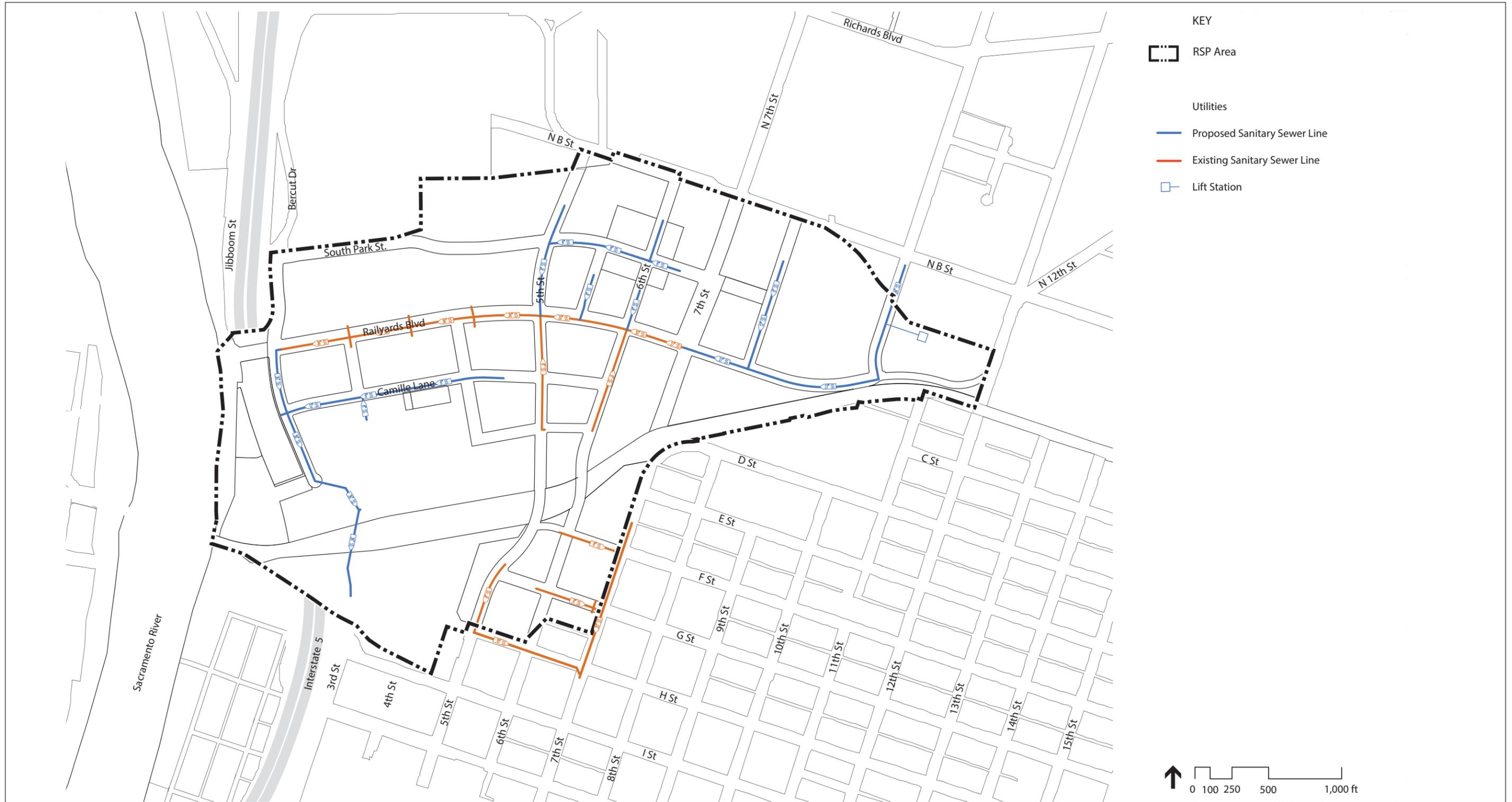


SOURCE: Google, 2015; Kimley Horn, 2015; City of Sacramento, 2015; ESA, 2016

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**Figure S-5**  
Pump Station and Outfall Site



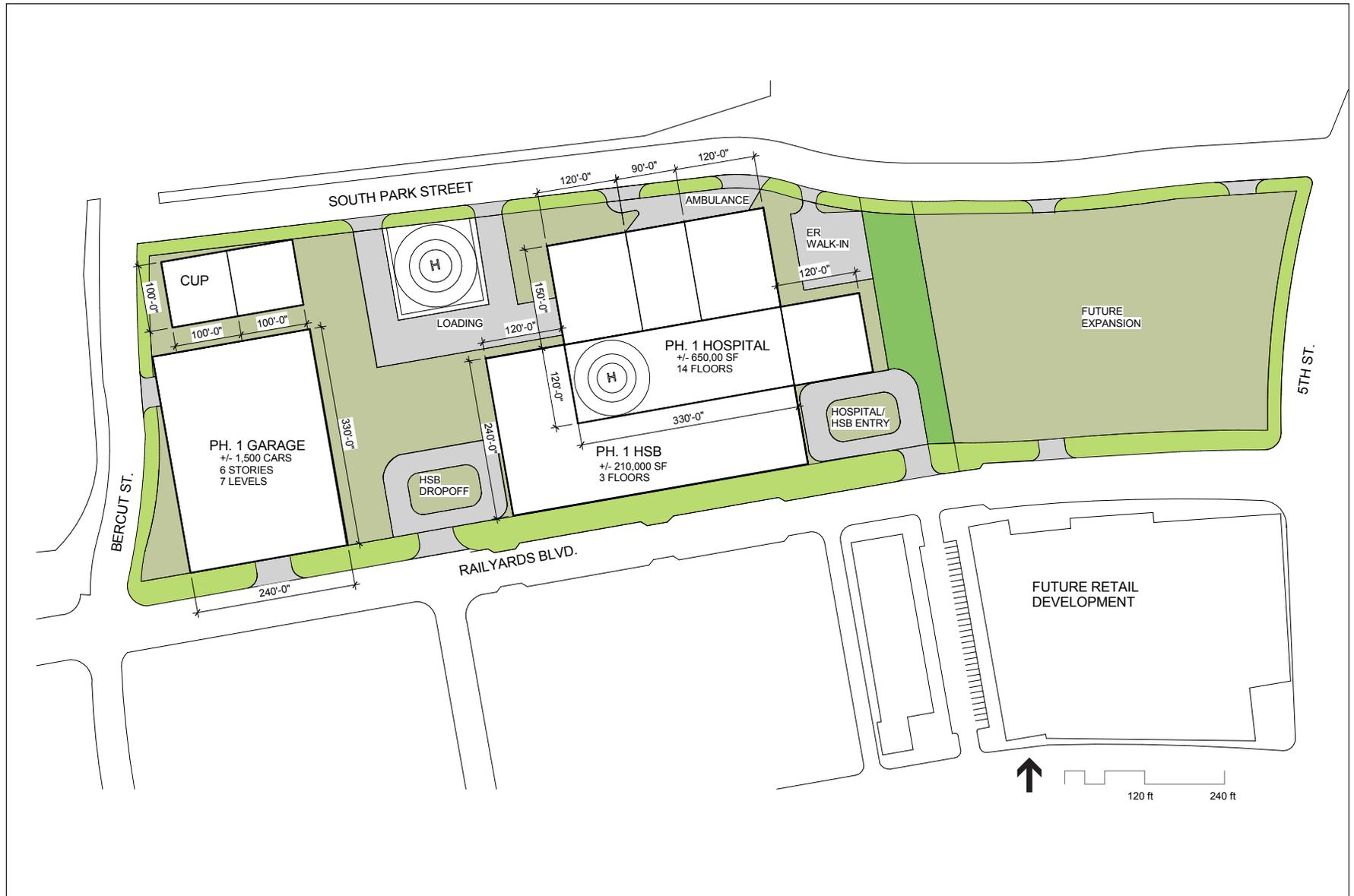


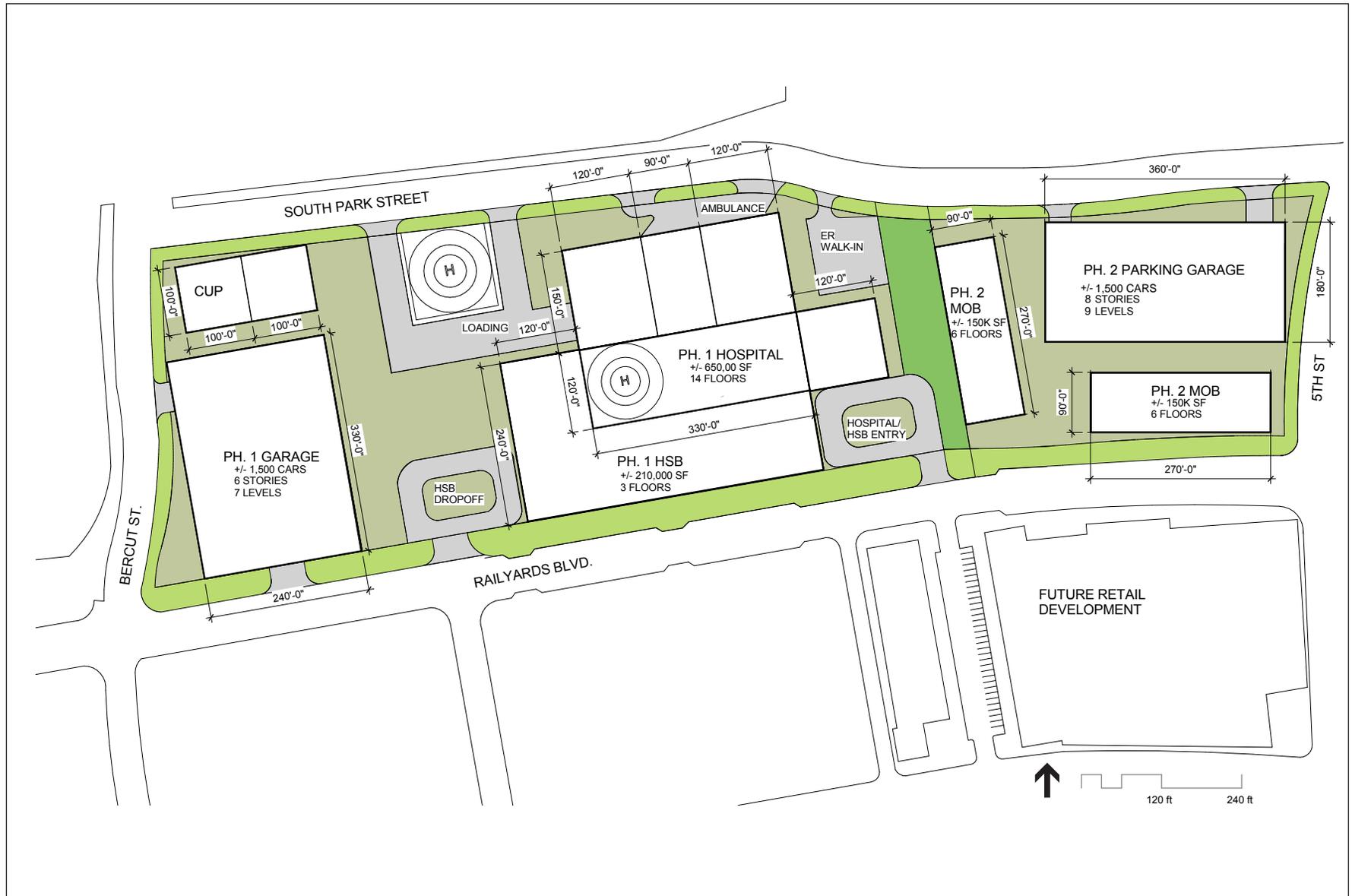
SOURCE: AECOM, June 7, 2016; adapted by ESA, 2016

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**Figure 2-18**  
Utilities - Wastewater System



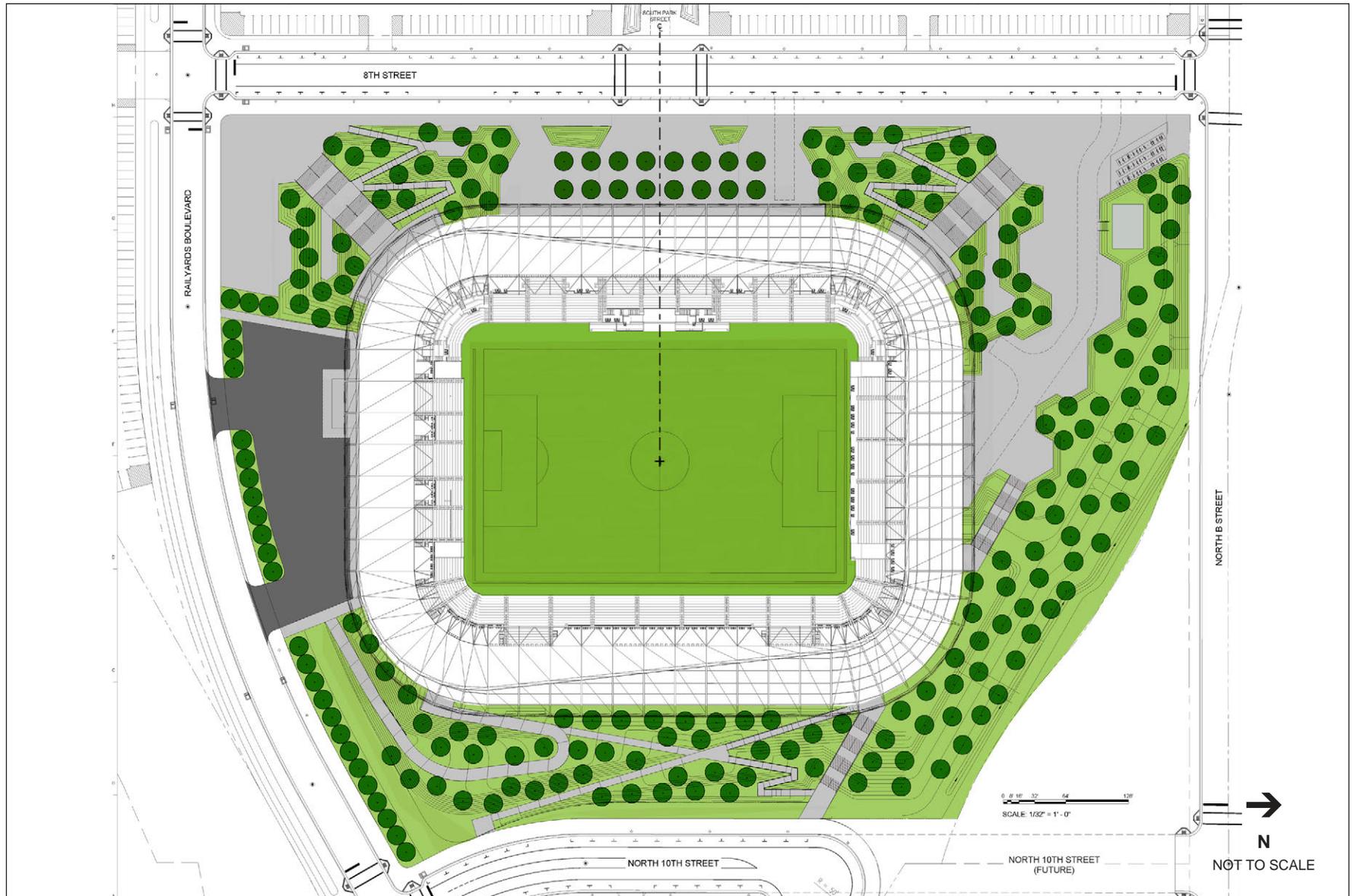




SOURCE: LIONAKIS 2016

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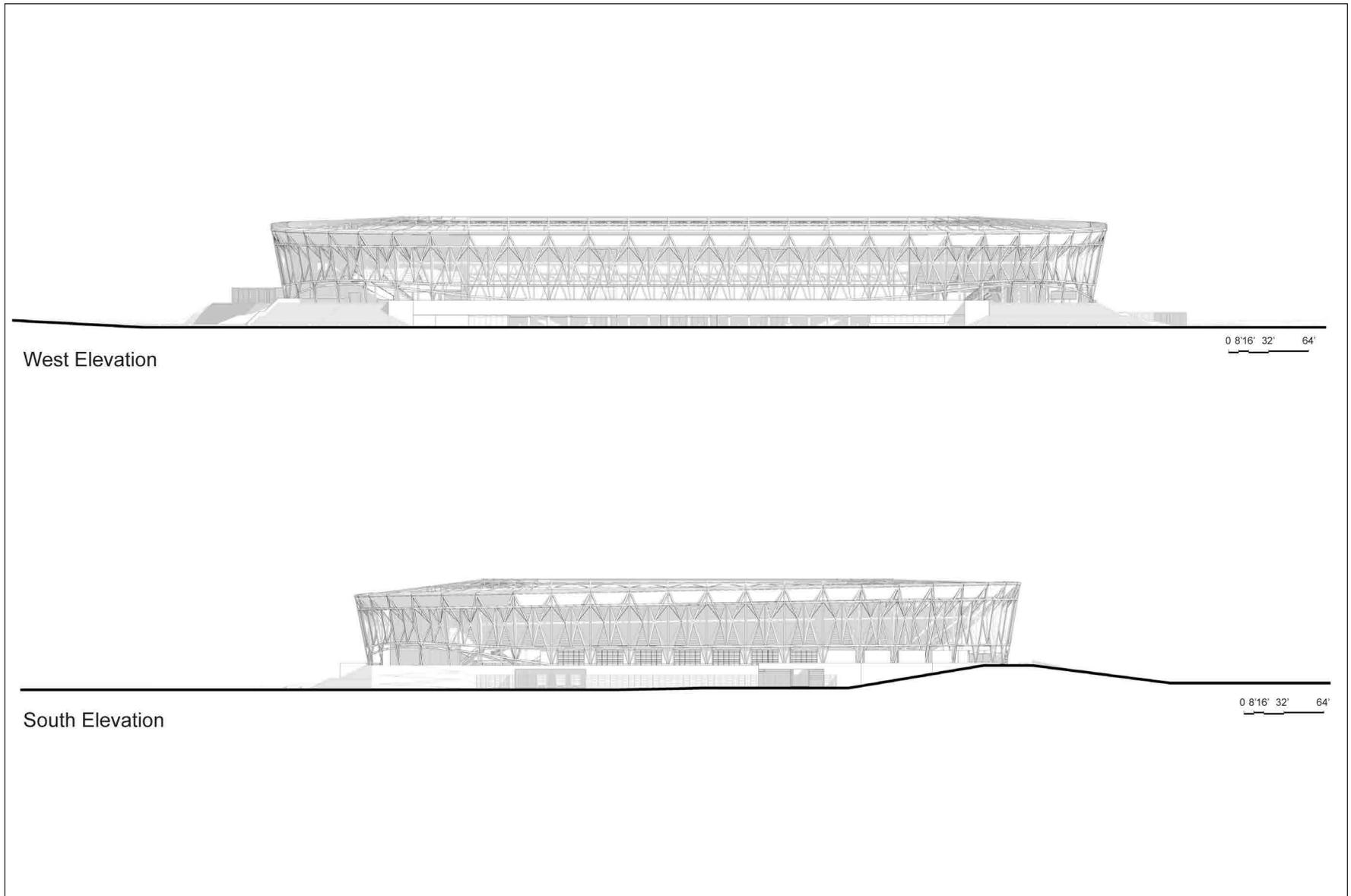
**Figure 2-25**  
Illustrative Site Plan: KP Medical Center - Phase 2



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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**Figure 2-28**  
Major League Soccer Stadium Conceptual Site Plan

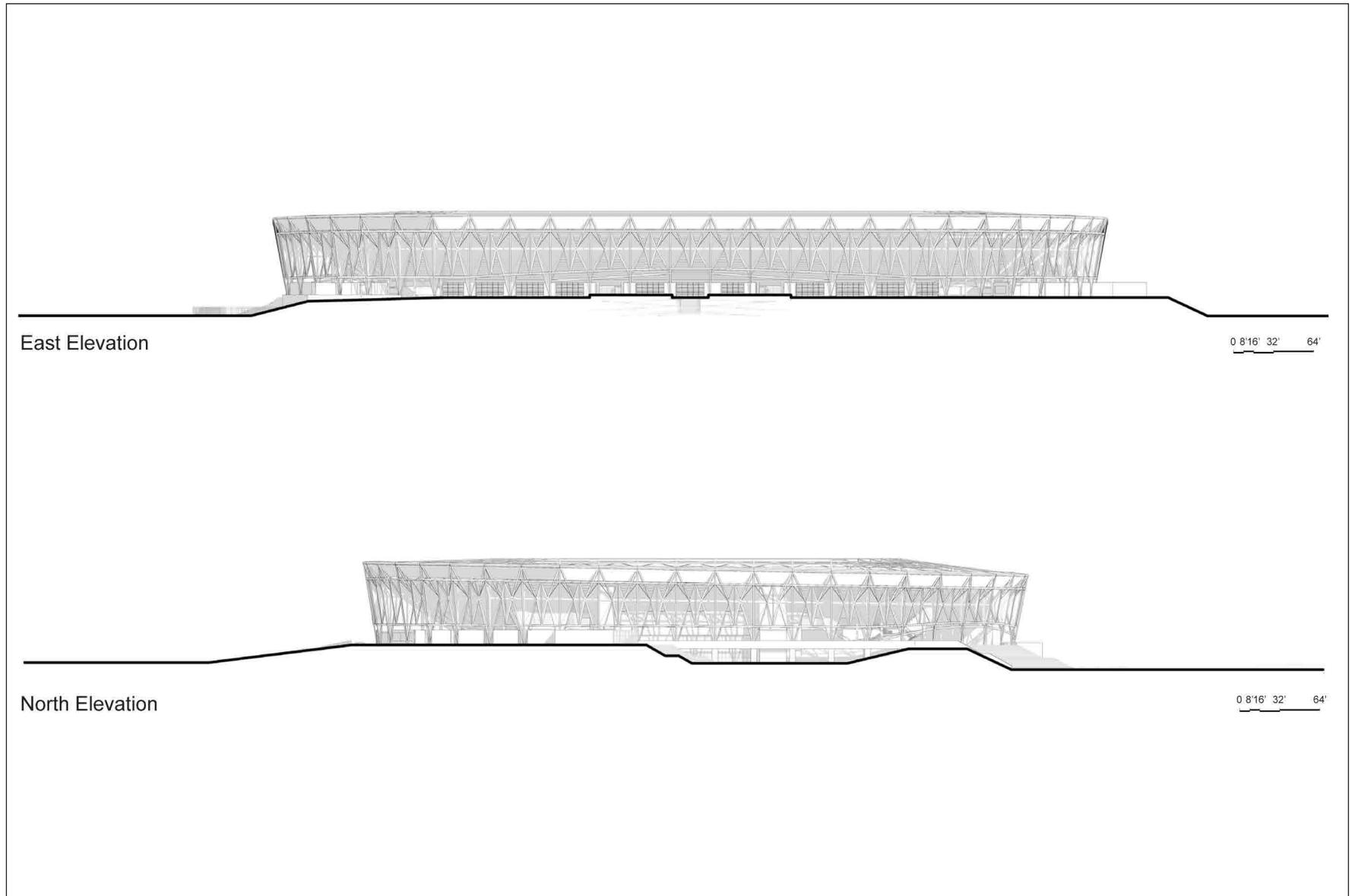


SOURCE: HNTB, September 2016; adapted by ESA, 2016

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**Figure 2-29**

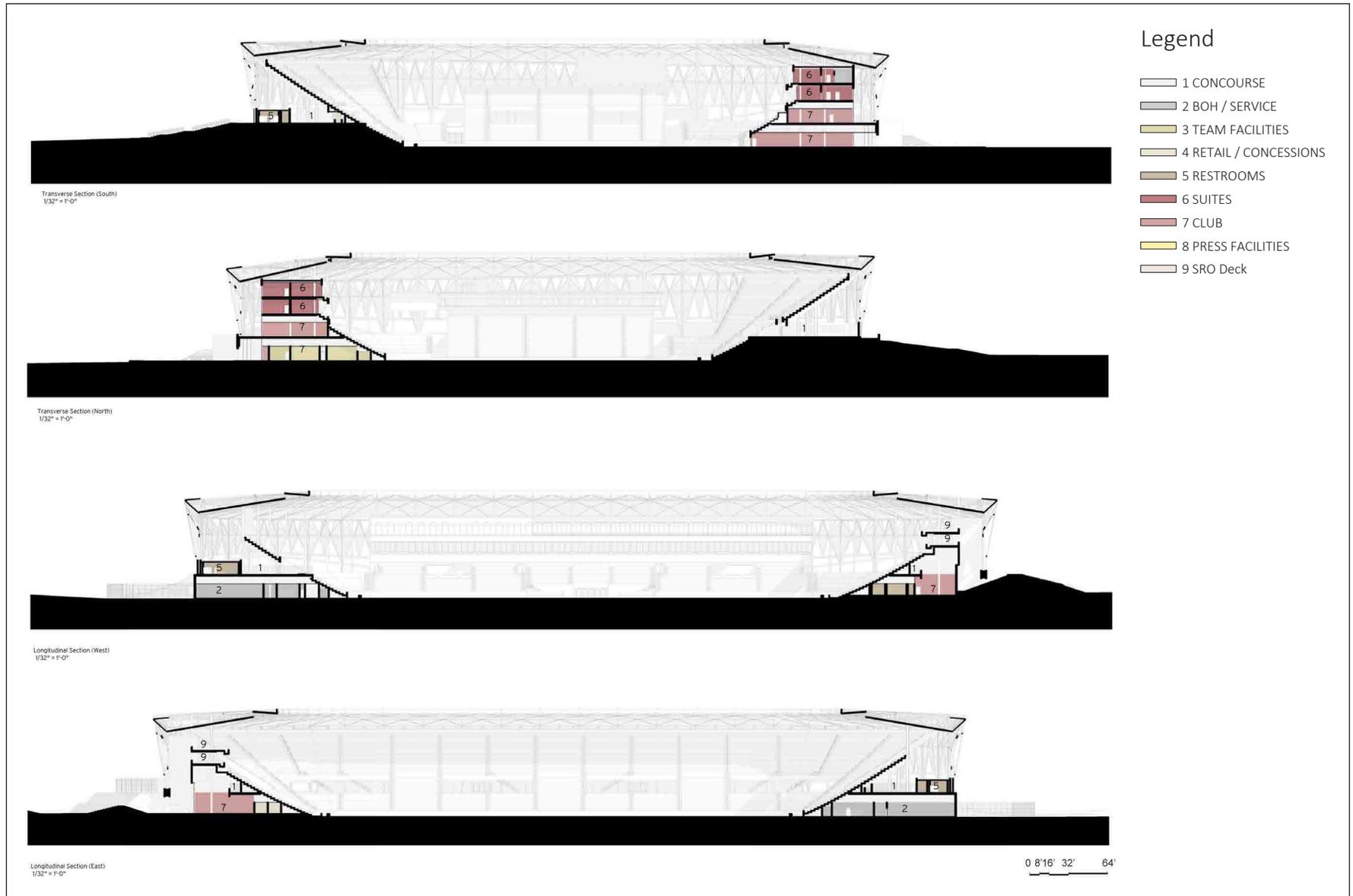
Stadium West (8th Street/Entry Plaza) Elevation, Stadium South (Railyards Boulevard) Elevation



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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**Figure 2-30**  
Stadium East (10th Street) Elevation, North Elevation

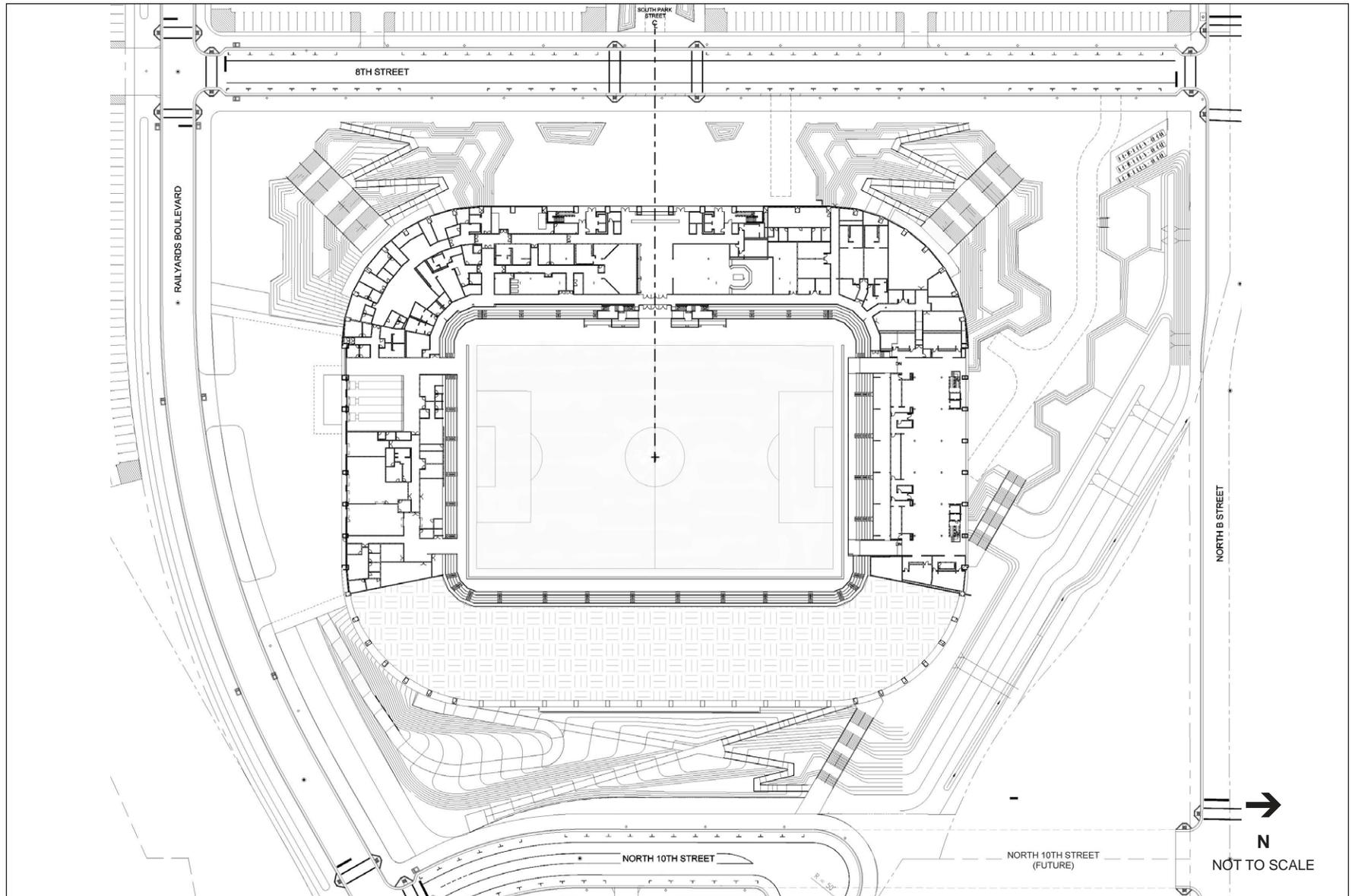


SOURCE: HNTB, September 2016; adapted by ESA, 2016

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**Figure 2-31**

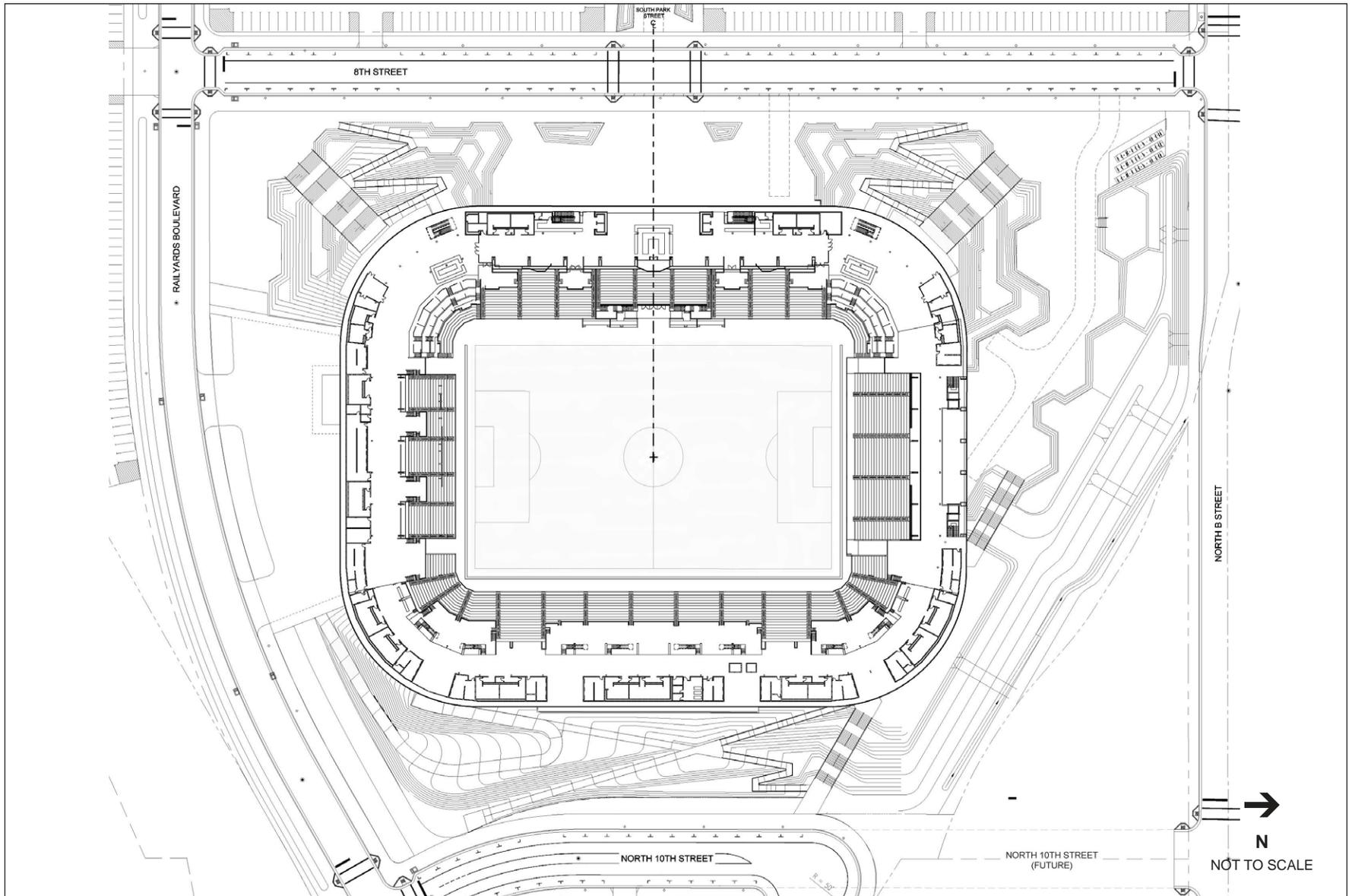
Stadium Longitudinal Building Sections, Transverse Building Sections



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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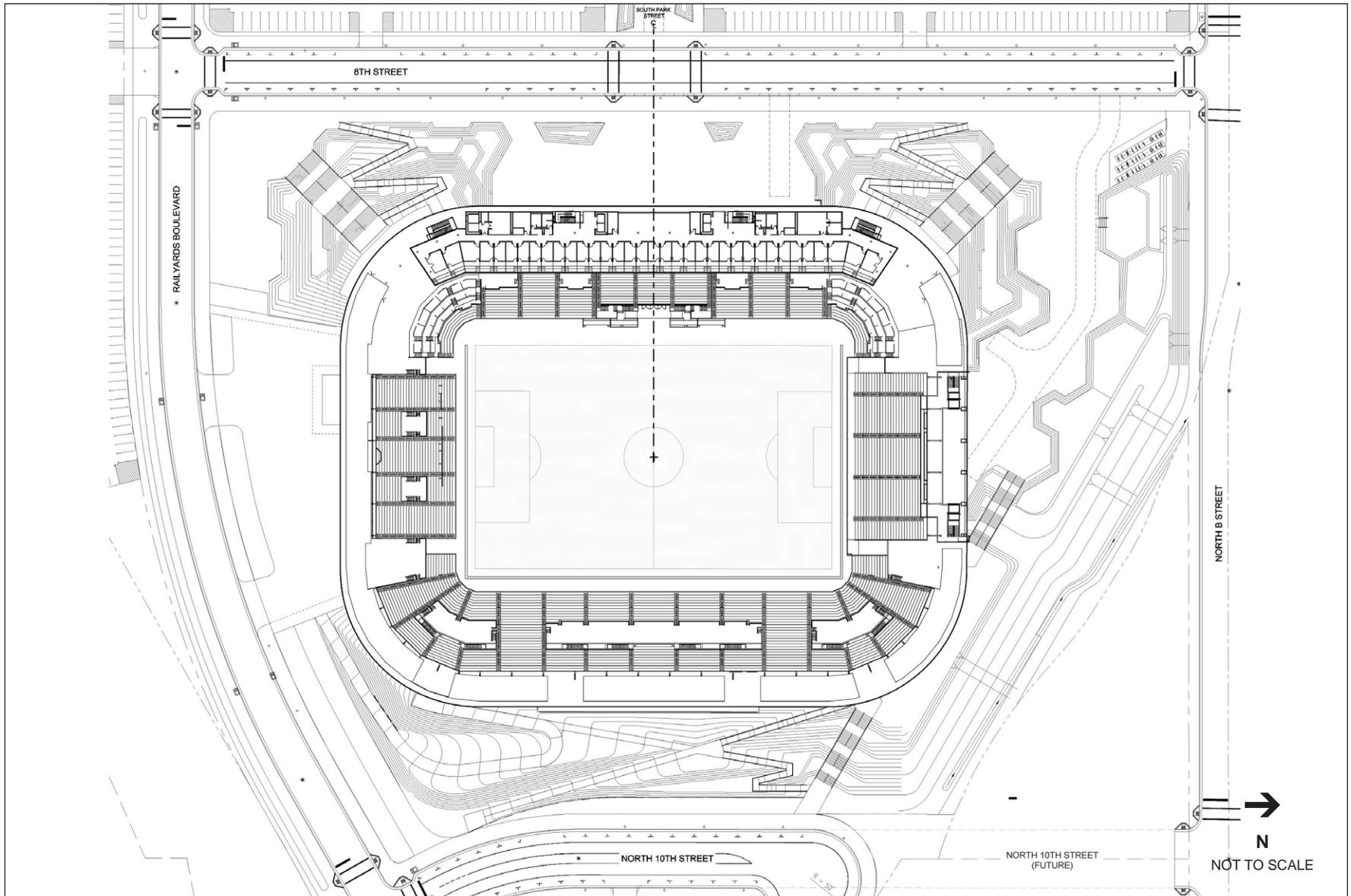
**Figure 2-32**  
Stadium Field Level Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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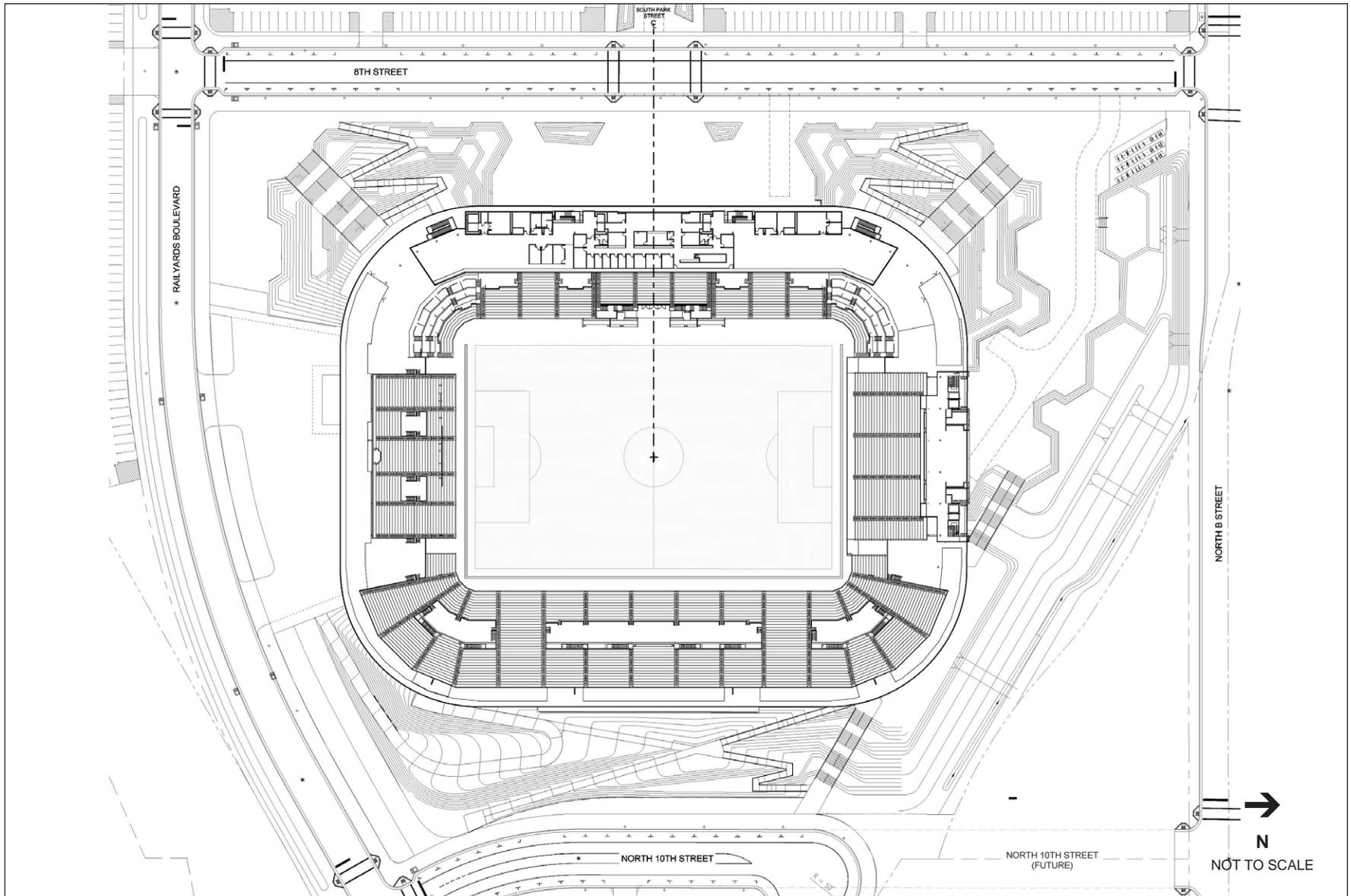
**Figure 2-33**  
Stadium Main Concourse Level Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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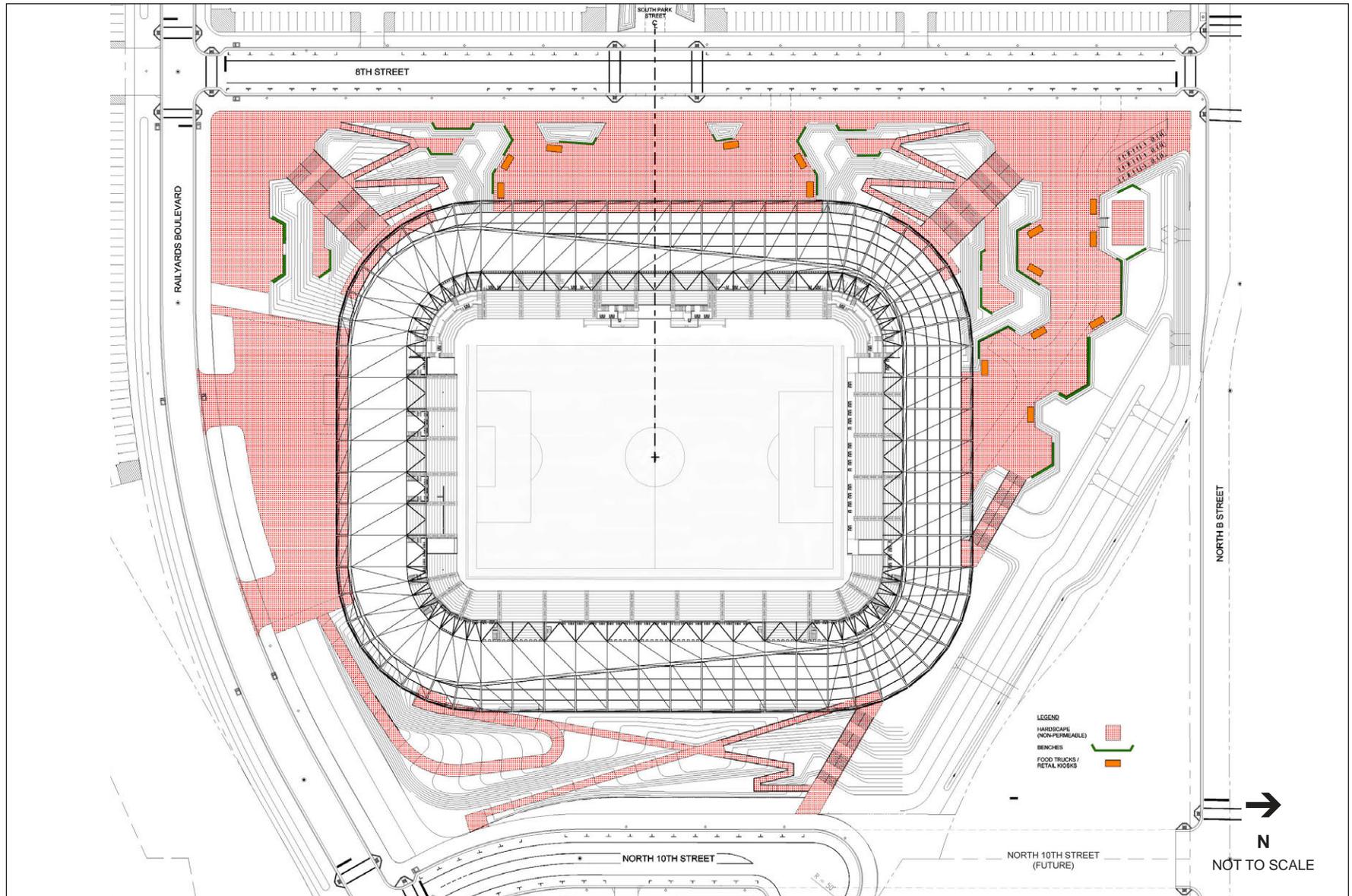
**Figure 2-34**  
Stadium Suite Level Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

Sacramento Railyards Specific Plan Update . 150286

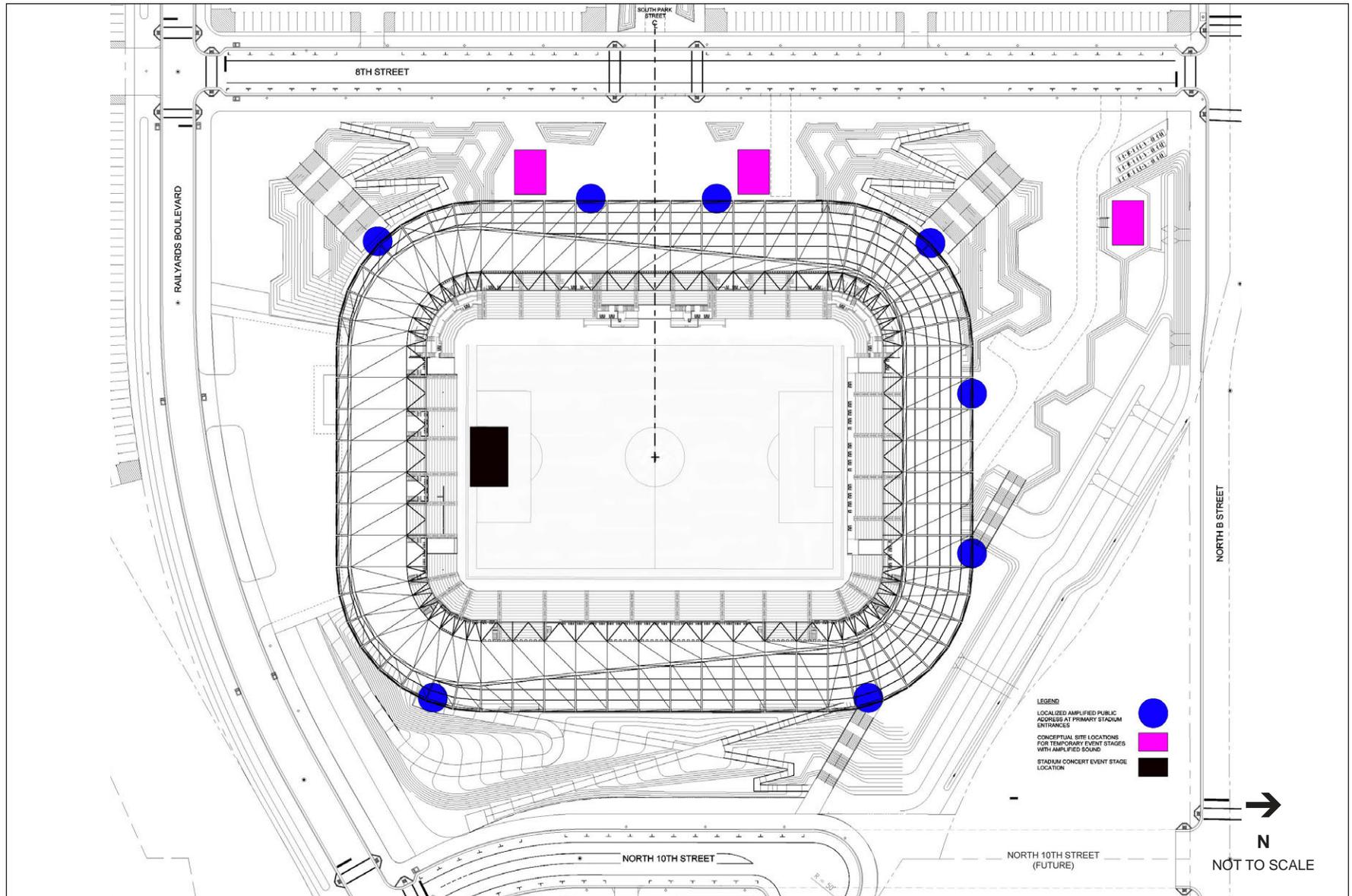
**Figure 2-35**  
Stadium Press Level Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

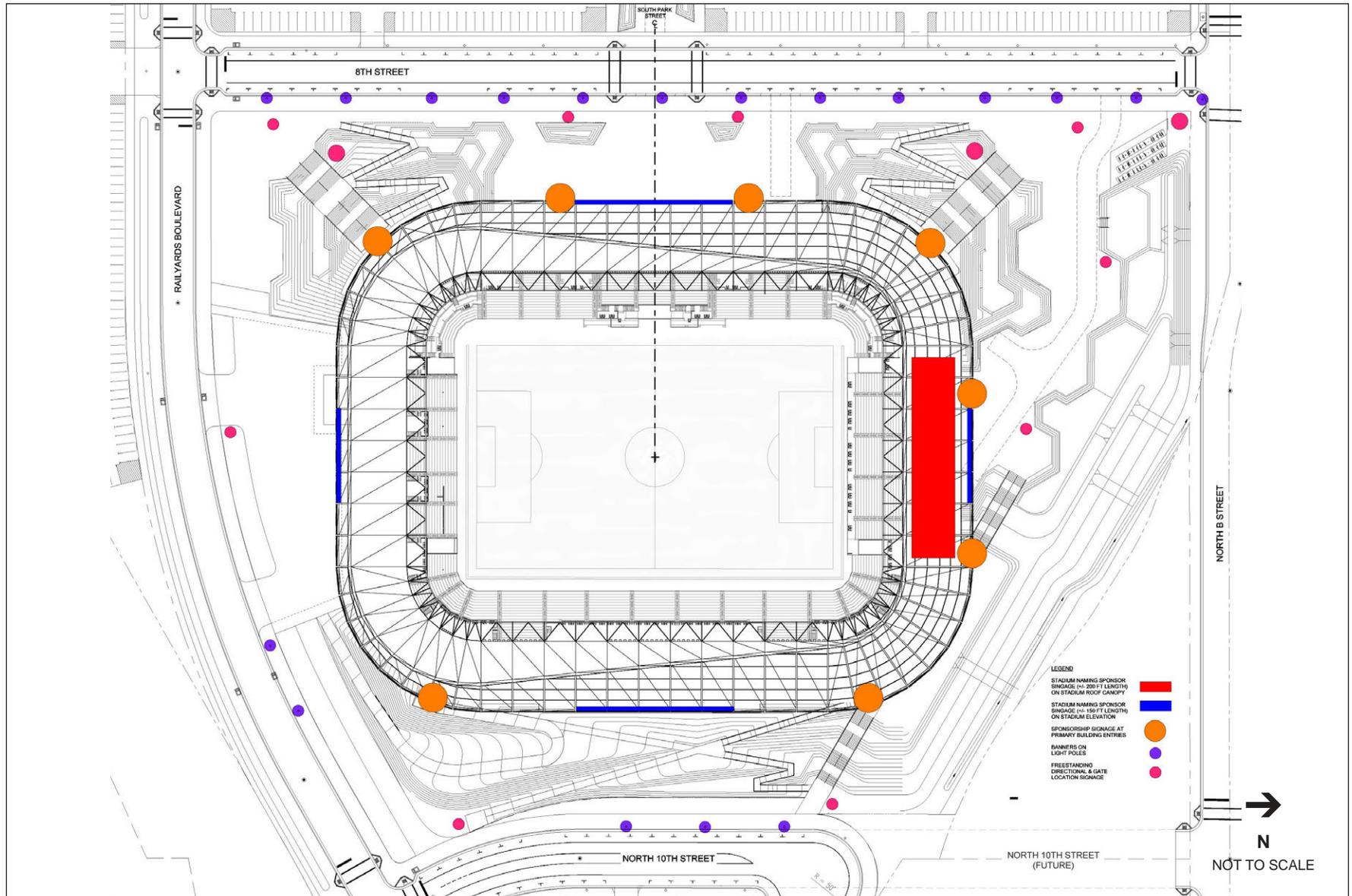
Sacramento Railyards Specific Plan Update . 150286

**Figure 2-36**  
Stadium Plaza Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

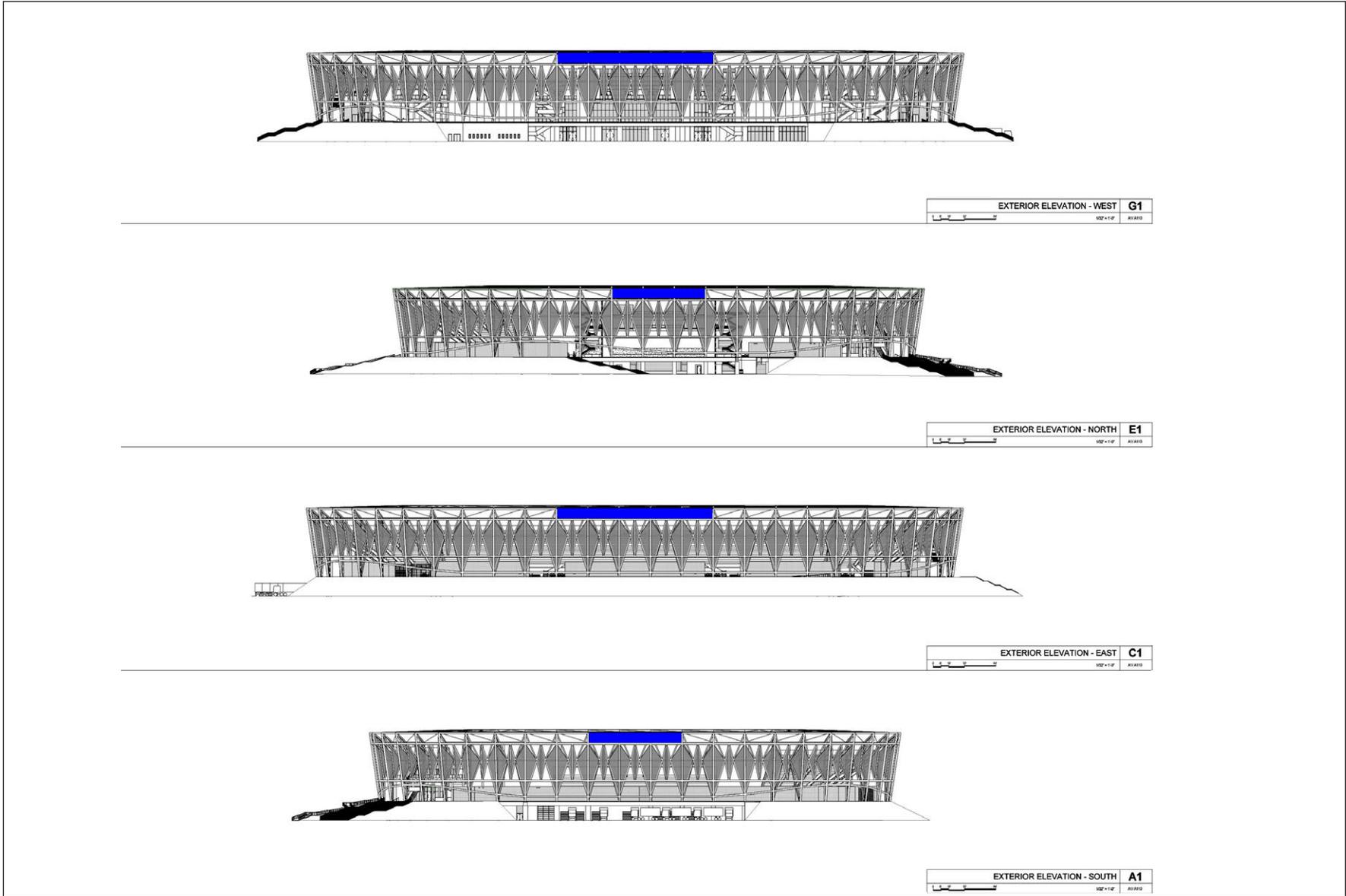
Sacramento Railyards Specific Plan Update . 150286  
**Figure 2-37**  
 MLS Stadium Site Amplified Sound Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

Sacramento Railyards Specific Plan Update . 150286

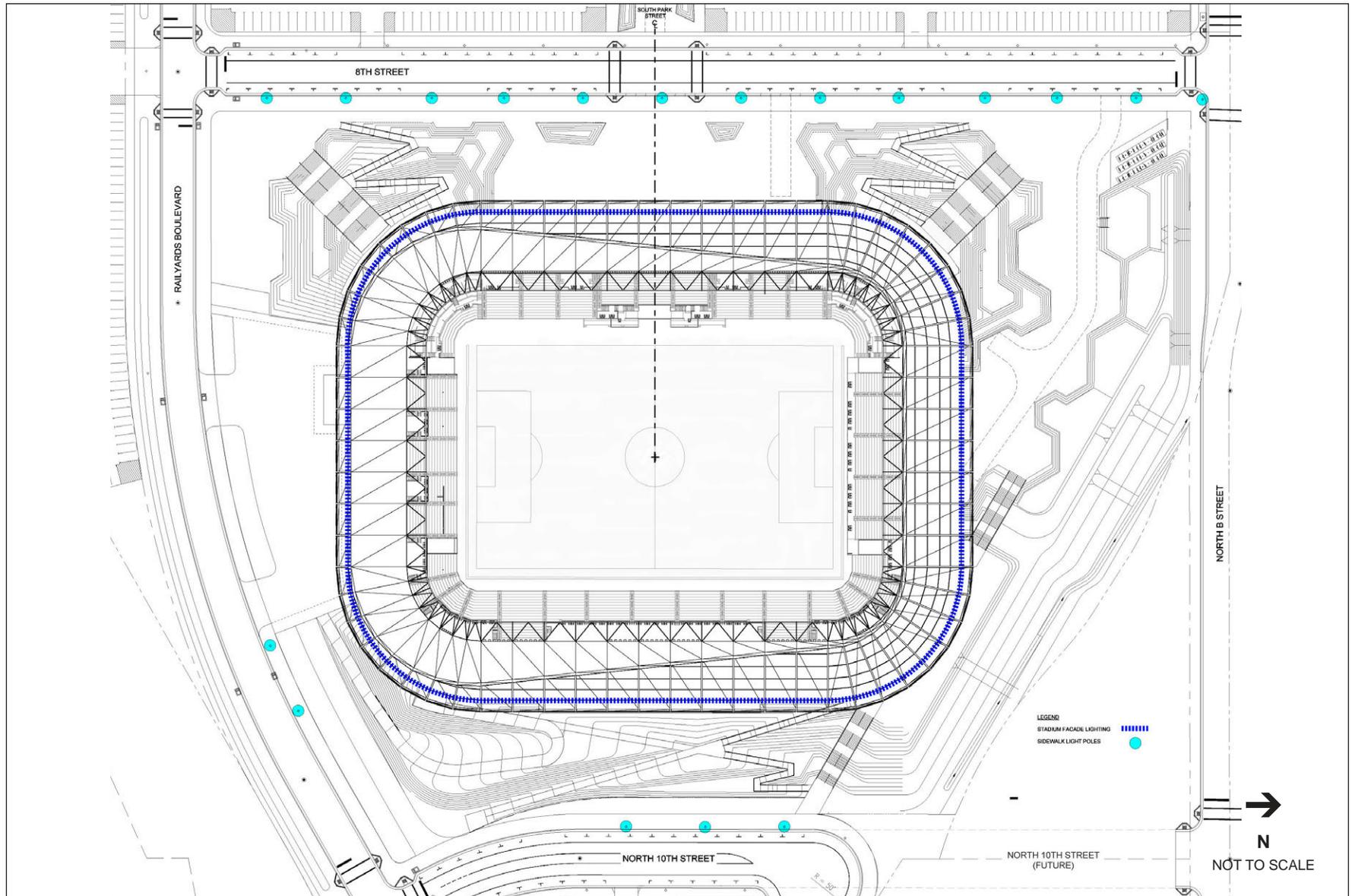
**Figure 2-38**  
Stadium Signage Plan



SOURCE: HNTB 2016

Sacramento Railyards Specific Plan Update . 150286

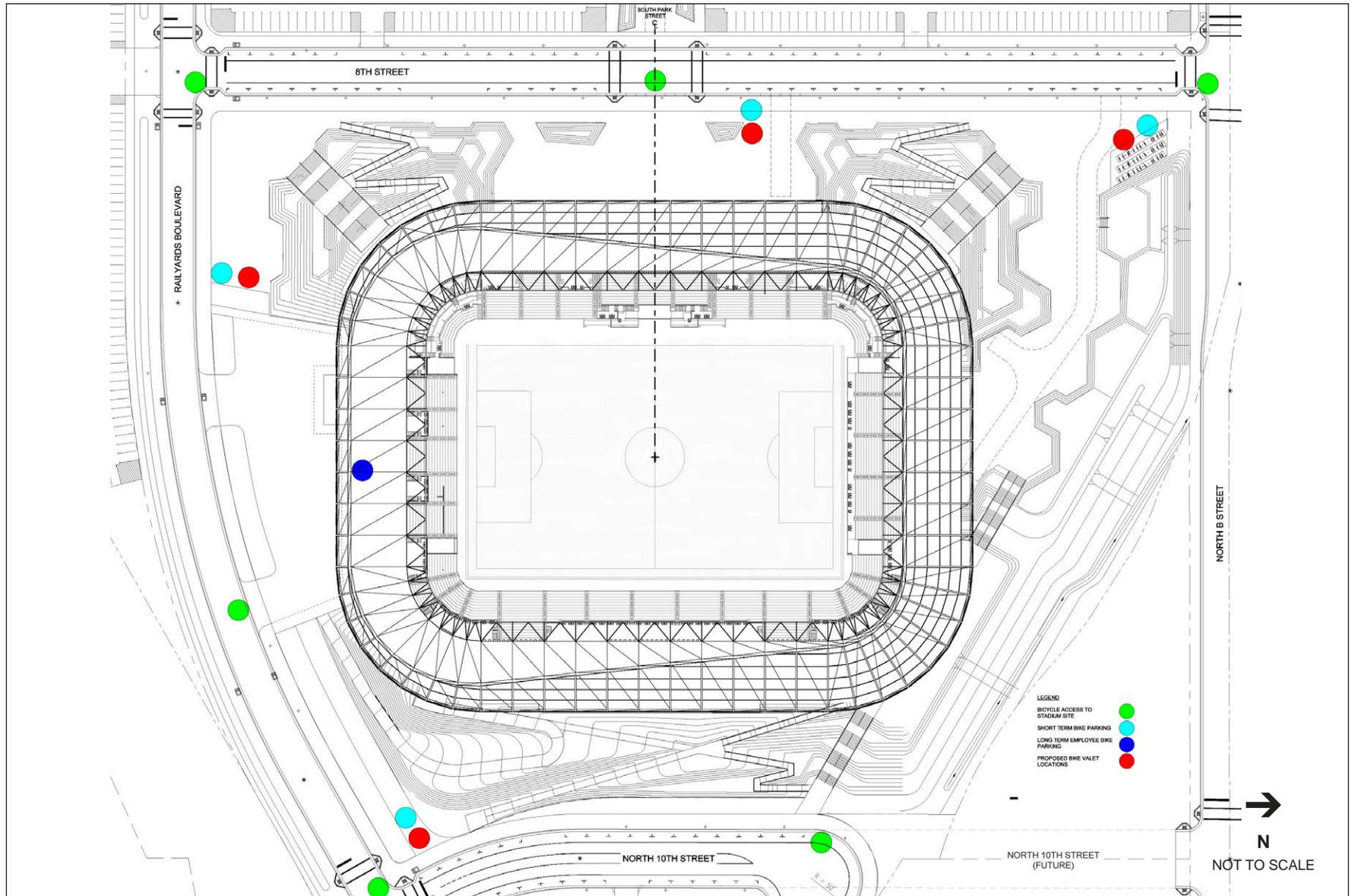
**Figure 2-39**  
MLS Stadium Naming Sponsor Signage Elevations



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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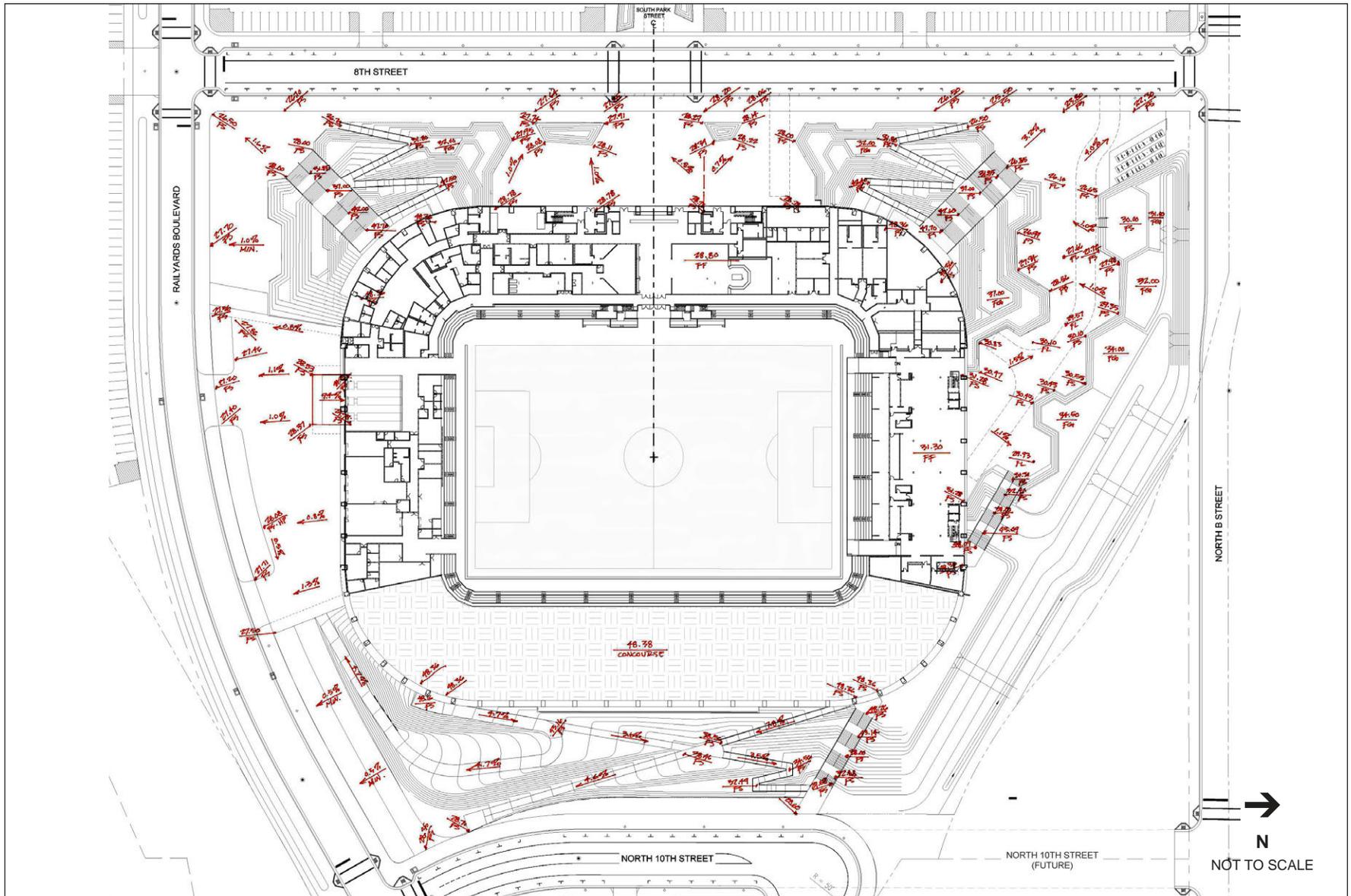
**Figure 2-40**  
Stadium Lighting Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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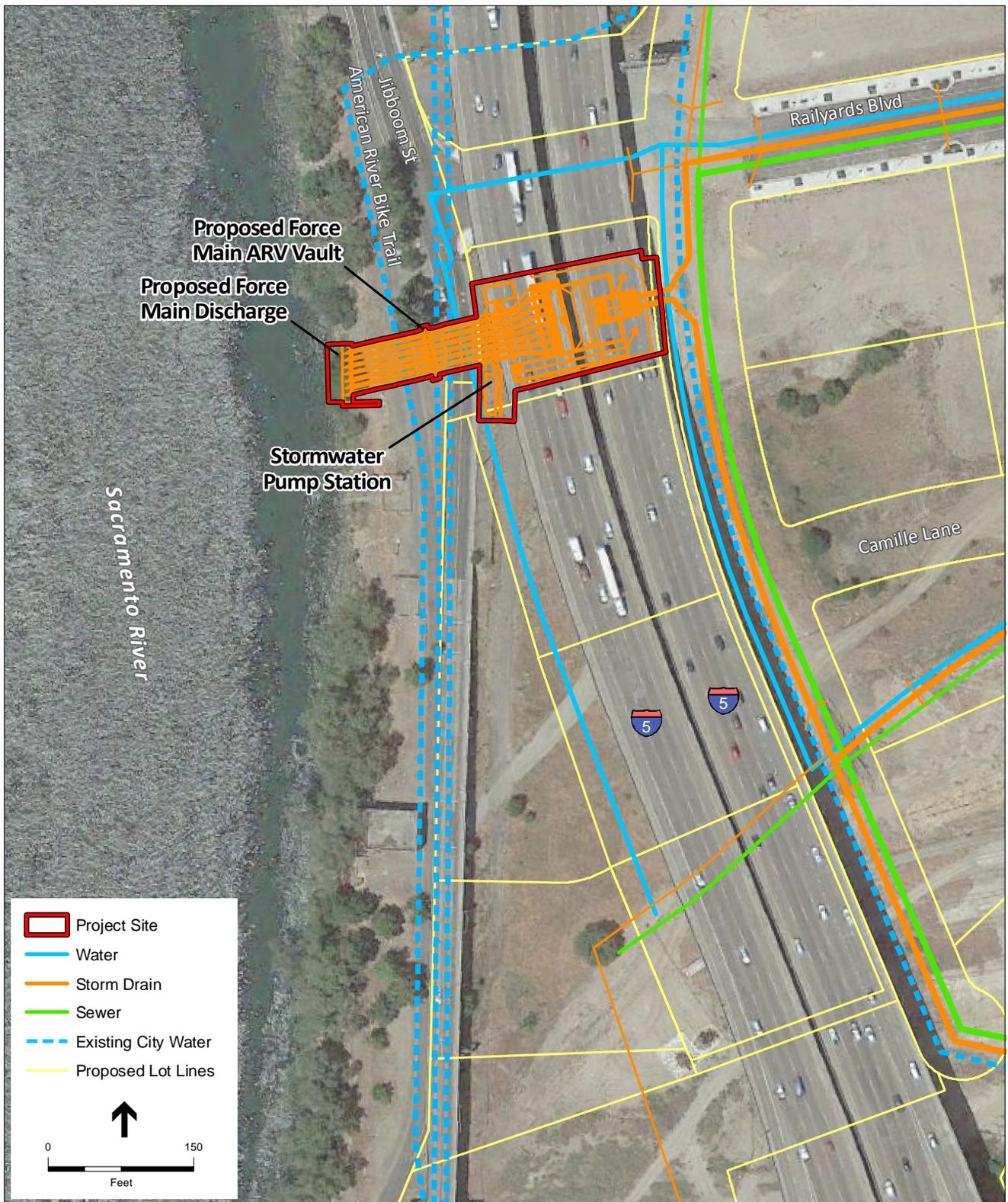
**Figure 2-41**  
MLS Stadium Bicycle Plan



SOURCE: HNTB, September 2016; adapted by ESA, 2016

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**Figure 2-42**  
Stadium Grading Plan



SOURCE: Google, 2015; Kimley Horn, 2015; City of Sacramento, 2015; ESA, 2016

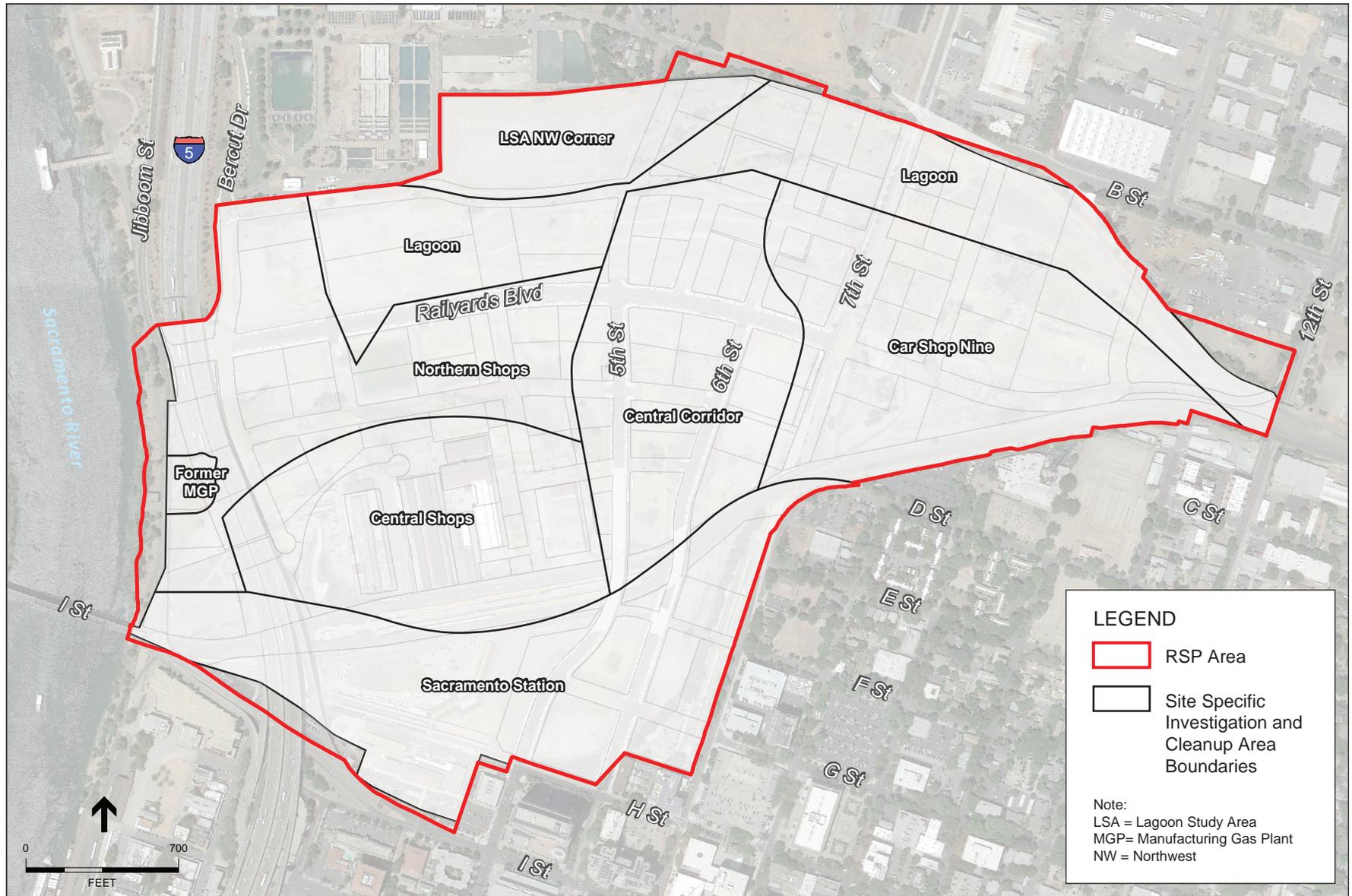
Sacramento Railyards Specific Plan Update . 150286

**Figure 2-44**  
Pump Station and Outfall Site



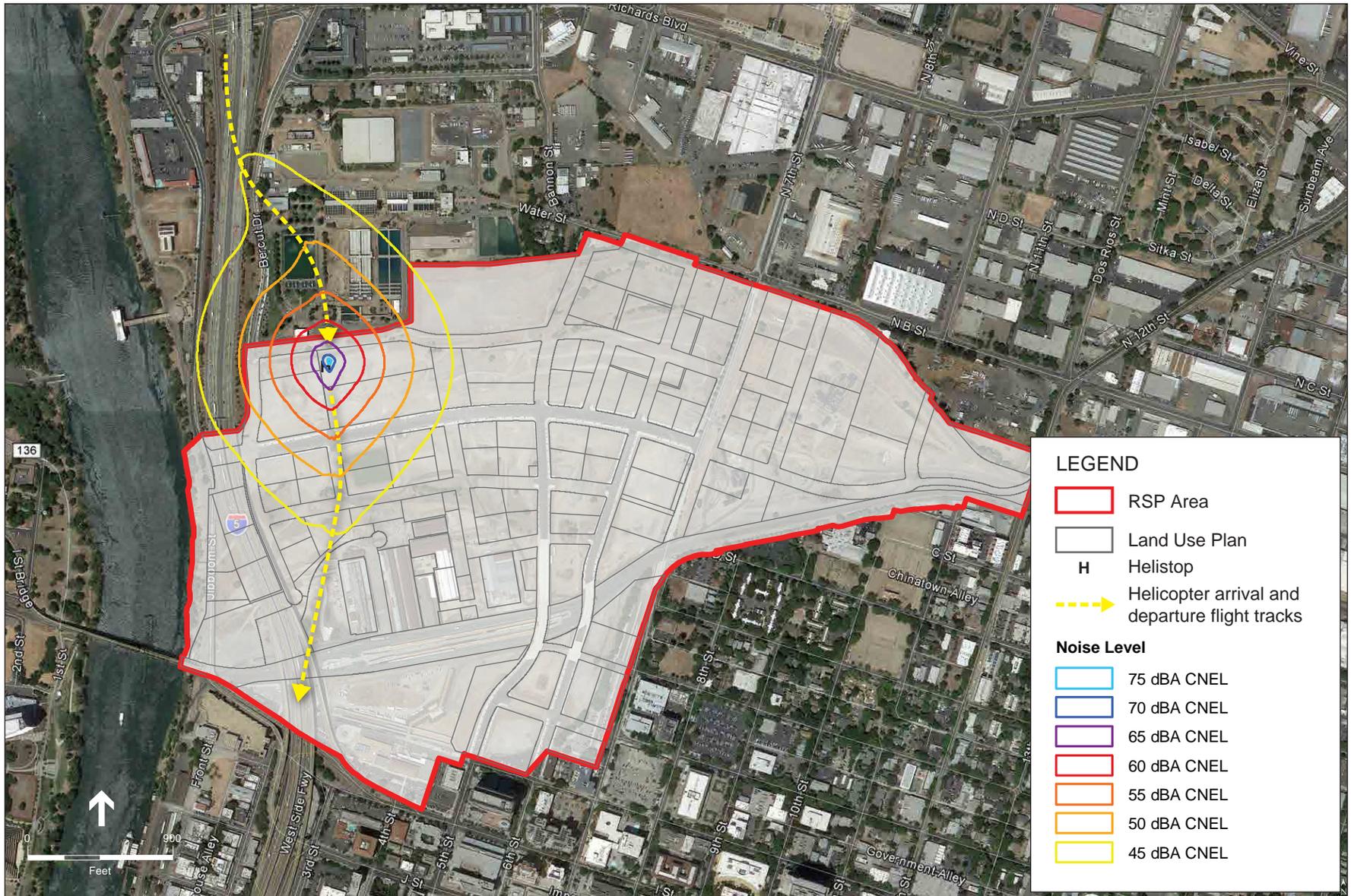
SOURCE: HNTB, September 2016; adapted by ESA, 2016

**Figure 4.1-21**  
MLS Stadium Articulation



SOURCE: ERM, June 2015, First Five-Year Review Report, Former SPTCo Sacramento Railyard, Sacramento, CA, Figure 3-3.

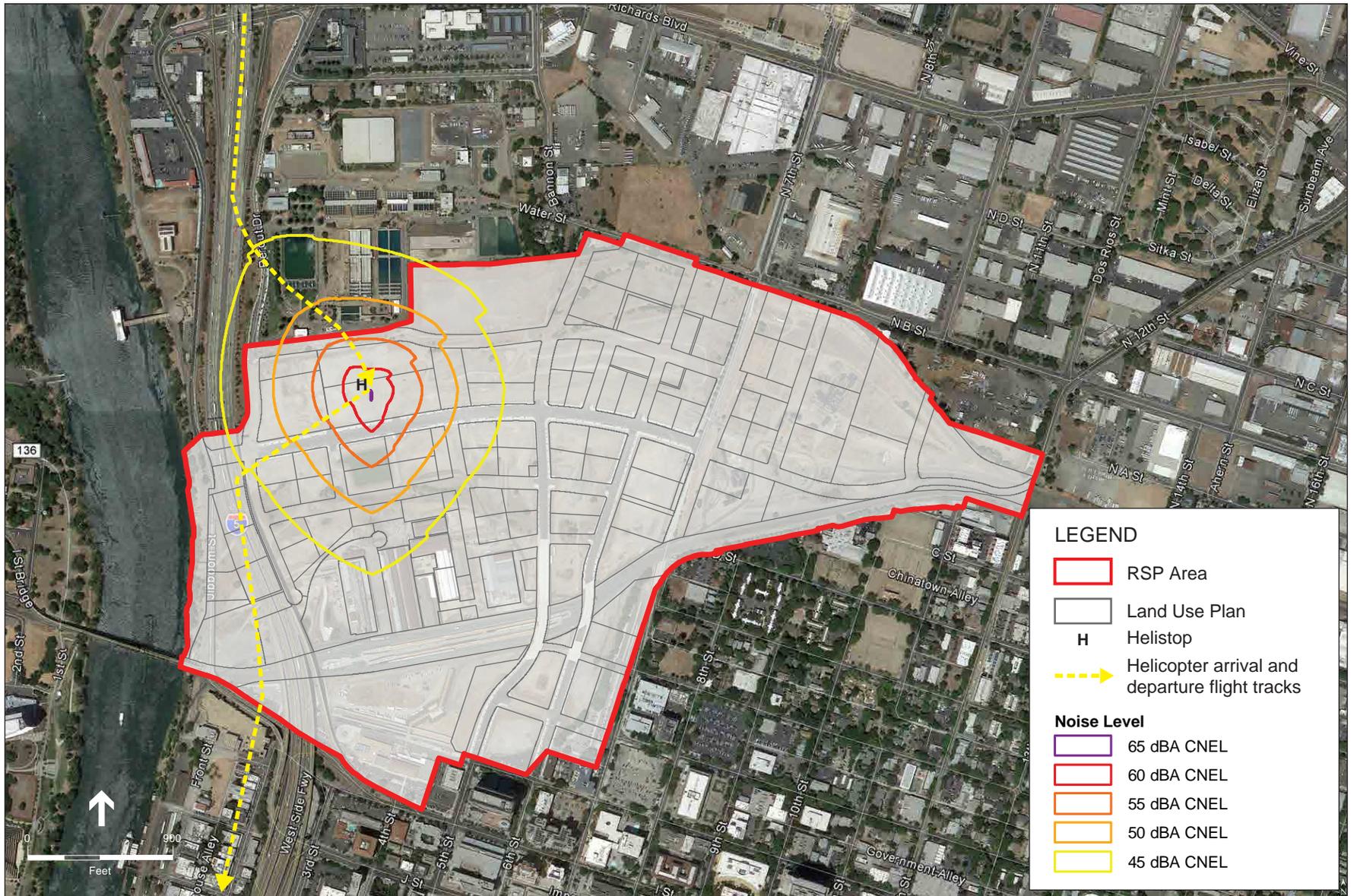
Sacramento Railyards Specific Plan Update . 150286  
**Figure 4.8-1**  
 Railyards Soil Investigation and Cleanup Areas



SOURCE: Google, 2015; Kimley Horn, 2015; Lionakis, 2016; ESA, 2016

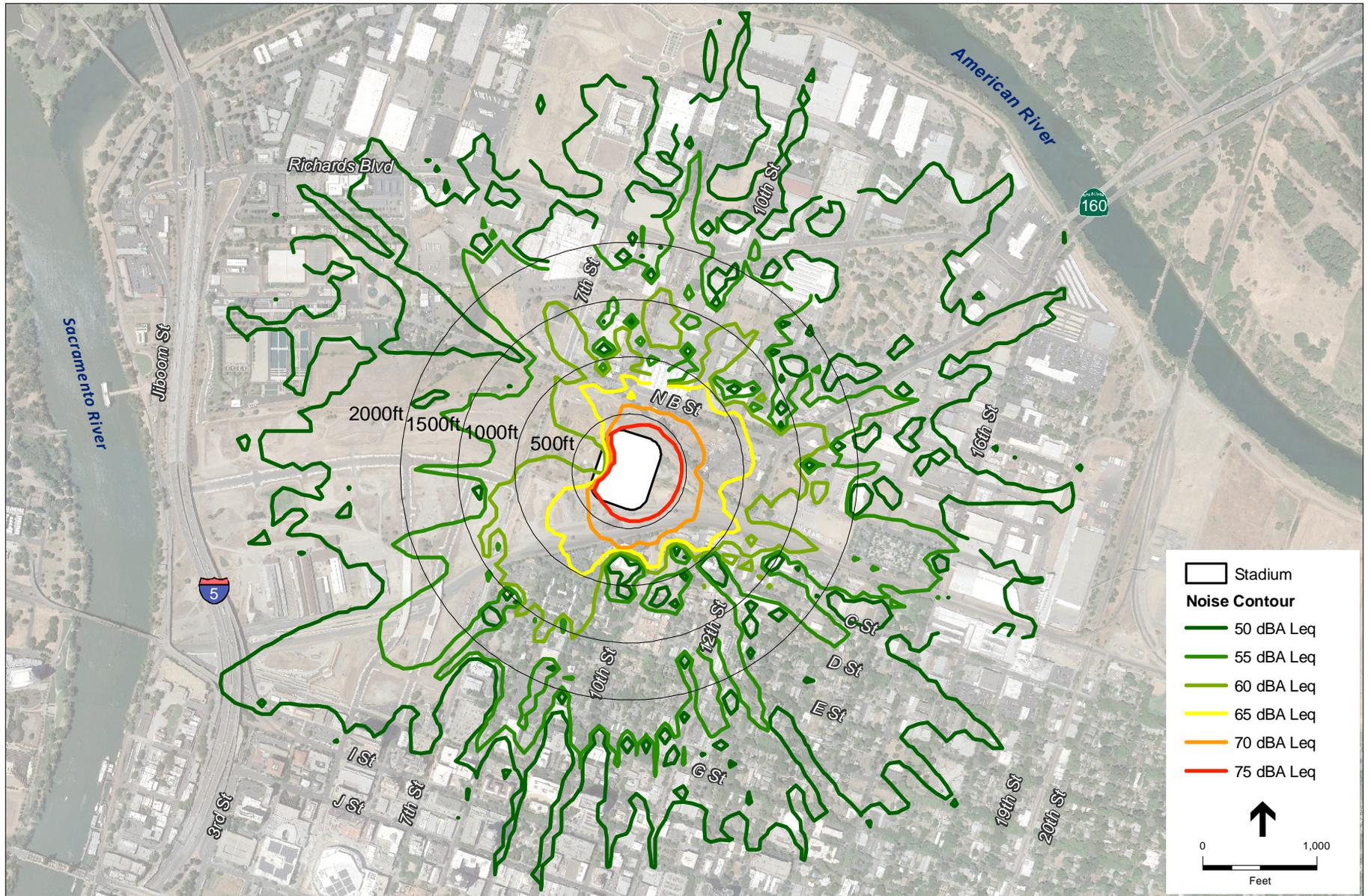
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**Figure 4.10-2**  
 KP Medical Center  
 Helistop 65 dBA CNEL Contour At Ground Level



SOURCE: Google, 2015; Kimley Horn, 2015; Lionakis, 2016; ESA, 2016

Sacramento Railyards Specific Plan Update . 150286  
**Figure 4.10-3**  
 KP Medical Center  
 Helistop 65 dBA CNEL Contour Elevated

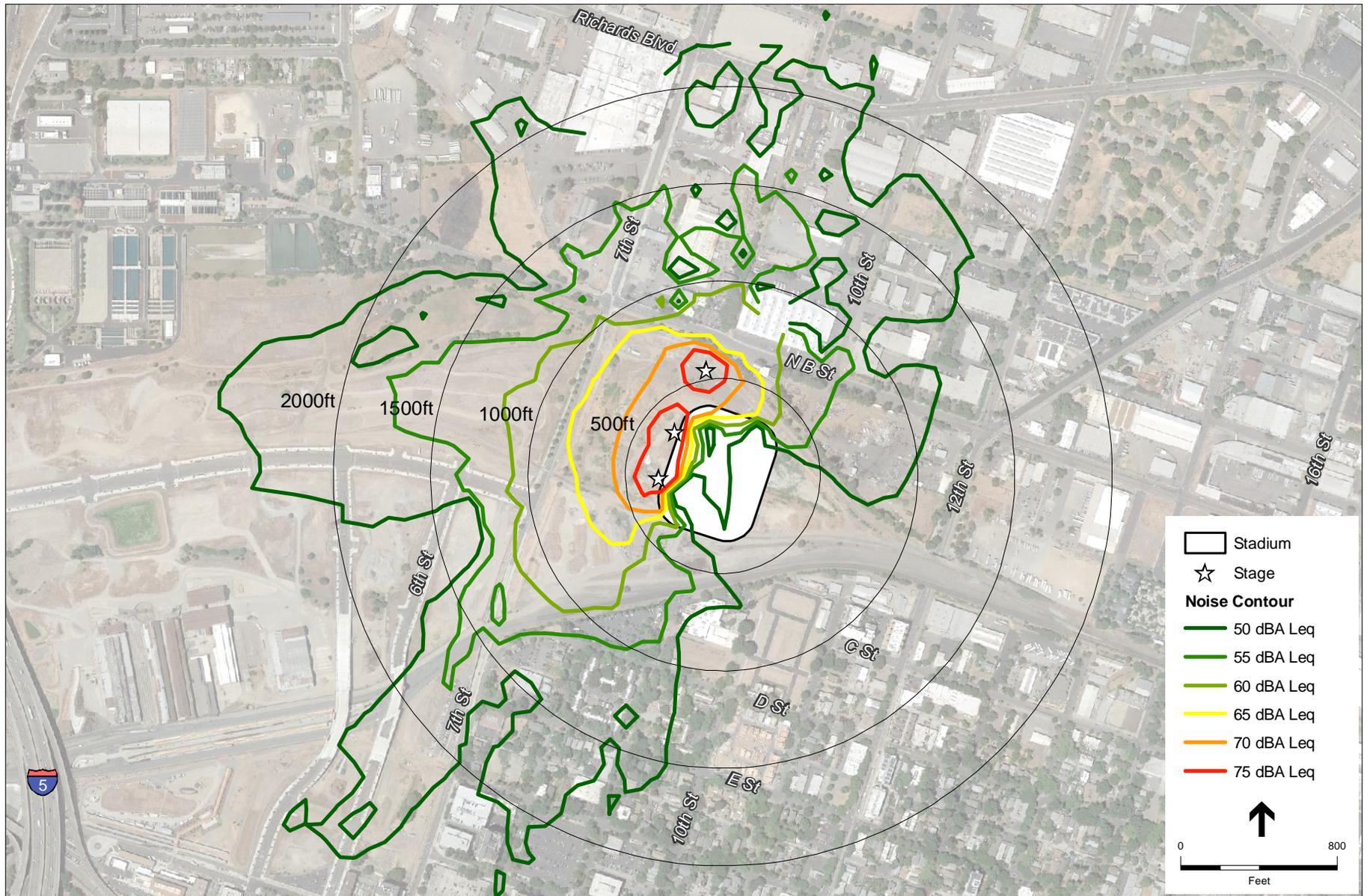


SOURCE: Google, 2016; Kimley Horn, 2015; HNTB, 2016; ESA, 2016

Railyards Specific Plan Update . 150286

**Figure 4.10-4**

MLS Stadium - Soccer Game  
Noise Contour Map - With Development



SOURCE: Google, 2016; Kimley Horn, 2015; HNTB, 2016; ESA, 2016

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**Figure 4.10-5**

MLS Stadium - Outside Stages  
Noise Contour Map - With Development

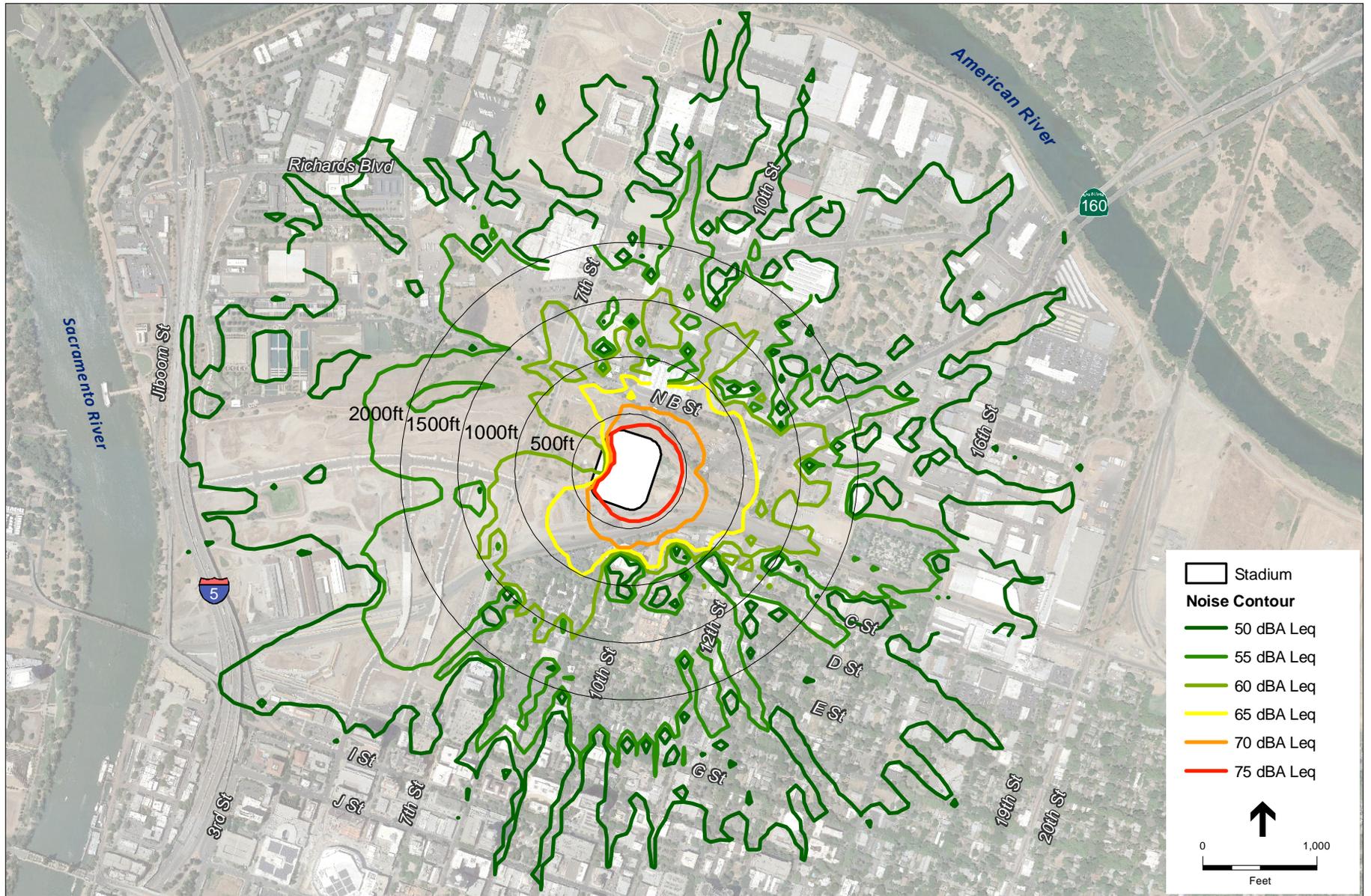


SOURCE: Google, 2016; Kimley Horn, 2015; HNTB, 2016; ESA, 2016

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**Figure 4.10-6**

MLS Stadium - Music Concert  
Noise Contour Map - With Development

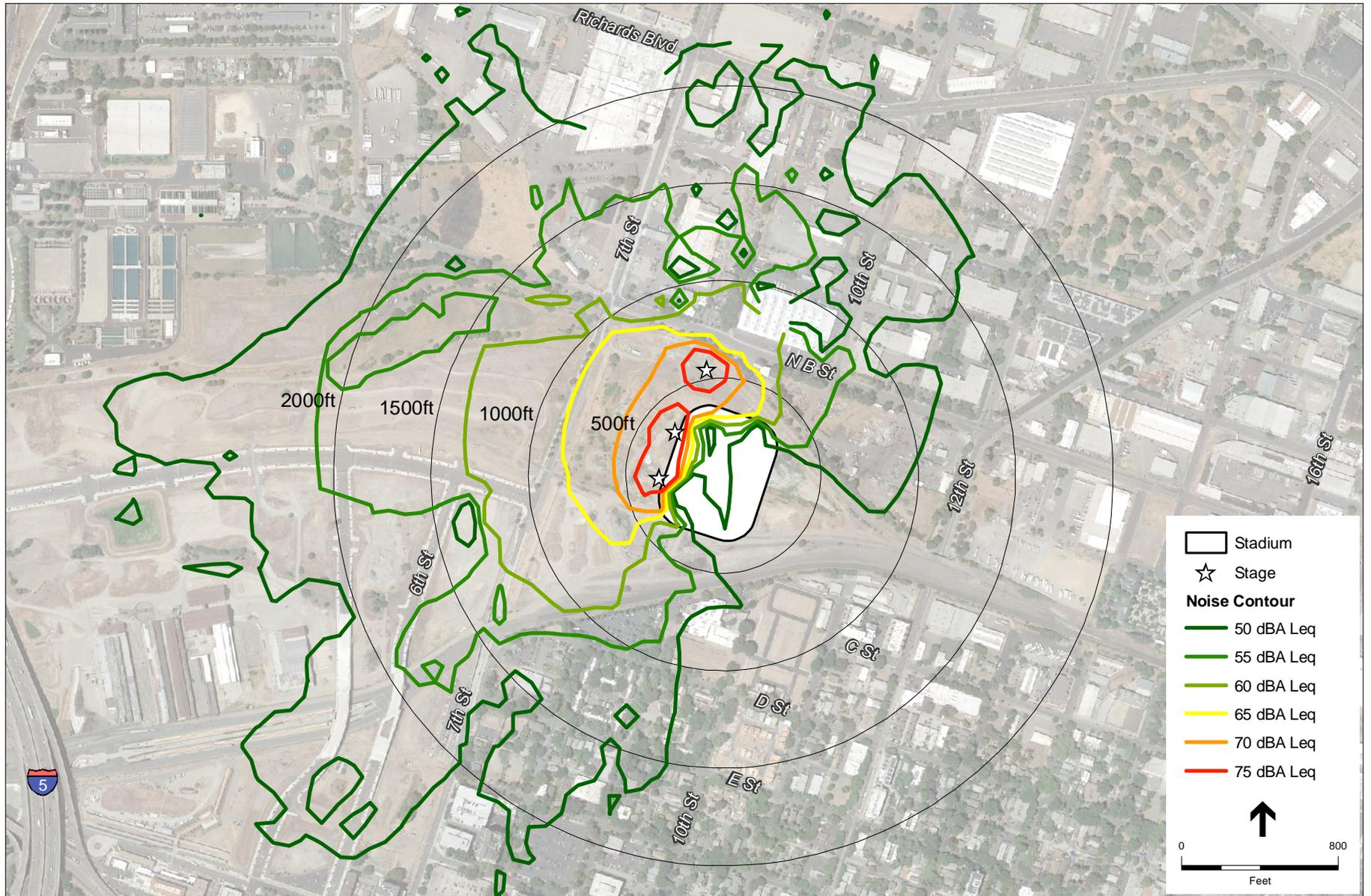


SOURCE: Google, 2016; Kimley Horn, 2015; HNTB, 2016; ESA, 2016

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**Figure 4.10-7**

MLS Stadium - Soccer Game  
Noise Contour Map - Zero Development



SOURCE: Google, 2016; Kimley Horn, 2015; HNTB, 2016; ESA, 2016

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**Figure 4.10-8**

MLS Stadium - Outside Stages  
Noise Contour Map - Zero Development

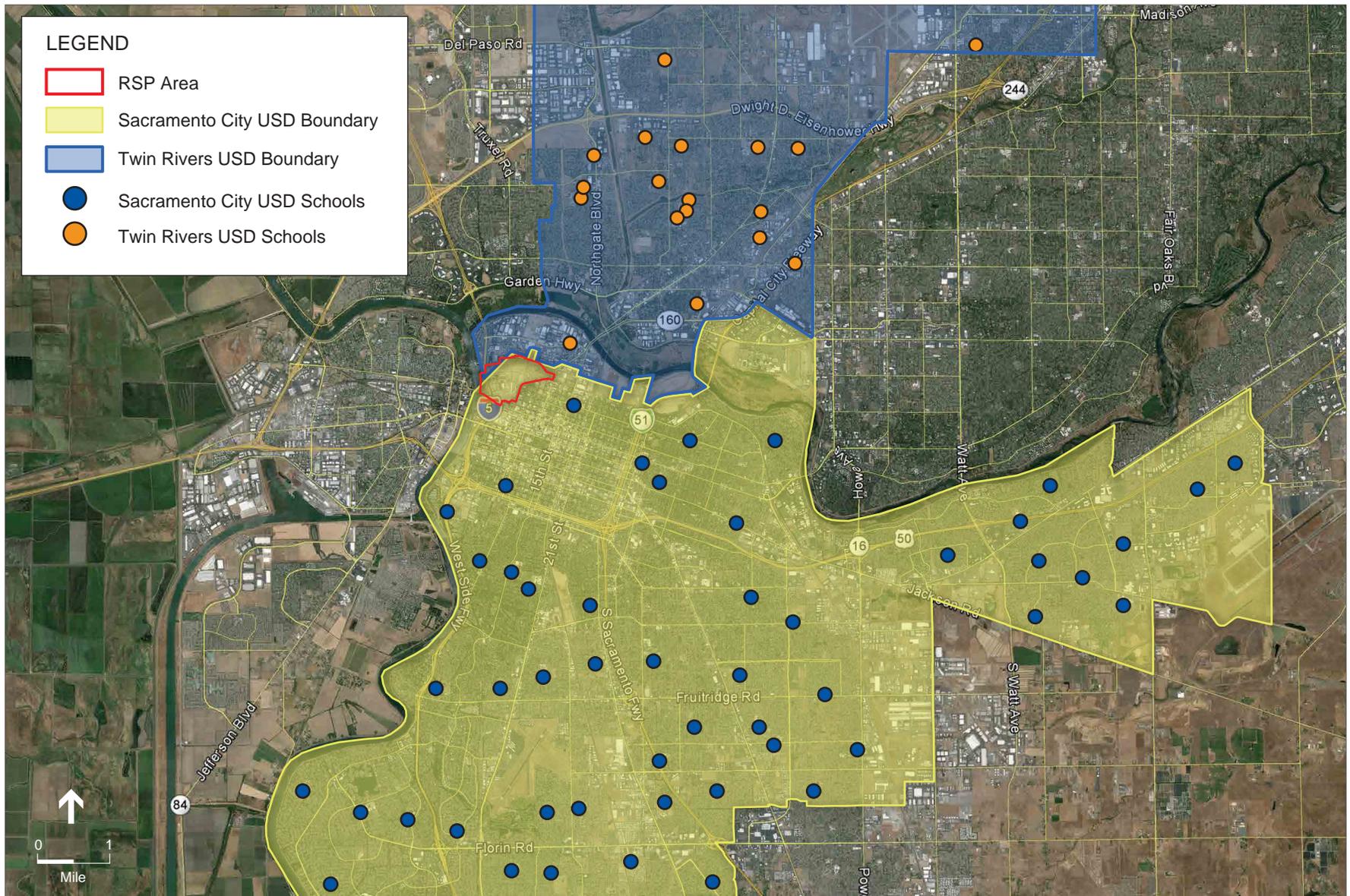


SOURCE: Google, 2015; Kimley Horn, 2016; HNTB, 2016; ESA, 2016

Railyards Specific Plan Update . 150286

**Figure 4.10-9**

MLS Stadium - Music Concert  
Noise Contour Map - Zero Development



SOURCE: Google Earth Pro, basemap 2016; ESA 2016

Sacramento Railyards Specific Plan Update . 150286

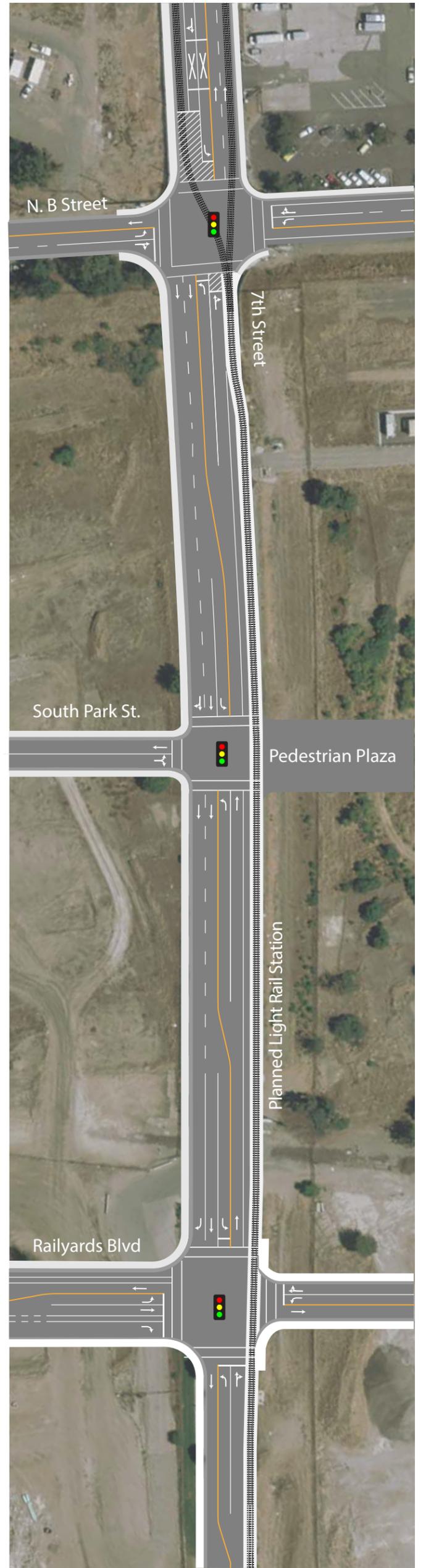
**Figure 4.11-3**  
Sacramento City and Twin Rivers Unified School Districts



**Existing Conditions**



For Illustrative Purposes Only  
 More Detailed Evaluation of 7th Street  
 Alignment Will Be Required  
 During Site Plan Review

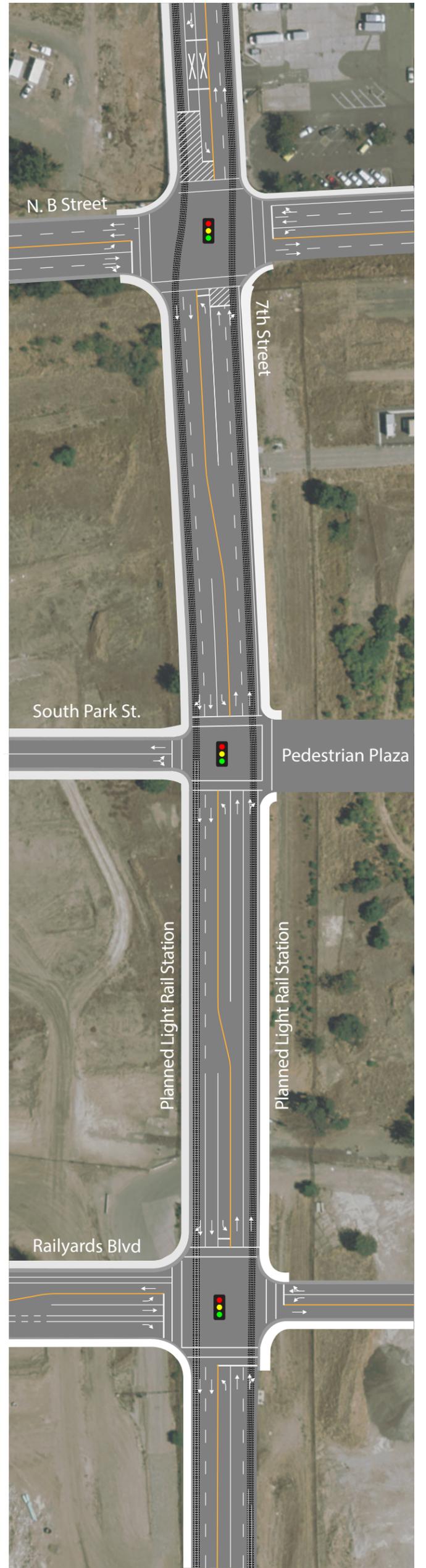


**Baseline Plus RSPU Conditions**





**Existing Conditions**

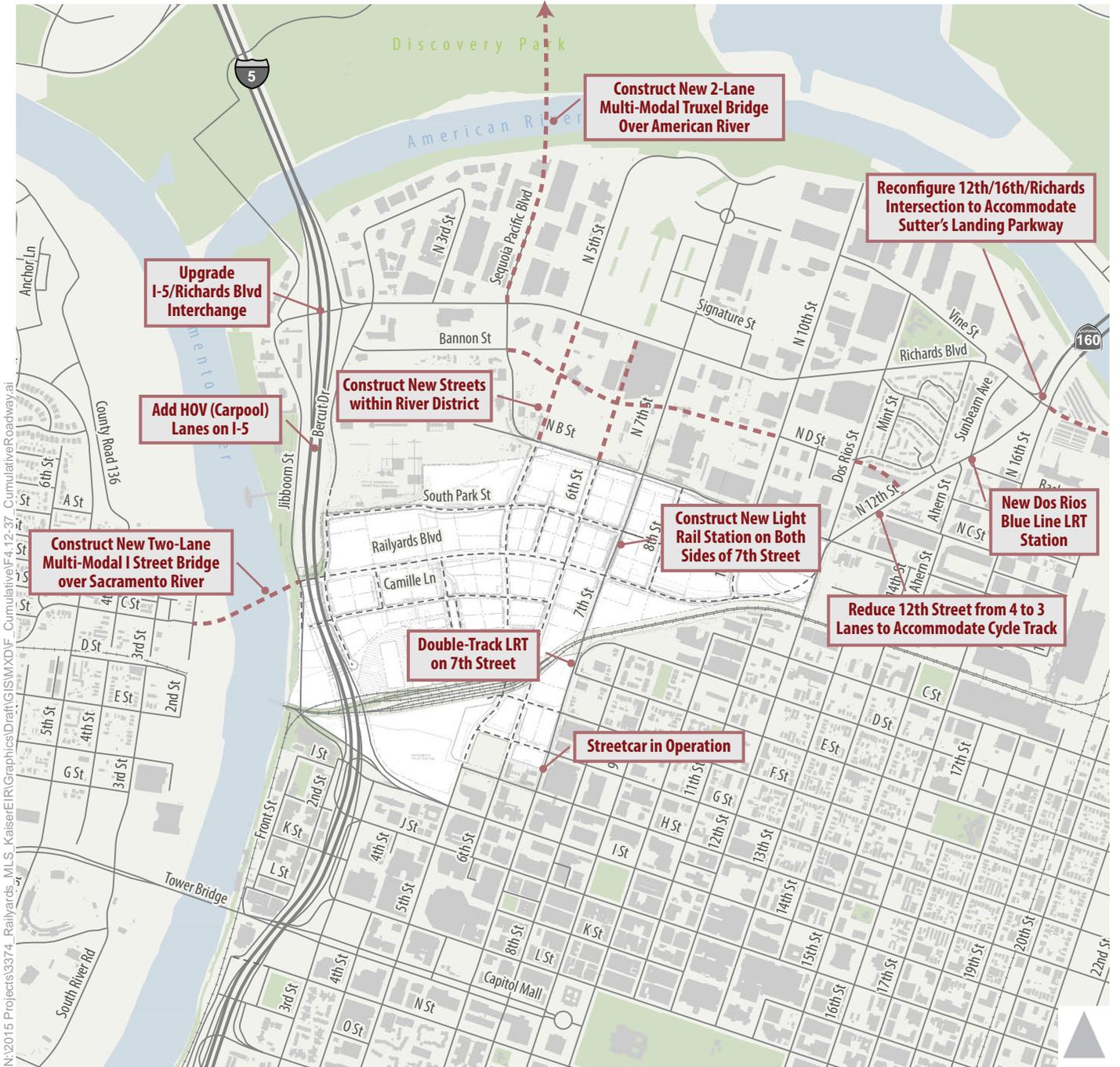


**Cumulative Plus RSPU Conditions**



For Illustrative Purposes Only  
 More Detailed Evaluation of 7th Street  
 Alignment Will Be Required  
 During Site Plan Review





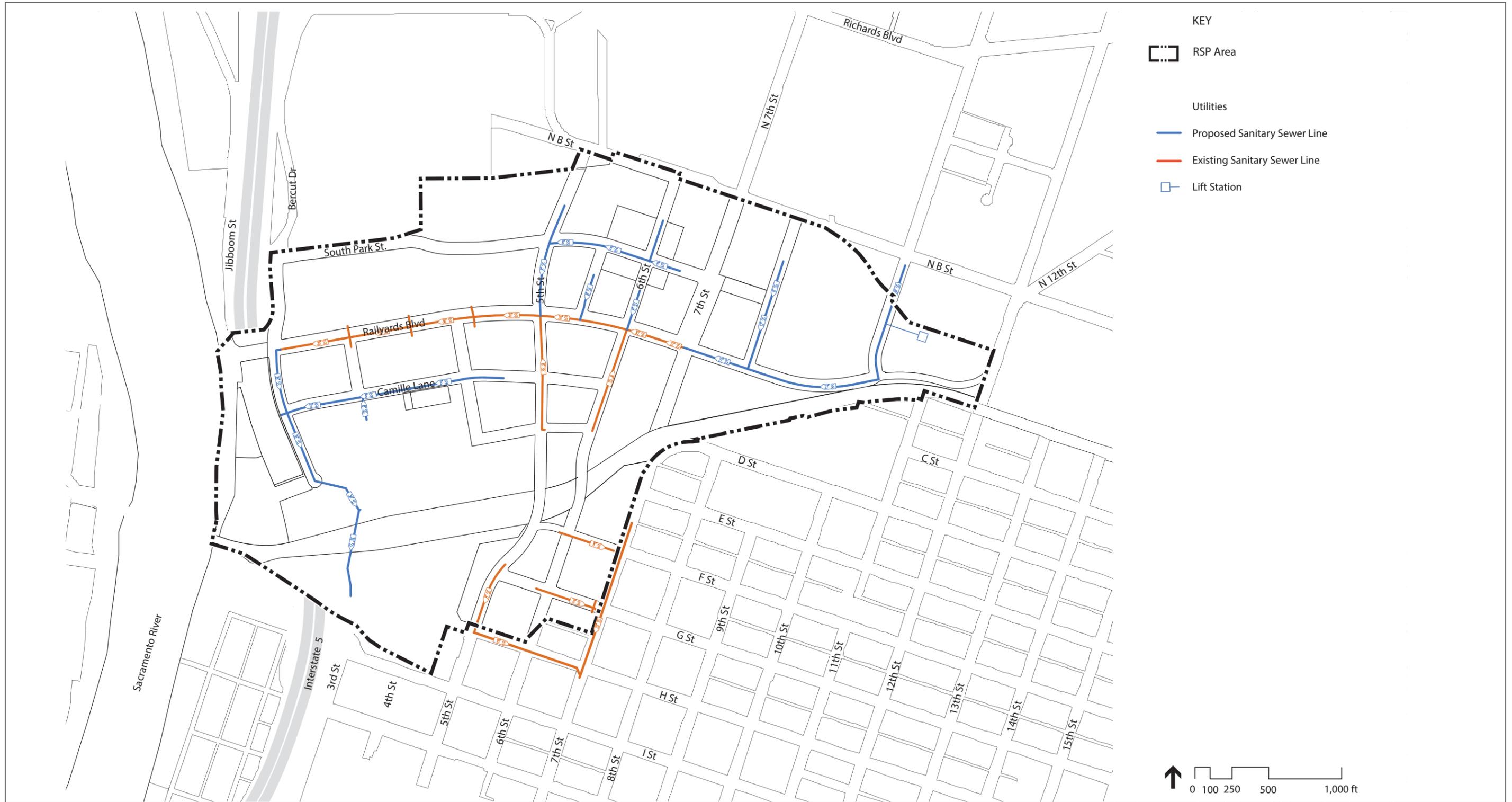
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----- Future Planned Roadway within RSPU

Figure 4.12-37

Planned Cumulative Roadway and  
Transit System Improvements  
Railyards Specific Plan Vicinity





SOURCE: AECOM, June 7, 2016; adapted by ESA, 2016

Sacramento Railyards Specific Plan Update . 150286

**Figure 4.13-1**  
Existing CSS/Sanitary Sewer Pipelines

# Appendix K

## Water Supply Assessment

**City of Sacramento**  
**SB 610/SB 221 Water Supply Assessment and Certification Form**

This form may be used to complete water supply assessments for projects located in an area covered by the City's most recent Urban Water Management Plan.

Note: Please do not use this form if the projected water demand for your project area was not included in the City's latest Urban Water Management Plan. To review the City's Urban Water Management Plan, please visit:  
<http://www.cityofsacramento.org/utilities/urbanwater/index.html>

**Project: Railyards Specific Plan Update**

**Date: September 27, 2016**

**Project Applicant (Name of Company): Downtown Railyard Venture, LLC**

**Applicant Contact (Name of Individual): Adrienne L. Graham on behalf of ESA for Jay Heckenlively, DRV**

**Phone Number: 916-206-0135**

**E-mail: [algraham@surewest.net](mailto:algraham@surewest.net)**

**Address: ESA, 2600 Capitol Avenue, Sacramento, CA 95816**

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**Project Applicant to fill in the following:**

1. Does the project include:

<b>Type of Development</b>	<b>Yes</b>	<b>No</b>
A proposed residential development of 500 or more dwelling units	x	
A shopping Center employing more than 1,000 persons or having more than 500,000 square feet?		x
A Commercial Office building employing more than 1,000 persons or having more than 250,000 square feet?	x	
A proposed hotel or motel, or both, having more than 500 rooms	x	
A proposed industrial, manufacturing, or processing plant or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area		x
A mixed use project that includes one or more of the projects specified above	x	
A project that would demand an amount of water equivalent to, or greater than, the water required by a 500 dwelling unit project	x	

If the answer is no to all of the above, a water supply assessment is not required for the project.

2. Is the projected water demand for the project location included in the City's 2015 Urban Water Management Plan, adopted June 21, 2016?

Yes:   x  

No:           

If the answer is no, you cannot use this form. Please refer to the requirements of SB 610 for preparing a water supply assessment.

3. Please fill in the project demands below:

Type of Development	Land Use Category	Demand Factor		Proposed Development			Current Zoning		
		Residential Water Use Factor, afy/dwelling unit	Non-Residential Water Use Factor, afy/employee	Number Dwelling Units	Number Employees	Total Demand	Number Dwelling Units	Number Employees	Total Demand
Residential - Low	Rural Residential (RR)	.61	.09						
	Suburban Neighborhood Low Density (SNLD)								
	Traditional Neighborhood Low Density (TLDR)								
Residential - Medium	Suburban Neighborhood Medium Density (SMDR)	.39	.09						
	Urban Neighborhood Low Density (ULDR)								
Residential - High	Suburban Neighborhood High Density (SHDR)	.12	.04						
	Traditional Neighborhood Medium Density (TMDR)								
	Urban Neighborhood Medium Density (UMDR)								
	Traditional Neighborhood High Density (THDR)			6,000-10,000 <sup>11</sup>		720-1,200	10,000-12,500		1,200-1500

<sup>11</sup> The RSPU proposes 6,000 to 10,000 dwelling units. If 6,000 du are developed, commercial office would be limited to 4.54 msf. If 10,000 du are developed, office would be limited to 3.44 msf. All other uses would be unchanged.

Type of Development	Land Use Category	Demand Factor		Proposed Development			Current Zoning		
		Residential Water Use Factor, afy/dwelling unit	Non-Residential Water Use Factor, afy/employee	Number Dwelling Units	Number Employees	Total Demand	Number Dwelling Units	Number Employees	Total Demand
Mixed Use	Employment Center Mid Rise (ECMR)	.19	.09						
	Suburban Center (SCnt)								
	Suburban Corridor (Scor)								
	Traditional Center (TCnt)								
Mixed Use - Higher Density	Urban Center High (UCntHigh)	.15	.04						
	Urban Center Low (UcntLow)								
	Urban Corridor High (UCorHigh)								
	Urban Corridor Low (UCorLow)								
Central Business District	Central Business District (CBD)	.15	.02		15,142-11,476 <sup>12</sup>	303-230		10,894	218
	Urban Neighborhood High Density (UHDR)								
Commercial	Regional Commercial (RC)	.15	.09		2,263	204		4,045	364
	Employment Center Low Rise (ECLR)								
Industrial	Industrial (IND)		.14						
Public	Public/Quasi-Public (PUB)	.37	.17		120	20	125		21
Park	Parks and Recreation (PRK)	.37	2,678/acre (3 afy/acre)	30 acres		90	41.2 acres		123

<sup>12</sup> The RSPU proposes 6,000 to 10,000 dwelling units. If 6,000 du are developed, commercial office would be limited to 4.54 msf. If 10,000 du are developed, office would be limited to 3.44 msf. All other uses would be unchanged.

Type of Development	Land Use Category	Demand Factor		Proposed Development			Current Zoning		
		Residential Water Use Factor, afy/dwelling unit	Non-Residential Water Use Factor, afy/employee	Number Dwelling Units	Number Employees	Total Demand	Number Dwelling Units	Number Employees	Total Demand
Open Space	Open Space (OS)	0	0	0			0		
Other	Hotel		250 gpd/room (0.28 afy/room)	1,100 rooms		308	1,100 rooms		308
Other	Hospital		387.5 gpd/bed (0.43afy/bed)	420 beds		182	0		
Other	Medical Office		0.02	1,855 employees		37			
Other	MLS Stadium		3 gpd/seat (0.0034afy/seat)	25,000 seats		7	0		
<b>Total Demand (AFY)</b>						1,871-2,278			2,234-2,534

#### 4. Required Elements of Water Supply Assessment (Water Code § 10910)

##### A. Water supply entitlements, water rights or water service contracts (Water Code § 10910(d)):

The City's water supply entitlements, water rights and water service contract are identified and discussed in the Urban Water Management Plan, Chapters 3, 6, and 7.

All infrastructure necessary to deliver a water supply to the project is in place, excepting any distribution facilities required to be constructed and financed by the project applicant: Yes:  No:

##### B. Identification of other sources of water supply if no water has been received under City's existing entitlements, water rights or water service contracts (Water Code § 10910(e)):

Not applicable.

##### C. Information and analysis pertaining to groundwater supply (Water Code § 10910(f)):

Addressed by Urban Water Management Plan, Chapters 3, 6, and 7.

**Verification of Water Supply**  
**(for residential development of more than 500 dwelling units)**

Based on the City's most recent Urban Water Management Plan, are there sufficient water supplies for the project during normal, single dry and multiple dry years over a 20 year period?

Yes:   X  

No: \_\_\_\_\_

By: BRETT EWART, [Signature]

Title: SENIOR ENGINEER

Date: 10/7/2016

**This box to be filled in by the City**

Distribution:

Applicant

Development Services Department (Org: 4913) – Assigned Planner: \_\_\_\_\_

Utilities Department (Org: 3334) - Development Review (Tony Bertrand)

Utilities Department (Org: 3332) - Capital Improvements (Brett Ewart)

# CHAPTER 3

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## Comments and Responses

### 3.1 Introduction

This section contains the comment letters that were received on the Draft SEIR. Following each comment letter is a response by the City intended to supplement, clarify, or amend information provided in the Draft SEIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft SEIR are warranted based upon comments on the Draft SEIR, those changes are generally included following the response to comment. However, in some cases when the text change is extensive, the reader is instead referred to Chapter 2, Text Changes to the Draft SEIR, where all the text changes can be found.

Occasionally, a response to a comment provides a cross-reference to another response to comment. This occurs when the same, or very similar, comment was made or question asked, and an appropriate response was included elsewhere.

Department of Transportation  
Michael J. Penrose, Director



Letter A1

Divisions

Administration  
Maintenance & Operations  
Engineering & Planning

County of Sacramento

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June 13, 2016

Mr. Scott Johnson  
City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

**SUBJECT: COMMENTS ON THE DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE RAILYARDS SPECIFIC PLAN UPDATE, KAISER PERMANENTE MEDICAL CENTER, AND MLS STADIUM**

Mr. Johnson:

The Sacramento County Department of Transportation has received the Draft Subsequent Environmental Impact Report (EIR) for this Project, dated June 2016. We appreciate the opportunity to review this document and have no comments to offer at this time.

Should you have any questions, please feel free to contact me at (916) 874-6291.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Darrow", is written over a horizontal line.

Matthew G. Darrow, PE, TE, PTOE.  
Senior Transportation Engineer  
Department of Transportation

MGD

Cc: Mike Penrose, DOT  
Dan Shoeman, DOT  
Dean Blank, DOT  
Kamal Atwal, DOT  
Juliette Robinson, DCD

1

**Letter A1**      **Matthew G. Darrow, County of Sacramento Department of**  
**Response**      **Transportation**  
June 13, 2016

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A1-1              The comment states that the Sacramento County Department of Transportation has no comments at this time.



June 15, 2016

**Main Office**

10060 Goethe Road  
 Sacramento, CA 95827-3553  
 Tel: 916.876.6000  
 Fax: 916.876.6160

**Treatment Plant**

8521 Laguna Station Road  
 Elk Grove, CA 95758-9550  
 Tel: 916.875.9000  
 Fax: 916.875.9068

**Board of Directors**

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

**Prabhakar Somavarapu**

*District Engineer*

**Ruben Robles**

*Director of Operations*

**Christoph Dobson**

*Director of Policy & Planning*

**Karen Stoyanowski**

*Director of Internal Services*

**Joseph Maestretti**

*Chief Financial Officer*

**Claudia Goss**

*Public Affairs Manager*

Scott Johnson, Associate Planner  
 City of Sacramento, Community Development  
 Environmental Planning Services  
 300 Richards Blvd., 3<sup>rd</sup> Floor  
 Sacramento, CA 95811

**Subject: Notice of Availability – Draft Subsequent Environmental Impact Report for the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium and Stormwater Outfall Project (P15-040) (SCH#: 2006032058)**

Dear Mr. Johnson:

The Sacramento Regional County Sanitation District (Regional San) has the following comments regarding the Draft Environmental Impact Report for the Sacramento Railyard Project:

Regional San is not a land-use authority. Projects identified within Regional San planning documents are based on growth projections provided by land-use authorities. Sewer studies will need to be completed to assess the impacts of any project that has the potential to increase flow demands. Onsite and offsite impacts associated with constructing sanitary sewer facilities to provide service to the subject project should be included in this environmental impact report.

1

Customers receiving service from Regional San are responsible for rates and fees outlined within the latest Regional San ordinances. Fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers. The Regional San ordinance is located on the Regional San website at <http://www.srcsd.com/ordinances.php>.

2

Local sanitary sewer service for the proposed project site will be provided by the City of Sacramento's local sewer collection system. Ultimate conveyance to the Sacramento Regional Wastewater Treatment Plant (SRWTP) for treatment and disposal will be provided via Sump 2/2A and the Regional San City Interceptor system. Cumulative impacts of the proposed project will need to be quantified by the project proponents to ensure wet and dry weather capacity limitations within Sump 2/2A and the City Interceptor system are not exceeded.

3

On March 13, 2013, Regional San approved the Wastewater Operating Agreement between the Sacramento Regional County Sanitation District and the City of Sacramento. The following flow limitations are outlined in this agreement:

Service Area	Flow Rate (MGD)
Combined Flows from Sump 2 and Sump 2A	60
Combined flows from Sumps 2, 2A, 21, 55, and 119	98
Total to City Interceptor of combined flows from Sumps 2, 2A, 21, 55, 119, and five trunk connections	108.5

4

As stated in the DSEIR, soil and groundwater remediation is ongoing within the Central Shops footprint, where extracted and treated groundwater from beneath the shops is anticipated to continue for 15 to 20 years. Ongoing remediation, oversight, and discharge permitting will be handled through Regional San's Wastewater Source Control Section (WSCS). The City must abide by the Regional San Ordinance including requirements contained in a wastewater discharge permit.

5

The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California. Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

6

A NPDES Discharge Permit was issued to Regional San by the Central Valley Regional Water Quality Control Board (Water Board) in December 2010. In adopting the new Discharge Permit, the Water Board required Regional San to meet significantly more restrictive treatment levels over its current levels. Regional San believed that many of these new conditions go beyond what is reasonable and necessary to protect the environment, and appealed the permit decision to the State Water Resources Control Board (State Board). In December 2012, the State Board issued an Order that effectively upheld the Permit. As a result, Regional San filed litigation in California Superior Court. Regional San and the Water Board agreed to a partial settlement in October 2013 to address several issues and a final settlement on the remaining issues were heard by the Water Board in August 2014. Regional San began the necessary activities, studies and projects to meet the permit conditions. The new treatment facilities to achieve the permit and settlement requirements must be completed by May 2021 for ammonia and nitrate and May 2023 for the pathogen requirements

Regional San currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. A portion of the recycled water is used by Regional San at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove. It should be noted that Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

7

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

Sincerely,

*Sarena Moore*

Sarena Moore  
Regional San/SASD  
Policy and Planning

Cc: Regional San Development Services, SASD Development Services, Michael Meyer, Dave Ocenosak, Christoph Dobson

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**Letter A2 Response**      **Sareena Moore, Sacramento Regional County Sanitation District (RegionalSan, SRCSD)**  
June 15, 2016

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- A2-1            The City acknowledges that the Sacramento County Regional Sanitation District (RegionalSan) is not a land use authority and does not generate growth projections for its service area. As discussed in section 4.13, Utilities, of the Draft SEIR, the proposed projects would not connect directly to RegionalSan sewage collection facilities, but would instead connect to the City's existing combined sewer system and proposed separated sewer system that would be constructed throughout the RSP Area and connected to the City's new 3<sup>rd</sup> Street relief sewer main. Construction of on-site sanitary sewer systems, and connection to the City's sewer system, are discussed in the impact assessment in section 4.13.1 of the Draft SEIR, and throughout other environmental impact analysis sections of the SEIR, as relevant to each CEQA resource area. Please refer to these sections of the Draft SEIR for more information.
- A2-2            The comment refers to RegionalSan ordinances that establish rates and fees for sewer system connections and service. The comment does not address the environmental impact report for the proposed projects. The comment is noted and will be conveyed to the City Council for its consideration.
- A2-3            As discussed in Impact 4.13-1 on pages 4.13-12 through 4.13-15 of the Draft SEIR, peak wastewater flows from the RSP Area to the SRWWTP would be approximately 4.09 to 5.25 million gallons per day (mgd), approximately 41% to 54% less than the 2007 RSP due to a reduction in dwelling units and other changes to the land use plan. Unlike the 2007 RSP, all stormwater flows for the RSPU would be collected by a separate stormwater collection system and discharged through the proposed Stormwater Outfall into the Sacramento River, so they would not be conveyed to the SRWWTP. During development of the RSPU, there is a possibility that some development could occur before the Stormwater Outfall system is completed. If this should occur, the existing on-site retention basin south of Railyards Boulevard would be expanded and/or additional basins may be constructed to accept stormwater runoff from new development. The retention basins would be designed to contain stormwater runoff volumes according to the City's design criteria. In addition, the retention basins would be outfitted with temporary discharge pumps and pipelines to the 3<sup>rd</sup> Street CSS. The pumps would discharge at a combined maximum rate of 1 cfs to slowly empty the retention basins. The discharge rate could be increased, if needed, during storm events larger than the design criteria by stopping the discharge from the Central Shops groundwater remediation operation, allowing for a total discharge rate of 2.24 cfs. In addition, this rate could be increased up to the maximum planned wastewater capacity for the RSPU in the 3<sup>rd</sup> Street

Relief Sewer equivalent to those areas that would not already be developed. Wastewater generation from the RSPU would result in up to 5.25 mgd of flow through the 3<sup>rd</sup> Street relief main connection and up to 0.546 mgd of flow through the 7<sup>th</sup> Street main connection, resulting in a total of up to 5.79 mgd of new wastewater flow to the RegionalSan wastewater treatment plant. This amount of wastewater would not exceed the current excess capacity of approximately 75 mgd at the SRWWTP.

Cumulatively, the proposed projects' contributions to cumulative scenario impacts would be approximately two percent of the SRWWTP's total capacity. The RSPU would increase wastewater requiring treatment by 3.65 mgd (ADWF); the RSPU is consistent with the growth projections used to prepare the RegionalSan's 2020 Master Plan.

This management of wastewater and stormwater flows from the RSP Area would ensure that existing CSS capacity would not be exceeded, and the RSPU would not contribute additional flows to the sewer system during high capacity periods. Thus the proposed projects would not contribute to exceedance of capacity of Sump 2, 2A, or the City Interceptor system during major storm events. Additionally, the City would continue to manage stormwater and wastewater flows in accordance with the current Wastewater Operating Agreement between the City and SRCSD. During dry weather, the City would manage discharges from the RSP Area within capacity limitations specified in that agreement. During high flow events, the proposed projects would not contribute sewage to the system, as discussed previously. Therefore, the proposed projects would not contribute to cumulatively considerable impacts on the SRCSD's wastewater collection and conveyance facilities.

A2-4 The comment includes excerpted information from the Wastewater Operating Agreement between RegionalSan and the City of Sacramento. As noted in section 4.13 of the Draft SEIR, the City has entered into a contract with the SRWWTP to convey up to a total capacity of 108.5 mgd of wastewater combined from Sumps 2, 2A, 21, 55, and 119. These flows would be routed along RegionalSan's Interceptor pipeline for conveyance to RegionalSan's treatment facility, and ultimate treatment. Wastewater, drainage, and dewatered groundwater flows from the RSP Area would be required to be managed so as to not exceed the agreed upon limitation. The comment is noted and will be conveyed to the City Council for its consideration.

A2-5 As discussed on page 4.8-11 of the Draft SEIR, UPRR has retained its position as the responsible party for existing Regulatory Orders, which would include remediation of contaminated groundwater under the Central Shops. DRV, the applicant for the proposed RSPU, is not responsible for ongoing soil or groundwater contamination activities pursuant to the 1988 Enforceable Agreement

entered into by UPRR predecessors in interest and the State of California. However, as Master Developer, the applicant will comply with any restrictions placed on remediated parcels, including implementation of the Soil and Groundwater Management Plan, and will comply with any and all regulations or ordinances applicable to dewatering. The SGMP is described on pages 4.8-31 through 4.8-34 of the Draft SEIR, and Impact 4.8-3 specifically addresses dewatering.

- A2-6 The comment describes the process for providing secondary treatment for wastewater. The comment also describes RegionalSan's negotiation with the Central Valley Regional Water Quality Control Board over the specification of the NPDES Discharge Permit issued in 2010. The comment does not address the environmental impact report for the proposed projects. The comment is noted and will be conveyed to the City Council for its consideration.
- A2-7 The City of Sacramento does not supply recycled water to the Central City or to the RSP Area. Recycled water facilities or infrastructure are not proposed as part of the RSPU and would have no impact on RegionalSan's existing recycled water facilities or conveyance.



Central Valley Regional Water Quality Control Board

15 July 2016

Scott Johnson  
City of Sacramento  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

CERTIFIED MAIL  
91 7199 9991 7035 8363 8898

**COMMENTS TO REQUEST FOR REVIEW FOR THE SUPPLEMENT / SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL PROJECT, SCH# 2006032058, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 10 June 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Supplement / Subsequent Environment Impact Report* for the Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan

1

amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to

restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

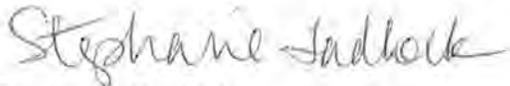
**NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

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**Letter A3 Response**      **Stephanie Tadlock, Central Valley Regional Water Quality Control Board (CVRWQCB or Water Board)**  
July 15, 2016

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- A3-1      The comment describes applicable Water Board plans and considerations that the proposed projects must comply with including the applicable Basin Plan and the State Water Board Antidegradation Policy. The comment identifies potential types of permits that could be required from the Central Valley Regional Water Quality Control Board (CVRWQCB). Such permits could include a Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, an Industrial Storm Water General Permit, a Clean Water Act Section 404 Permit, a Clean Water Act Section 401 Permit, a Waste Discharge Requirement (WDR) permit, a dewatering permit, a permit for commercially irrigated agriculture, a Low or Limited Threat General NPDES Permit, or meeting Waste Discharge Requirements. Water quality permit requirements are detailed in section 4.9, Hydrology and Water Quality. As described in Impact 4.9-1, the proposed projects would be required to comply with both state and local regulations designed to reduce or eliminate construction-related water quality effects.

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 3 – SACRAMENTO AREA OFFICE  
 2379 GATEWAY OAKS DRIVE, STE 150 – MS 19  
 SACRAMENTO, CA 95833  
 PHONE (916) 274-0635  
 FAX (916) 263-1796  
 TTY 711



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July 25, 2016

032016-SAC-0135  
 03-SAC-5 / 24.02  
 SCH# 2006032058

Mr. Scott Johnson  
 Community Development  
 City of Sacramento  
 300 Richards Blvd, 3<sup>rd</sup> Floor  
 Sacramento, CA 95811

**Railyards Specific Plan Update (RSPU), Kaiser Medical Center (KMC), Major League Soccer Stadium (MLSS), and Stormwater Outfall Project – Subsequent Environmental Impact Report (SEIR)**

Dear Mr. Johnson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The proposed RSPU includes construction of a 1.2 million square foot (sqft) KMC, and a MLSS to house a new professional soccer team and up to 25,000 attendees at soccer games and other events. The proposed RSPU also includes refinements to the density and intensity of land uses within the Office/Residential Mixed Use, Residential/Commercial Mixed Use, and Residential Mixed Use zones culminating 2 to 3.9 million sqft of office space, 1.2 million sqft of retail and flexible mixed use space, nearly .5 million sqft of historical space, and between 6,000 and 10,000 multi-family residential units. The project is located immediately north of downtown Sacramento on both sides of Interstate 5 (I-5), with I-5 providing direct freeway access to the project site via the Richards Blvd., I Street, and J Street interchanges. Due to the project's location, scale of development and potentially significant impacts to mainline I-5 and its interchanges (IC), Caltrans views the project as being of regional and interregional significance. The following comments are based on the SEIR.

1

**Transportation Impacts**

The project, at buildout, is expected to generate 7,233 am peak hour trips and 9,526 pm peak hour trips. When a MLS event is scheduled, the pre-event peak hour trip generation is expected to increase to 11,285 trips.

↑  
1  
(cont.)

On May 25, 2016 Caltrans sent comments reflecting the Department’s concurrence for the commitment made on behalf of the RSPU’s main tenants (KMC and MLSS) to pay into the I-5 Subregional Impact Fee Program (SCMP), satisfying the California Environmental Quality Act requirement for the project’s obligation to mitigate cumulative mainline traffic volume impacts on the SHS. Caltrans commends the City and applicants for their partnership and commitment to the SCMP.

2

Per Table 4.12-13, the J Street/3rd Street/Interstate 5 (I-5) off-ramps intersection is expected to degrade from Level of Service E (LOS) to LOS F with Baseline-Plus-Project conditions. Per Table 4.12-15, the northbound (NB) I-5/J Street off-ramp queue will increase to 4800 feet with the implementation of the RSPU. Per page 4.12-212, none of the identified improvements within the I-5 SCMP will directly reduce the queuing on the off-ramp. Therefore, the impact will remain significant and unavoidable, and will result in potential operational impacts where the queue is expected to exceed the off-ramp’s storage length of 1000 feet. Caltrans would like to continue working with the City to develop potential projects to help reduce the impacts to I-5 at this location.

3

Per Table 4.12-48, and page 4.12-225, the NB I-5/J Street off-ramp queue is expected to increase to 2900 feet within the cumulative condition, which still exceeds the storage capacity of the ramp. Clarification is needed for the reason the queue reduced from 4800’ to 2900’ in the cumulative condition. The last paragraph on page 4.12-226 of the SEIR states again, “None of the identified improvements within the I-5 SCMP would directly reduce queuing on the I-5 NB off-ramp at J Street.” This will result in potential operational impacts where the queue is expected to exceed the off-ramp’s storage length of 1000 feet. Caltrans would like to continue working with the City to develop potential projects to help reduce the impacts to I-5 at this location.

4

**Pedestrian and Bicycle Plans**

Regarding pedestrian and bicycle plans, the City should coordinate with Caltrans on development of the Caltrans Complete Streets Master Plan to ensure that each agency’s plans are in sync. Of particular interest is the SR 160 corridor near the American River. Please coordinate with Caltrans Planning for additional information.

5

**Transportation Management Plan (TMP)**

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction Traffic Impact Study may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans’ *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>.

6

Mr. Scott Johnson / City of Sacramento, Community Development  
July 25, 2016  
Page 3

***Encroachment Permit***

Please be advised that any work or traffic control that would encroach onto the State Right of Way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the address below.

Charles Laughlin  
California Department of Transportation  
District 3 Office of Permits  
703 B Street  
Marysville, CA 95901

7

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

8

If you have any questions regarding these comments or require additional information, please contact Arthur Murray by email at: [arthur.murray@dot.ca.gov](mailto:arthur.murray@dot.ca.gov).

Sincerely,



ERIC FREDERICKS, Branch Chief  
Office of Transportation Planning – South Branch

c: Scott Morgan, State Clearinghouse

**Letter A4 Response**      **Eric Fredericks, California Department of Transportation (Caltrans)**  
July 25, 2016

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- A4-1            The comment restates facts presented in the Draft SEIR about the proposed project and its projected trip generation. No further response is necessary.
- A4-2            The comment notes the participation of the KP Medical Center and MLS Stadium in the I-5 Subregional Impact Fee Program. No further response is necessary.
- A4-3            The comment restates analysis presented in the Draft SEIR and requests that the City continue to coordinate with Caltrans. The City intends to continue such coordination. The comment is noted and no further response is necessary.
- A4-4            Queue lengths for northbound I-5 at the J Street off-ramp decrease from 4,800 feet under Baseline Plus RSPU Conditions (see Table 4.12-15 of the Draft SEIR) to 2,900 feet under Cumulative Plus RSPU Conditions (see Table 4.12-48 of the Draft SEIR). This occurs as a result of changes in traffic signal timings and the downstream roadway network. Under cumulative conditions, the signals along J Street (including the I-5 off-ramps) are re-optimized, which can cause changes in the proportion of green time allocation to individual approaches. Additionally, the sequencing of signals (i.e., offsets) to allow for coordinated traffic progression along J Street is also re-optimized. Finally, changes in network connectivity (i.e., extensions of 5<sup>th</sup> Street and 6<sup>th</sup> Street northerly into the RSP Area) can cause different green time allocations and can affect queuing on J Street that can influence queuing at upstream intersections. These factors explain the difference in queue lengths between the two scenarios.
- A4-5            The comment requests ongoing coordination between Caltrans and the City to ensure that bicycle planning between the agencies is coordinated. The City intends to coordinate with Caltrans. The comment is noted and no further response is necessary.
- A4-6            As individual project proposals come forward, they would be required to prepare a construction transportation management plan (TMP) if traffic restrictions and/or detours are needed during construction that could affect State highways. This comment, while noted, does not require modifications to the SEIR's analysis or conclusions of significance.
- A4-7            Any work or traffic control that encroaches into the State Right of Way would be required to obtain an encroachment permit from Caltrans. Traffic-related measures would be incorporated into construction plans prior to engaging in the encroachment permit process.

A4-8            The commenter requests notification of further actions regarding the project. The City appreciates the interest of Caltrans and will continue providing notice of project actions as appropriate.

**CALIFORNIA STATE LANDS COMMISSION**  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, Executive Officer  
 (916) 574-1800 Fax (916) 574-1810  
 California Relay Service TDD Phone 1-800-735-2929  
 from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890  
 Contact FAX: (916) 574-1885

July 25, 2016

File Ref: SCH # 2006032058

Scott Johnson  
 City of Sacramento  
 300 Richards Boulevard, Third Floor  
 Sacramento, CA 95811

**Subject: Draft Subsequent Environmental Impact Report (SEIR) for Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, & Stormwater Outfall, Sacramento County**

Dear Mr. Johnson:

The California State Lands Commission (CSLC) staff has reviewed the subject SEIR for the Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, & Stormwater Outfall (Project), which is being prepared by the City of Sacramento (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

↑ 1  
(cont.)

Based upon the information in the SEIR and a review of CSLC's in-house records, CSLC asserts a sovereign interest within a portion of the Railyards property. CSLC, California Department of Parks and Recreation, the City of Sacramento, and IA Holdings entered into a title settlement and exchange agreement to resolve title claims within the Downtown Sacramento Railyards parcel. At this time, the exchange agreement has not been completed, property conveyances have not occurred, and the exchange agreement may need additional modifications. CSLC staff looks forward to working with the City and other parties to finish the exchange agreement and resolve title claims within the Railyards. As part of the exchange agreement, CSLC will receive title to a parcel of land adjacent to the Sacramento River (River) and that land will be leased to the City for 49 years (General Lease – Public Agency Use PRC 8597.9). Under the SEIR, a portion of the property to be leased to the City will include a stormwater outfall. In that case, the lease to the City would need to be amended to include the stormwater outfall. Please contact Public Land Management Specialist George Asimakopoulos (see contact information below) for further information on CSLC's jurisdiction and lease application.

2

**Project Description**

The City proposes to build a Kaiser Permanent Medical Center, a Major League Soccer (MLS) stadium, and stormwater outfall to meet the agency's objectives and needs which include updating the 2007 certified EIR's Railyards Specific Plan. From the Project Description, CSLC staff understands that the Project would include the following components (Figure 2-3 on page 2-6 of SEIR):

- Kaiser Permanent Medical Center would be constructed on east of I-5 outside of CSLC's jurisdiction.
- MLS Stadium would be constructed on the east of I-5 on the farthest eastern part of the Project site outside of CSLC's jurisdiction.
- Stormwater Outfall under CSLC's jurisdiction (west of Interstate 5 [I-5]) to carry out the stormwater from the proposed Project. The 135 feet long and 40 feet wide (page 4.2-26 of SEIR) stormwater outfall structure (mostly underground) would be connected via underground pipes (60 and 72 inches) to a wet well (55 feet long and 60 feet wide) and a pump station located under the elevated structure of I-5, south of Railyards Boulevard (page 3-6 of SEIR). A mechanical trash rack at the entrance to the wet well would intercept debris that is not captured by upstream controls. Automatic rakes on the trash racks would deposit any debris into containers for removal (page 2-136 of SEIR). Objectives

3

Objectives associated with the stormwater outfall include (page 2-10 of SEIR):

- Design a stormwater outfall that allows for full development of the Railyards area that facilitates integration of the project into the fabric of the existing Central City
- Construct an outfall structure that will provide stormwater management and protection to the majority of the Railyards area

↓

- Create an outfall structure that will safely discharge stormwater flows from the Railyards area into the River in compliance with local, state and federal requirements
- Design the outfall structure to facilitate and maximize pedestrian and bicycle access on the levee-top bicycle and pedestrian path and to maintain the views of the River
- Minimize the impact of discharged flows into the existing Combined Sewer System and other stormwater drainage systems servicing the City
- Design, construct, and operate an outfall structure that maintains the structural integrity of the River bank and levee, and that minimizes any disruption to natural habitats on or adjacent to the outfall site
- Design and construct a stormwater outfall structure that can be accepted by dedication to the City and thereafter operated by the City in compliance with local, state and federal requirements

3  
(cont.)

The Draft SEIR identifies the 2016 proposed stormwater outfall as the Environmentally Superior Alternative.

**Environmental Review**

CSLC staff requests that the City consider the following comments on the Project SEIR.

**General Comments**

1. CSLC Approval: CSLC staff recommends that CSLC's lease requirement be accurately reflected in the SEIR on page 2-78 to say that a "lease" (not a permit) would be required as explained above in the "CSLC Jurisdiction and Public Trust Lands" section of this letter. 4
2. Proposed Bridge over the River: CSLC staff requests that additional information be included in the SEIR about the proposed bridge over the River under CSLC's jurisdiction (Figures 2-7 and 2-12 on pages 2-25 and 2-43). If the bridge is part of the proposed land use as shown in Figure 2-7, then it should be adequately analyzed in the SEIR for CSLC to consider a lease for this bridge. 5
3. Construction Start Date: CSLC staff recommends that the SEIR be consistent in explaining when the stormwater outfall construction would begin. Page 4.2-26 of SEIR states that the construction time would begin in 2017, but later it is stated that construction could begin as early as 2016 (page 4.2-47). 6
4. Project Description: CSLC staff requests that the following activities under CSLC's jurisdiction (page 4.3-49 of SEIR) be described in detail to independently analyze all possible environmental impacts such as construction equipment at the site, staging areas, carrying proposed Project-related activities, order of activities, duration of activities, and equipment used for each activity: 7
  - a. Excavation and backfill
  - b. Construction of the new stormwater outfall structure

- c. Use of staging areas and placement of excavated material
- d. Construction of a sheetpile cofferdam
- e. Dewatering of the stormwater outfall installation site

↑  
7  
(cont.)

Biological Resources

5. Underwater Noise: CSLC staff recommends that additional information be included about what steps would be taken to implement Mitigation Measure 4.3-3 (e) on page 4.3-54 of SEIR to ensure that the noise levels in the River stay below the recommended thresholds since impact pile driving could generate underwater sound levels that exceed injury and harm thresholds for fish (pages 4.3-50 and 4.3-51).

8

Hydrology

6. Bank Erosion: CSLC staff requests that appropriate analysis be included in the SEIR to discuss how the River bank would remain stable after removing existing vegetation (Figure 4.1-11 on page 4.1-13 of SEIR) to ensure River bank erosion is not exacerbated by construction of the proposed stormwater outfall.

9

Greenhouse Gases (GHG)

7. GHG Emissions: CSLC staff recommends that the GHG emission analysis include the following for the stormwater outfall component of the proposed Project:
- a. Calculate GHG emissions for all construction and operation phases
  - b. Identify significant GHG threshold
  - c. Analyze level of impacts from carrying out proposed Project-related activities

10

If impacts are significant, CSLC staff requests that the City to identify mitigation measures that would reduce these impacts to a less than significant level.

Cultural Resources

8. Submerged Resources: It is not clear if the potential impacts to submerged cultural resources in the Project area on page 4.4-58 of SEIR include the CSLC maintained shipwrecks database. CSLC staff requests that the City contact Assistant Chief Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

11

9. Title to Resources: The SEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that the City consult with Assistant Chief Counsel Pam Griggs (see contact information below) should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, CSLC Staff requests that the following statement be included in SEIR's Mitigation Measure 4.4-1(c) on page 4.4-60:

↓

"The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

↑  
11  
(cont.)

Public Trust

10. Public Access: Because it is unclear how construction equipment would be brought to the Project site, CSLC staff requests that public access to the River must not be impeded because the public has the right to access the navigable River as further explained in the "CSLC Jurisdiction and Public Trust Lands" section of the letter.

12

11. Recreational Impacts: CSLC staff requests that the SEIR analyze recreational impacts from carrying out the proposed Project-related activities of the stormwater outfall under CSLC's jurisdiction because those possible impacts do not seem to be considered to conclude on page 4.11-57 that "no impacts would occur." If impacts are significant, CSLC requests that appropriate mitigation measures be proposed to reduce those recreational impacts to the public using the River.

13

Thank you for the opportunity to comment on the SEIR for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final SEIR for the issuance of any amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the SEIR.

Please send copies of future Project-related documents, including electronic copies of the Final SEIR, Mitigation Monitoring Program, Notice of Determination, CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at [Afifa.Awan@slc.ca.gov](mailto:Afifa.Awan@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via e-mail at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact George Asimakopoulos, Public Land Management Specialist, at (916) 574-0990, or via e-mail at [George.Asimakopoulos@slc.ca.gov](mailto:George.Asimakopoulos@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

- cc: Office of Planning and Research
- G. Asimakopoulos, CSLC
- A. Awan, CSLC
- K. Colson, CSLC
- J. Fabel, CSLC
- P. Griggs, CSLC

**Letter A5 Response**      **Cy R. Oggins, California State Lands Commission (CSLC)**  
 July 25, 2016

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- A5-1            The comment summarizes the California State Lands Commission's (CSLC) responsibility as a responsible agency for the proposed projects and describes CSLC jurisdiction and management authority. The State of California has sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways. This jurisdiction would include the Sacramento River up to the mean high tide line. The proposed Stormwater Outfall would be the sole project element subject to CSLC authority. This comment, while noted, does not require modifications to the SEIR's analysis or conclusions of significance.
- A5-2            The comments regarding the interests of the State Lands Commission in the riverfront portion of the RSP Area, and the process that would be required to resolve title claims are acknowledged. The project applicant, Downtown Railyard Venture, LLC, has indicated that it shares the California State Lands Commission's desire to complete and close the negotiated and existing exchange agreement and that it is willing to participate in any needed modification leading to a collective effort to satisfy the claims addressed in the transaction. The release of the asserted sovereign interest remains a fundamental component of the full implementation of the RSPU.
- The City recognizes the need to address the construction of and operation of the proposed Stormwater Outfall within the area that is subject to the City's lease with the California State Lands Commission. A new stormwater outfall on the Sacramento River has been an identified infrastructure requirement for the redevelopment of the Railyards extending back to the City-approved 2007 RSP, and remains so with the proposed RSPU. As requested in the comment, the City and applicant intend to coordinate with State Lands Commission to finalize and submit the lease application.
- A5-3            The comment summarizes the proposed project elements and identifies the proposed Stormwater Outfall as the only project element that would be subject to CSLC's jurisdiction. The comment also identifies the Stormwater Outfall project objectives as listed on page 2-10 of the Draft SEIR. This comment, while noted, does not modify the SEIR's analysis or conclusions of significance.
- A5-4            Page 2-78 of the Draft SEIR incorrectly refers to a permit issued by CSLC. However, a lease would be required. As a result, the fifth bullet on page 2-78 of the Draft SEIR is revised as follows:
- Approval of a ~~permit~~ lease from the California State Lands Commission;

- A5-5 The comment refers to a proposed bridge over the Sacramento River, and refers specifically to Figures 2-7 and 2-12 on pages 2-25 and 2-43 of the Draft SEIR. The bridge shown on those figures is the I Street Replacement Bridge being planned and analyzed by the City of Sacramento under separate cover (State Clearinghouse # 2014092069). The I Street Replacement Bridge is not a part of the proposed projects analyzed in the Draft SEIR. The City of Sacramento would be required to obtain a separate lease from the CSLC for the bridge.
- A5-6 Since publication of the Draft SEIR, additional information has become available about the timing of the Stormwater Outfall's construction. Construction of the Stormwater Outfall is anticipated to begin in 2017 and take less than one year to complete. As a result, text changes in section 4.2, Air Quality, were made to reflect the correct construction start date. Please see Chapter 2, Revisions to the Draft SEIR, for the revised text.
- A5-7 Additional information is now known about the construction methods and design for the Stormwater Outfall. Accordingly, text revisions have been made to the Project Description chapter of the Draft SEIR. Please see Chapter 2, Revisions to the Draft SEIR, for the specific revisions. Additionally, specific impacts and details of the Stormwater Outfall construction and operation are being addressed through the permitting processes for the Stormwater Outfall, and further coordination will occur between the project applicant, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW).
- A5-8 At this time it is believed that sheet pile installation during construction of the stormwater outfall can be conducted using a vibratory pile driver. The latest *Compendium of Pile Driving Sound Data*<sup>1</sup> indicates that vibratory installation of sheet piles results in underwater noise levels below the relevant thresholds for fish. Impact pile driving would only be needed if abnormal ground conditions prevented the vibratory installation. If impact pile driving is found to be needed it is likely that sound minimization measures would be needed. The construction schedule is currently constrained to the summer months when river flows are lowest and it is therefore possible that sheet pile installation could occur outside flowing water in which case aquatic noise would be below the thresholds. If impact pile driving is required in wetted areas, likely minimization measures would be use of a bladder dam to dewater the work area or installation of a bubble curtain during pile driving. Specific noise minimization measures would be identified in coordination with the National Marine Fisheries Service prior to construction activities.

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<sup>1</sup> California Department of Transportation. 2015. Technical Guidance for Assessment and Mitigation of the Hydroacoustic effects of Pile Driving on Fish. November 2015.

A5-9 Please see Section 4.9, Hydrology and Water Quality of the Draft SEIR for a general description of water quality and erosion impacts and project minimization features. Compliance with the City’s Grading, Erosion and Sediment Control Ordinance and the NPDES General Construction Permit will ensure that appropriate BMPs are utilized during construction and as the site is stabilized and restored after construction. A stormwater pollution prevention plan (SWPPP) will be prepared identifying specific BMPs on the site. Specific to the stormwater outfall the trench excavated for the outfall pipes will be backfilled with a high-density fill material that will provide significant resistance to site erosion. The surface of the disturbed area around the outfall will be stabilized using BMPs such as coir mats until restoration plantings are mature.

A5-10 As is explained in Draft SEIR Section 4.7, Global Climate Change, “[u]nder section 15183.5 of the State CEQA Guidelines, ‘public agencies may choose to analyze and mitigate significant greenhouse gas emission in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set forth below. Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.’”

The proposed Stormwater Outfall is a part of the infrastructure system that would serve the proposed RSPU. A discussion of the consistency of the proposed RSPU as a whole with the City’s climate action plan policies is included on pages 4.7-15 through 4.7-20 of the Draft SEIR. The City’s evaluation of the overall RSPU’s consistency with its climate action plan policies includes its consistency with the 2035 General Plan land use and urban form designations, incorporation of traffic calming, consistency with the City’s Pedestrian and Bikeway Master Plans, inclusion of on-site renewable energy (or equivalent energy conservation), and compliance with water efficiency standards. Since the RSPU was determined to be consistent with all applicable criteria, the City concluded that the entire RSPU would be consistent with its climate action plan, and thus the contribution of the entire RSPU to cumulative impacts related to GHG emissions was less than significant. As an infrastructure component of the RSPU, this conclusion also extends to the proposed Stormwater Outfall.

On pages 4.7-27 through 28, the Draft SEIR included a discussion specific to the Stormwater Outfall. In addition to a recognition that the Stormwater Outfall would be part of the overall infrastructure system supporting the RSPU, the Draft SEIR recognized that the electricity that would be used to operate the pumps in the Stormwater Outfall would be supplied by SMUD, which today generates 27 percent of its energy from renewable sources and by 2020 must generate 33 percent of its energy using renewable sources. As such, the Stormwater

Outfall would not represent a generator of GHG emissions or user of substantial amounts of non-renewable energy.

- A5-11 According to the California State Lands Commission, there are two known submerged shipwreck resources in the Sacramento River in the vicinity of the proposed Stormwater Outfall site. The first known resource is the J Street Wreck at the foot of J Street. The second known resource is a site with six sunken 1930s steamships near Broderick near the Broderick Boat Launch.<sup>2</sup> Records searches for known cultural resources, including for shipwrecks and other submerged cultural resources, have been conducted for all project areas, and no known submerged cultural resources are present at the outfall location. As discussed in Chapter 2, Revisions to the Draft SEIR, text has been added to Section 4.4, Cultural Resources and Mitigation Measure 4.4-1(d) is added to address coordination with CSLC if any unknown resources are identified during project activities. However, given the location of the outfall in areas that are regularly exposed during low water periods, the presence of previously unidentified resources is considered unlikely. Further, the CLSC determined that as long as project activities occur east of the centerline of the Sacramento River, no impacts to known submerged resources would be anticipated.<sup>3</sup>
- A5-12 There is currently no formal public access to the river at the outfall location and the steep nature of the banks would make access treacherous. Construction equipment will access the site from the east through the main RSP Area. A barge and/or boat will be used to access the site from the water for installation of the sheet piling and rip-rap. Public access would only be blocked from the active construction area to protect the public. The City will provide a detour of the existing waterfront bicycle trail around the construction activities.
- A5-13 As stated on page 4.11-57 of the Draft SEIR, the proposed Stormwater Outfall project component would not add any residents or create any demand for parks or recreation facilities. Additionally, the Stormwater Outfall pipes would not protrude into the navigable waterway of the Sacramento River, and would not impede river access or use of the navigable waterway. The design of the Stormwater Outfall would not result in removal of the existing paved multi-use trail which extends along the east bank of the Sacramento River and along the edge of the RSP Area, which provides a recreational resource and connection between Old Sacramento and the Jedediah Smith National Recreation Trail on the north bank of the American River and the Two Rivers Trail on the south bank of the American River. As a result, the Stormwater Outfall would have no impact on recreational facilities.

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<sup>2</sup> Griggs, Pamela, Assistant Chief Counsel, California State Lands Commission. Telephone communication with Kathy Anderson, Environmental Science Associates, September 2, 2016.

<sup>3</sup> Griggs, Pamela, Assistant Chief Counsel, California State Lands Commission. Telephone communication with Kathy Anderson, Environmental Science Associates, September 2, 2016.

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July 27, 2016

**By U.S. Mail & E-Mail: srjohnson@cityofsacramento.org**

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Environmental Planning Services  
300 Richards Boulevard, Third Floor  
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**Re: Comments of Sacramento City Unified School District on Draft Subsequent Environmental Impact Report for Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, and Stormwater Outfall Projects**

Dear Mr. Johnson:

Our firm represents Sacramento City Unified School District ("District"). On behalf of the District, we submit these comments on the Draft Subsequent Environmental Impact Report ("Draft SEIR") prepared for the proposed Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, and Stormwater Outfall projects (collectively, the "Project"). As set forth in this letter, the Draft SEIR does not comply with the California Environmental Quality Act ("CEQA," Pub. Resources Code, §§ 21000, *et seq.*) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*) for both technical and substantive reasons. The Draft SEIR does not include sufficient information to evaluate potential environmental impacts related to schools. The District requests that the City revise the Draft SEIR to address the issues identified in this letter, develop appropriate mitigation measures for any impacts that are identified as significant, and then recirculate the revised Draft SEIR as required by CEQA. (Cal. Code Regs., tit. 14, § 15088.5.)

As another public agency serving the population of Sacramento, the District prefers to cooperate with the City regarding the proposed Project so as to help ensure that it will benefit the entire community, without undue impacts. The District's primary concern is that the Project not create significant impacts on the student population it serves, their families, District staff and teachers, and the school facilities in which they are housed. The District wishes to emphasize that this Project has the potential to have a profound negative effect on the District's students, their families, and residents who will reside in and near the Project. It remains the District's hope that collaboration between the District and both the City and Project developers can occur to avoid this result.

Scott Johnson  
 July 27, 2016  
 Page 2

**I. Incorporation of District comments regarding the 2007 Draft EIR**

Per the Draft SEIR, in 2007 the City certified the 2007 Railyards Specific Plan EIR (“2007 RSP EIR”) and approved the 2007 Railyards Specific Plan. [Draft SEIR, p. S-2.] During the public comment period for the Draft 2007 RSP EIR, the District submitted extensive comments regarding the inadequacies of the Draft. A copy of that correspondence is enclosed for your reference. To the extent that any of the inadequacies identified in the District’s 2007 comment letter remain unaddressed, the District hereby reasserts them here.

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**II. The Draft SEIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.**

An environmental impact report is required to include a description of the physical environmental conditions in the vicinity of the project *as they exist* at the time the notice of preparation is published. This environmental setting constitutes the baseline physical conditions by which the lead agency determines whether an impact is significant. (Cal. Code Regs., tit. 14, § 15125, subd. (a).) In this regard, the Draft SEIR’s discussion of two elementary schools, William Land Elementary School (“William Land ES”) and Washington Elementary School (“Washington ES”) is of particular concern. The Draft SEIR misstates the capacity of both schools, and incorrectly describes them as having capacity for new students. [Draft SEIR, p. 4.11-27.] Both are small, urban schools with very little or no room to expand. Diagrams showing the acreage and layouts for each existing site are enclosed for the City’s reference. Simply put, there is no capacity for additional elementary school students on either of these sites.

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The District’s Governing Board (“Board”) recently took action to implement reduced class sizes at all District elementary schools in order to enhance the educational opportunities and learning environment for students. A copy of the District’s budget documents, which were approved by the Board on June 28, 2016, is enclosed for the City’s reference. Those documents show the reduced class size adopted by the Board of 24 students per kindergarten through third grade (K-3) classroom. This figure is consistent with the class size dictated by the Local Control Funding Formula, which is the existing law governing the state’s finance system for K-12 school districts, and which requires school districts to make progress towards achieving an average class enrollment of not more than 24 pupils for each school site in K-3 classrooms as early as 2014. (Ed. Code, § 42238.02; Cal. Code Regs., tit. 5, § 15498.) District staff is also exploring an extension of the 24-student per classroom standard to fourth grade in the 2017 school year, potentially followed by the fifth and sixth grade classrooms in subsequent school years. Additionally, consideration must be given to the District’s collective bargaining agreement with its teachers’ unions. The District does not necessarily have the ability to make unilateral modifications to its class sizes. The Draft SEIR fails to take the reduced class size into account, resulting in inaccurate information and overstated capacity in the District’s elementary schools.

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Regarding William Land ES, the current maximum capacity when taking class size reduction into account is 585 students, not the 641 claimed in the Draft SEIR. [Draft SEIR, p. 4.11-27.] Even the maximum capacity of 585 is very unlikely to be reached due to site constraints. Also, some of the capacity at William Land ES is made up of students attending the Mandarin Immersion Program. As such, many of the students attend by choice and do not reside in the

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attendance area for the school. This factor reduces the capacity of the school that is available to students residing in the attendance area. The current enrollment of the school, based on 2015-2016 enrollment data, is 436, and due to the constraints noted here, the maximum capacity is approximately that total, leaving few or no additional spaces. With up to 10,000 residential units projected to be developed under the Project, the number of students needing to be housed in District elementary schools will quickly exceed the capacity of William Land ES. [See, Draft SEIR, p. 4.11-35.] We note as well that the student generation figures used in the Draft SEIR assume that all housing units in the Project will be multi-family, an assumption that is at best unclear based on the Draft SEIR.

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The Draft SEIR also incorrectly states that the RSP Area is within the current attendance boundaries for William Land ES. [Draft SEIR, p. 4.11-27.] The school's attendance boundary is actually located to the south of the Project area. A map showing the attendance areas for William Land ES and Washington ES, in relation to the RSP Area, is enclosed for reference. Thus, in order for Project students to attend William Land ES, a boundary adjustment may be necessary.

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With regard to Washington ES, the Draft SEIR correctly states that the District plans for this school to serve students with a focus on STEAM (science, technology, engineering, art, and mathematics). However, the Draft SEIR incorrectly assumes that Washington ES will have the same capacity, 706 students, as when it closed. [Draft SEIR, pp. 4.11-27-28.] This assumption is without any basis, and is incorrect. Upon its opening in September of 2016, Washington ES will have a class size of 24 students per K-3 classroom, and 33 students per fourth through sixth (4-6) grade classroom. The class sizes result in an overall capacity of 390 students, which is substantially less than the figure stated in the Draft SEIR. (The rooms identified as Y1, Y2, and Y3 are only 620 square feet each and thus insufficiently sized for classroom use.) This is before potential extension of class size reduction to upper grades, as noted above, which could ultimately leave the school with a capacity for 336 students. Since Washington ES will be opened as a STEAM school, the District cannot simply add portable classrooms to accommodate more students. Those classrooms would need to be customized as labs or other facilities necessary for the STEAM program, necessitating a substantial amount of District funds and space on the campus that are simply not available. The Draft SEIR drastically overstates the capacity of Washington ES, thus not correctly providing a baseline of existing and expected conditions against which to measure impacts related to elementary schools as well as mitigation of such impacts.

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The analysis in the Draft SEIR is also incomplete as it fails to discuss the significant limitations associated with constructing additions or adding portables to either of these elementary school sites. In addition to both sites being undersized, the amount of open space at both elementary schools is far below the state guidelines. There is also limited parent or teacher parking, which will result in significant impacts that are not even mentioned in the Draft SEIR, as further discussed in Section III.B.1, below.

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Where the environmental setting in an EIR contains inaccuracies, it fails as an informational document. An EIR cannot properly and accurately assess the impacts of the project or determine appropriate mitigation measures if it does not include adequate consideration and documentation

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of the existing environmental conditions. (See, *San Joaquin Raptor/Wildlife Rescue Center, et al. v. County of Stanislaus* (1994) 27 Cal.App.4th 713.)

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The District additionally notes that the Draft SEIR incorrectly and without analysis concludes that “[b]ecause fewer residential units would be developed under the RSPU than under the 2007 RSP, the impact would be reduced.” [Draft SEIR, p.4.11-37.] This fails to take into account both class size reduction and the higher student generation ratio now acknowledged for each proposed residence, as discussed elsewhere in the Draft SEIR. The Draft SEIR also fails to account for District-wide development that has occurred since the 2007 EIR was certified, creating an improper baseline from which to analyze impacts. These are some of the many ways in which the Draft SEIR, rather than providing neutral analysis, serves as an advocacy piece for the Project. The bias towards a finding of no impacts related to schools resurfaces throughout the Draft SEIR. This includes conclusions such as the one regarding the number of students that might be generated by the Land Use Variant: “It should be noted that these [student generation] rates may overstate the actual number of students that would live in a high density, urban development like the RSPU.” However, the Draft SEIR similarly may understate the number of students.

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**III. The Draft SEIR does not meet its purpose as an informational document because it fails to provide an adequate analysis of environmental impacts related to schools.**

**A. The Draft SEIR contains an inadequate discussion of impacts on schools.**

The Draft SEIR is deficient in its discussion and proposed mitigation of school-related impacts that may result from the Project. The Draft SEIR repeatedly states that impacts on schools are deemed less than significant with payment of school developer fees, and that the impact on schools would be less than significant for both the RSPU and the land use variant. [Draft SEIR, pp. 4.11-30, 31, 36, 37, 38, 41.] The Draft SEIR cites Senate Bill (“SB”) 50 as “eliminating” the ability of a city to require certain mitigation of “school impacts.” [Draft SEIR, p.4.11-30.] This analysis is based on a misconception and falls short of providing a full and accurate picture of the school-related impacts that will necessarily result from the Project. Further, here and elsewhere, the Draft SEIR contains bare conclusions regarding impacts without a sufficient explanation of the basis for those conclusions, again in violation of CEQA. (*Laurel Heights Improvement Ass’n. v. Regents of the University of California* (1988) 47Cal.3d 376, 397.)

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In this instance, as the Draft SEIR acknowledges, the statutory school impact fees will not sufficiently fund the necessary new facilities. It is commonly understood that “Level 1” developer fees (Ed. Code, § 17620; Gov. Code, § 65995) for schools cover only approximately one-third of the projected cost of school construction, with the other two-thirds expected to come from State and local bond funds. With there now having been no new statewide bond measure for school facilities for many years, State funds are depleted, leaving an even greater shortfall. Similarly, “Level 2” fees reflect only approximately half of the necessary cost, as demonstrated by the fact that when State funding runs out, the possibility of an approximate doubling of the fees to a “Level 3” is permitted to address the full anticipated cost of school construction. (See Govt. Code §§65995.5 – 65995.7.) Level 3 fees are not currently available due to a pending lawsuit against the State Allocation Board, which is not likely to be resolved in short order. The shortfall of necessary funds is exacerbated by the high land costs in Sacramento, should a new

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school site be needed. Without sufficient space to build on the current elementary school sites, acquisition of a new site, and more likely multiple sites, is probable, with inadequate available funds for such land purchases.

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The developer fees cited by the Draft SEIR were never intended to prohibit other mitigation, nor will they adequately mitigate all impacts of this Project. Government Code section 65996(b) mentions only “school facilities mitigation,” meaning that mitigation of impacts on issues other than school facilities must still be addressed. (See, *Chawanakee Unified School District v. County of Madera, et al.* (2011) 196 Cal.App.4th 1016.) Those impacts are addressed in Section III.B, below.

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The Draft SEIR fails to explore other measures that would alleviate the impact of the increases in student enrollment. Government Code section 65996 also does not preclude a host of available means of addressing a School District’s needs as a result of new development. Alternative means of addressing the impacts of new development on schools still allowed under SB 50, and not acknowledged in the Draft SEIR, include:

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1. Coordinated Planning for School Sites

Government Code sections 65352 and 65352.2 require local cities to coordinate planning of school facilities with school districts. The Legislature confirmed in this statutory scheme that the parties are meant to coordinate “[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations.” (Gov. Code 65352.2(d)(2).) No such coordination has occurred in relation to the Project. The Draft SEIR does not analyze the City’s failure to comply with these coordination requirements.

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The Legislature recognized that new planned development should take into consideration and even “reserve” locations for schools to serve development because schools are as integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this instance, the intent behind sections 65350, *et seq.*, supports the District’s position that the City must analyze whether the current size of District schools is adequate to accommodate both its existing population and the new development. The City can help the District provide adequate facilities resulting from the impacts of the Project, which are not addressed by developer fees, by acknowledging the significant impact on schools, and requiring alternative mitigation measures to assure that there are adequate sites to accommodate school facilities. Although the Draft SEIR states that “developers would consult with the two school districts to ensure adequate school needs are met,” this statement is inadequate as mitigation because it does not commit the City to any action, and does create a condition of approval for developers. [Draft SEIR, p. 4.11-35.] The City has improperly delegated authority for development of adequate mitigation measures to address the school siting issues to the Project proponent. This is not a permissible delegation of authority under CEQA. (Cal. Code Regs., tit. 14, § 15025, subd. (b)(1).) Per section 15084, subdivision (e), of the CEQA Guidelines, a draft EIR must reflect the independent judgment of the lead agency, and the lead agency is responsible for the adequacy and objectivity of the draft EIR. Leaving developers to come up with mitigation measures to address school-related issues does not comply with this

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standard. (See also, Pub. Resources Code, § 21081.6, subd. (b); Cal Code Regs., tit. 14, § 15126.4, subd. (a)(2) [EIR must have mitigation measures that are enforceable through conditions of approval, contracts or other means that are legally binding].)

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2. Land Dedication

One feasible mitigation measure not addressed by the City would be for the City to adopt findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, *et seq.*, which permit the City to require a developer to dedicate land to a school district. Section 65974 specifically states that “for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development.” Nothing in SB 50/Government Code section 65996 precludes this approach.

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for a new school site in the vicinity of the Project is already scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing future residents.

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All of these are impacts potentially stemming from the Project that are not considered in the Draft SEIR, and for which mitigation is and can be made available under existing law. Land dedication is a permissible mitigation measure under Government Code sections 65995, *et seq.* Section 65995(a) specifically states that “[e]xcept for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied. . . .” (Emphasis added.) Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a city to address the impacts of development through the dedication of land.

Further, the City is authorized by section 66478 of the Subdivision Map Act to require dedication of elementary school sites when needed to address development. Nothing in Government Code sections 65995, *et seq.*, precludes such a requirement.

Land dedication is particularly important in the Project’s vicinity given the lack of available vacant land for the school facilities that will be needed to serve the Project.

3. Phasing

Another method by which the City can work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development allowed by the

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Project is by requiring future development to be phased and not permitted prior to availability of school facilities. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. The Draft SEIR makes vague assumptions regarding project build-out by stating that the development of residential units would occur over many years, so the growth in students would be spread across the next two decades. [Draft SEIR, p. 4.11-35.] The reality is that the District must plan in advance for the arrival of the new students generated by the Project. The City could mitigate the impacts of the Project and allow for available school facilities when needed by requiring phasing of this Project. This phasing could require that the timing of the development of the Project be coordinated with the availability of school facilities.

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**B. The Draft SEIR contains an inadequate discussion of other school-related impacts.**

In addition to the above discussion of the inadequacy of school impact fees to mitigate the Project’s significant impact on schools, the Draft SEIR fails to address other types of impacts related to the inundation of District schools that will be caused by the Project.

The case of *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016 (“*Chawanakee*”) addresses the extent to which a city or county must consider school related impacts in an environmental impact report for new development. The Court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact “on school facilities.” With respect to this terminology from subdivision (a) of section 65996, the Court opined:

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[T]he use of the term “on” indicates a direct relationship between the object (i.e. school facilities) and the impact and excludes impacts to other parts of the physical environment. Consequently, the phrase “impacts on school facilities” used in SB 50 does not cover all possible environmental impacts that have any type of connection or relationship to schools.

(*Id.*, at 1028.)

As a result, the Court of Appeal in *Chawanakee* concluded that the County would have to set aside the certification of the EIR at issue in that case and approvals of the project and take “action necessary to bring the EIR into compliance with CEQA regarding its analysis of the (a) traffic from private and school bus trips to existing schools outside the project area pending the construction of school with the project area and (b) the potential environmental effects from the construction of additions, either temporary or permanent, to existing schools prior to the construction of schools in the project area.” (*Id.*, at 2019.) The Draft SEIR does not contain any discussion of these impacts and effects.

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The school impact analysis for the Project is inconsistent with this approach as it does not analyze any of the school-related impacts as required by *Chawanakee*. Although the Draft SEIR briefly references “the effects on vehicle miles traveled and vehicle emissions due to transporting project children to schools,” it states that those effects are discussed in sections 4.2 (Air Quality),

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4.7 (Global Climate Change), and 4.12 (Transportation and Circulation). [Draft SEIR, p. 4.11-35.] In fact, none of these sections includes a single mention of any impact or analysis related to schools.

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As in the *Chawanakee* case, there is no analysis whatsoever in the Draft SEIR of the impact on school children and surrounding neighborhoods as portable classrooms or permanent construction are added to existing schools, or new schools are built, to accommodate development flowing from the approval of the Project. This would include addition of second stories on existing school buildings.

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1. Traffic and Transportation

Though the Draft SEIR generally analyzes the impacts of increased traffic, its analysis is inadequate particularly as related to schools. Traffic in the area of the Project is already impacted. Build out of the Railyards Specific Plan, projected at up to 10,000 housing units under either the RSPU or Land Use Variant, as well as office, medical, retail, and other uses, will only further exacerbate traffic congestion as well as issues of safety for students and others. The Draft SEIR must include greater analysis regarding safety issues affected by traffic, such as reduced pedestrian safety (particularly as pupils walk to and from the schools that will serve the Project area), reduced response times for emergency services and first responders traveling to school sites, and increased gridlock during, before, and after school drop-off and pick-up hours. Since the District does not provide regular bussing for students (an important existing condition not addressed in the Draft SEIR), the Project has the potential to create substantial impacts in terms of traffic. Also, as discussed above, the Washington ES and William Land ES have limited parking. As a result, the Project has the potential to create a necessity for offsite parking, which could result in additional traffic and safety impacts. The Draft SEIR does not mention or in any way address these and other parking issues related to schools.

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Given these concerns and the lack of mitigation measures to address them adequately, the Draft SEIR must be revised and supplemented to analyze the significant issues of traffic and safety as they relate to existing and proposed schools. The *Chawanakee* case supports the conclusion that greater traffic analysis that **specifically takes the District and its students into consideration** is required.

As stated in *Chawanakee*, a project's indirect impacts on parts of the physical environment that are not school facilities are not excused from being considered. For example:

[A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact 'on school facilities' for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary, ... the impact on

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traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR.

(*Chawanakee*, 196 Cal.App.4<sup>th</sup> at 1028-29.)

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The Draft SEIR expressly acknowledges that there will be traffic (and other) impacts associated with construction and operation of new or expanded schools, but it takes the position that the nature and extent of the effects is unknown and that it “would be speculative to attempt to evaluate such impacts” in the Draft SEIR. [Draft SEIR, p. 4.11-36.] In this regard, the Draft SEIR fails to comply with CEQA and the requirements of *Chawanakee*.

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To the extent that the City contends that the traffic analysis “assumes” that there will be school trips associated with residential units, this is not sufficient. [Draft SEIR, p. 4.11-36.] There is no specific data or discussion of such school trips, and there is no way to separate those types of trips from other vehicle trips so as to meaningfully review and analyze their impacts. The analysis therefore fails to comply with CEQA. (See, Pub. Resources Code, § 21003, subd. (b) [EIR must be meaningful and useful to decision-makers and the public]; Cal. Code Regs., tit. 14, §§ 15140, 15147 [maps, charts and other means of presenting information graphically should be used to enhance an EIR’s clarity; technical data should be summarized].)

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No consideration was given whatsoever to the fact that schools located in the Project area currently have specific focuses. While the presence of STEAM and Mandarin dual immersion at elementary schools and the project school and other specialty programs at McClatchy High School are mentioned, no consideration is given to the fact that this means that enrollment will not just be based on location, but also on interest. More students are likely to come from outside of the Project area for these special interest campuses and programs, and students from the Project area who do not have these interests will be more likely to attend schools outside the area. The Draft SEIR fails to take these factors into account, particularly in its deficient traffic analysis.

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Another potential impact not addressed in relation to the location of railroad tracks or in the traffic analysis is the pedestrian safety issue related to crossing light rail lines. Although the District does not provide regular home-to-school bussing for its students, the Board has authorized safety bussing. Since crossing a railroad track is considered a safety issue, students that would otherwise have to cross the railroad track would likely have to be bussed. Either or both pedestrian safety and traffic issues relating to the bussing must be considered, and these issues should be addressed as a potentially significant impact. Additionally, as the schools in the Project area are taken up by students coming from the new development, students currently at these schools may need to be diverted elsewhere. Again, the Draft EIR fails to consider the resulting traffic impacts; it merely notes the ability of the District to divert students, without addressing the effects of such diversion. (Draft SEIR, p. 4.11-41.)

2. Impacts of commercial development

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The Draft SEIR concludes that the KP Medical Center, MLS Stadium, and Stormwater Outfall aspects of the Project would not generate any students or create any demand for schools. [Draft SEIR, p. 2-11.38.] This conclusion is a flawed assumption with no basis. In fact, the Legislature



Scott Johnson  
 July 27, 2016  
 Page 10

has expressly recognized that commercial development, such as the subject medical center and soccer stadium, generates students. Otherwise, it would not have authorized school districts to charge fees against commercial and industrial development, as it did with Education Code section 17620(a)(1)(A). The imposition of fees on commercial and industrial development is based on the premise, recognized by the Legislature, that this type of development will attract new employees with families and therefore will generate new students. (See, *Shapell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 246.) Since California law provides for fees to be imposed on both residential and commercial development, it recognizes that the students generated by these types of development do not necessarily overlap. Thus, the impacts of student generation resulting from both types of development must be analyzed.

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The employees of the large KP Medical Center and soccer stadium have the potential to generate a substantial number of new students that will need to be accommodated in District facilities. This additional impact on facilities is not identified in the Draft SEIR, let alone analyzed or mitigated. These additional students generated by commercial development will also need to be accommodated in portables or new school construction, creating additional impacts related to staffing, curriculum, traffic, air quality, noise, aesthetics, climate change, and potentially others. None of these impacts is addressed in the Draft SEIR.

3. Improper analysis of impacts related to location of a school site near the railroad tracks

The Draft SEIR determines that a school site would be located within 1,500 feet of a railroad track and that the impact would be significant. [Draft SEIR, p. 4.11-39.] The District agrees that locating an elementary school near a railroad track would result in a myriad of significant impacts, including related to traffic, noise and, in particular, safety. The Draft SEIR does not properly address and mitigate these impacts.

Section 14010(d) of the California Code of Regulations states:

If [a proposed school site] is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. *In addition to the analysis, possible and reasonable mitigation measures must be identified.*

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[Emphasis added.]

As mitigation for the significant impact that would result from locating a school within 1,500 feet of a railroad track, the Draft SEIR simply recites the above regulation, except that it inappropriately and disingenuously omits the critical last sentence requiring that possible and reasonable mitigation measures must be identified. [Draft SEIR, p. 4.11-40.] In fact, the Draft

SEIR does not identify *any* feasible mitigation measure that would reduce the impact to a level of less than significant.

Specifically, the Draft SEIR proposes, as mitigation for the hazardous location of the proposed school site, that the District will prepare a safety study, that the study “shall” demonstrate that the school design and construction would not expose students to risks associated with train accidents, and that “[i]n the event these conditions cannot be satisfied, SCUSD shall proceed in a manner that complies with California Education Code section 14010(d).” [*Id.*]

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As a preliminary matter, Education Code section 14010(d) does not exist in California law (this may be an erroneous effort to cite the California Code of Regulations rather than the Education Code). Additionally, the proposed mitigation is inadequate both because it is legally unenforceable, and because it improperly defers and unilaterally delegates formulation of mitigation in violation of CEQA and the cases construing it.

Mitigation measures are required to be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Resources Code, §21081.6, subd. (b); Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).) The measure in the Draft SEIR that purports to mitigate the impact of locating a school site near a railroad track does not meet this standard, and is therefore inadequate. It does not commit the City to take any action in the future, or refrain from doing so, and it does not impose any obligation on a third party through a condition of approval or contract. The measure also improperly defers formulation of mitigation. While deferral of *specifics* is acceptable in some circumstances, the lead agency must articulate specific performance criteria and make further approval contingent on finding a way to meet them. In *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, an EIR was disapproved by the court based on the fact that it improperly deferred mitigation of impacts to an endangered butterfly and did not include any performance standards or guidelines. Rather, the court found that the anticipated plan for management contained nonspecific actions, and left the timing and other specifics subject to the discretion of the habitat preserve manager on prevailing environmental conditions. Therefore, the activities were not guaranteed to occur at any particular time or in any particular manner. Further, the EIR in *Preserve Wild Santee* did not indicate that it was in any way impractical or infeasible to specify standards or guidelines.

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Like the EIR in *Preserve Wild Santee*, the Draft SEIR improperly defers mitigation of significant impacts related to location of a school site near a railroad track.

Under applicable law, a California school district must analyze and comply with particular requirements before locating a school on a given site. (Ed. Code, §§ 17210, *et seq.*; Cal. Code Regs., tit. 5, §§ 14010, *et seq.*) If those criteria are not met, the school district may be unable to move forward with building a school on the site. The site identified in the Draft SEIR – chosen not by the District, but by the City and/or Project proponents – may never be able to be used for a school because of its proximity to the railroad tracks. As such, any analysis in the Draft SEIR relying on the identified school site location is neither relevant nor accurate.

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The failure adequately to consider and analyze the constraints on the school location contemplated in the Draft SEIR also points to a failure to consider adequate and feasible alternatives, as required by CEQA. (See, e.g., Pub. Resources Code § 15126.6(a)-(e).) There

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was no consideration given to an alternative that would locate school sites where they were safer and more feasible, and could actually be approved for use as a school site.

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4. Impacts related to gas line removal

Page 4.11-39 of the Draft SEIR indicates that a natural gas transmission line previously transected the RSP Area, but that the gas line has been relocated. As noted in the Draft SEIR, the California Education Code establishes threshold for development of new school sites, including a finding that a natural gas pipeline does not run through the school site. The Draft SEIR fails to discuss any remaining impacts related to safety or hazards as a result of the gas line being relocated, including any remaining hazardous substances or emissions in the vicinity of the prior pipeline location.

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5. Projected Staffing Requirements

The Draft SEIR does not provide a description of projected teacher/staffing requirements based on anticipated population growth and existing State and District policies. This information is critical for the City to assess whether the proposed Project impacts staffing requirements by necessitating additional teachers. The addition of staff will also contribute to traffic impacts at and around school sites. These are not impacts on “school facilities,” as described in Government Code sections 65995, *et seq.*, but rather are physical and financial impacts on the District and the Project area stemming from the Project. Because the Draft SEIR does not address these impacts, it similarly addresses no mitigation measure to offset the traffic and financial impacts on the District resulting from the physical impacts of the Project.

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6. Impact on Curriculum

The Draft SEIR fails to analyze whether there is any impact on curriculum as a result of anticipated population growth. Specifically, the Draft SEIR does not address whether additional programs would now be required (including but not limited to special education and specific general education courses) as a result of the influx of students from the Project. Similarly, no consideration is given to the effects on the educational program of diverting students from specialty curriculum programs in place in the schools in and around the Project area to accommodate the influx of students.

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7. Improper Analysis of Cumulative Impacts

The Draft SEIR’s discussion of cumulative impacts related to schools is inadequate. The Draft SEIR states that the proposed projects would contribute to the cumulative increases in student enrollment in the Sacramento City Unified School District and the Twin Rivers Unified School District. [Draft SEIR, p. 4.11-41.] It also states that enrollment levels would ebb and flow as demographics within the districts change, and that young families moving into a new neighborhood will initially increase enrollments at elementary schools, but as those students age, the enrollments at local elementary schools may drop. Not only is this language ambiguous, but it also makes unfounded assumptions and oversimplifies the issues that school districts face in terms of increases and decreases in enrollment. For one thing, it is not known that only “young families” will move into the new neighborhood. New homes could be inhabited by families with

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no children, young children, or older children. The District has to be ready to accommodate students of all ages and in all numbers, regardless of when they arrive, since the timing of enrollment of new students is not known. It is also not clear that “as those students age, the enrollment at local elementary schools may drop.” This statement fails to acknowledge the possibility (and perhaps probability) that the families in these homes will move out once their children are out of school, prompting new families to move in with their students needing to be housed in District schools. The Draft SEIR offers no evidence or analysis whatsoever to support its assertions.

The discussion of cumulative impacts states that the District incorporates “a wide range of temporary measures to respond to changes in student enrollment at city schools that include but are not limited to splitting grade levels, temporarily transferring students to other schools with additional capacity, installing temporary facilities, and sending students to other neighboring school districts when appropriate.” [*Id.*] As stated above, the District has no space to add temporary facilities on its sites, particularly with regard to its elementary schools in or near the Project area. Also, transferring students to other schools or other districts would certainly result in a host of impacts that are not addressed in the Draft SEIR, including in particular impacts related to traffic and air quality. None of these impacts are analyzed or even considered in the Draft SEIR.

- 8. The Draft SEIR fails to address other impacts related to schools, including view and aesthetic impacts

The Draft SEIR describes the likely schools within the Project area as “urban-style...with multi-story classrooms and rooftop or courtyard recreation areas, rather than play fields.” [Draft SEIR, p. 4.11-39.] There has been no consultation with the District on this issue. If there had been, the City would be aware of the significant issues presented related to funding, student safety, and open space requirements. Additionally, the concept of multi-story schools raises a host of potential impacts, and needed mitigation, that are not included in the Draft SEIR. For example, there is no discussion of the visual and aesthetic impacts to surrounding properties and land uses that would be created by multi-story school buildings. There is also no discussion in section 4.2, regarding Air Quality, regarding any potential wind impacts resulting from having student recreational areas on rooftops. As in *Chawanakee*, no consideration is given to the impacts of the suggested school construction.

**IV. The Draft SEIR’s Discussion of Air Quality Impacts is Inadequate**

The Draft SEIR is inadequate in its discussion of Air Quality Impacts. Most importantly, while the Draft SEIR references sensitive receptors, such as schools and children, it fails to identify specific impacts related to those sensitive receptors, and correspondingly fails to mitigate such impacts. As a specific example, the discussion on page 4.2-13 of the Draft SEIR improperly limits sensitive receptors to residences surrounding the future KP Medical Center. [See also, Draft SEIR, p. 4.2-62.] However, there is no mention or analysis of other nearby sensitive receptors such as schools or other similar land uses, even though the Draft SEIR expressly acknowledges schools and nursing homes as “nearby sensitive receptors.” [Draft SEIR, p. 4.2-67.] The significance criteria for evaluating air quality impacts are also inadequate because they

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do not make any mention of sensitive receptors. The discussion of air quality impacts on schools is lacking, and the Draft SEIR is not in compliance with CEQA.

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The Draft SEIR states that project-specific information is not available for full construction of the RPSU or Land Use Variant, and therefore uses assumptions. [Draft SEIR, p. 4.2-24.] There is no discussion or explanation regarding why project-specific information is not available, as is required by CEQA.

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Although the Draft SEIR mentions the railroad tracks in passing, there is no discussion of air quality-related impacts that will result from locating a school site near the railroad tracks. [Draft SEIR, p. 4.2-30.] The Draft SEIR is inadequate in its discussion of potential air quality impacts related to the railroad tracks.

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Page 4.2-32 references the San Francisco wind comfort criteria, which is 7 mph equivalent wind speeds for public seating areas and 11 mph for areas of substantial pedestrian use. It states that these levels may be exceeded no more than 10 percent of the time, and that an average speed of 26 mph for a full hour is defined to be a wind hazard condition. The Draft SEIR then states that “Given the differences in the ways their criteria are defined, the hazard criterion is equal to a 36-mph wind when restated to the same basis as the 7-mph and 11 mph comfort criteria.” This sentence is vague and ambiguous, including in its use of the term “their criteria,” and it fails to explain the purported differences and the method used to “restate” the criteria to the “same basis.” As such, the Draft SEIR fails as an informational document.

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Page 4.2-33 of the Draft SEIR identifies the following impact: “The proposed projects could conflict with or obstruct implementation of an applicable air quality plan.” The Draft SEIR then continues by repeatedly stating that much of the necessary reductions in various emissions will be achieved by project design. [See, e.g., Draft SEIR, pp. 4.2-36, 4.2-38.] These statements do not comply with CEQA because they do not provide a meaningful basis from which the decision-makers and the public can review and analyze impacts. Also, the Draft SEIR improperly refers back to the prior EIR in 2007 for all aspects of the Project, even though the KP Medical Center, Soccer Stadium, and Stormwater Outfall were not part of the project considered in the 2007 EIR.

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At page 4.2-42, the Draft SEIR states that “[s]ince the Land Use Variant would not include the construction of the MLS Stadium and KP Medical Center, there would be no overlapping construction activities.” This statement fails to take into account the fact that school-related construction would likely overlap with construction of residences under either the RPSU or Land Use Variant. Indeed, under the Land Use Variant, it is even more likely that school construction would be occurring, since more homes may be built in that scenario.

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**V. Plan Consistency**

The Draft SEIR also fails adequately to consider consistency with the City of Sacramento 2035 General Plan (“General Plan”). The Draft SEIR acknowledges that the General Plan contains the goal of “efficient and equitable distribution of quality educational facilities.” [Draft SEIR, p. 4.11-32 (quoting Goal ERC 1.1).] No analysis is undertaken and no information is provided as to whether the Project will result in such efficient and equitable distribution of quality

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Scott Johnson  
July 27, 2016  
Page 15

educational facilities. In fact, the development likely will be underserved by school facilities, and hence educational opportunities, as discussed earlier. Residents of the Project will therefore face inequity with other students in the District, including undersized schools, lack of play space, lack of parking, school overcrowding, and potentially disadvantageous location of facilities near railroad tracks and gas pipelines. This inconsistency and relating impact must be addressed in the Draft SEIR.

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The General Plan also cites Policies ERC 1.1.1 – 1.1.4, requiring consultation between the City and school districts “at the earliest possible opportunity to provide school sites and facilities that are located in the neighborhoods they serve,” with location criteria following the school siting guidelines of the California Department of Education. Those guidelines for locating schools contained in the General Plan include locating schools on sites that “are safely and conveniently accessible,” away from “incompatible land uses,” located centrally to the planned attendance areas, where there are safe pedestrian and bike paths, and more. [Draft SEIR, p. 4.11-32.] No analysis is provided as to how the Project accomplishes any of this. In fact, there has been insufficient consultation with the District, and the location of the new school being contemplated by the City within the Project utterly fails to meet the General Plan’s policies as identified in the Draft SEIR, as discussed above.

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Despite the foregoing, the Draft SEIR concludes that the Project “would be consistent with each of [these] General Plan goals and policies.” [Draft SEIR, p. 4.11-32.] This bold conclusion is reached on the basis of the observation that the “*developer* would coordinate school needs with SCUSD to achieve optimum school siting.” [*Id.*, pp. 4.11-32 – 33.] There is no analysis or explanation of how the developer “coordinating” with the District will meet the General Plan policy of the City “working with the school districts at the earliest possible opportunity” regarding school siting. This deficient analysis leads to an incorrect conclusion that the Project is consistent with the General Plan goals and policies, and the Draft SEIR then fails to consider the impact of the actual inconsistencies, in violation of CEQA.

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**Conclusion**

The Draft SEIR does not adequately analyze the Project’s potential impacts, particularly as related to schools. The Draft SEIR must address with greater specificity the impacts on school facilities and services, student safety, and more, as addressed in this letter. The District encourages the City and Project proponents to work cooperatively with the District and consider alternative mitigation measures that can assist in adequately mitigating the impacts on the District’s schools and the affected surrounding environment. The Draft SEIR is also deficient in the other manners discussed above. The District stands ready to meet and work with the City and/or the Project proponents to address these vital issues.

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Sincerely,

LOZANO SMITH



Harold M. Freiman

Scott Johnson  
July 27, 2016  
Page 16

HMF/

Enclosures: (1) 10/03/07 Letter from Superintendent William T. West to Scott Johnson, Associate Planner  
(2) Overhead Photographs and Existing Site Diagrams – William Land and Washington Elementary Schools  
(3) June 28, 2016, Agenda item and associated documents regarding budget approval  
(4) Map of attendance areas for William Land and Washington Elementary Schools

cc w/enclosures: Cathy Allen, Chief Operations Officer, Sacramento City USD  
James C. Dobson, Director of Facilities Management,  
Sacramento City USD



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M. Magdalena Carrillo Mejia Ph.D., *Superintendent*  
William T. West, Jr., *Assistant Superintendent*

October 3, 2007

Via E-mail: [srjohnson@cityofsacramento.org](mailto:srjohnson@cityofsacramento.org)

Scott Johnson, Associate Planner  
City of Sacramento, Development Services Department  
Environmental Planning Services  
North Permit Center  
2101 Arena Boulevard, Suite 200  
Sacramento, CA 95834

Re: Comments by Sacramento City Unified School District on the Draft Environmental Impact Report for the Railyards Specific Plan

Dear Mr. Johnson:

This letter provides comments on behalf of Sacramento City School District ("School District" or "District") on the Draft Environmental Impact Report ("DEIR") prepared for the Railyards Specific Plan ("Plan").

**1.0 Introduction, Purpose and Scope of the EIR (p. 1-3):**

Further CEQA review may be required consistent with CEQA Guidelines section 15152, should additional environmental issues arise that could not have been anticipated in the EIR because of the specific characteristics of the project design or other factors.

The City of Sacramento is considered the lead agency and should require additional review should the proposed school location change, or should changes to the proposed land use be made (e.g. site selection near hazardous materials or petroleum product storage, or other hazard), or other factors change.

1.0 Introduction, Purpose and Scope of the EIR (p. 1-3); Figure 3-17, 6.5 Hazard and Hazardous Substances, Environmental Setting, Soil and Groundwater Contamination, Specific Plan Area (p. 6.5-3); and Appendix L:

Hazardous materials were identified as having potentially significant impacts associated with the construction and/or operation of the proposed project. Determining the risk levels generally was stated to have been substantially completed, and had been subject to CEQA review process conducted by DTSC for the Remedial Action Plan approval.

## LETTER 18

Not all areas of the Railyard have received DTSC Certification or have had the site cleanup process completed. Some deed restrictions are in place, restricting land use so as to exclude school sites. The DEIR does not state whether the proposed alternative school site depicted on Figure 3-17 is located within an area where risk levels have been evaluated, which is a critical issue in determining whether a school can actually be located there. Additionally, there is a deed restriction in place along 7<sup>th</sup> Street and the western boundary of the alternative school site depicted on Figure 3-17 (Car Shop Nine study area, Recorded July 11, 2001). This deed restriction could limit the feasibility of the site as an alternative.

Although the proposed school location is depicted on Figure 3-17, the location of the school site within the Specific Plan Area (Plan) is not otherwise described. Appendix L reveals that the preliminary analysis and initial conversations with the school district indicated that the City was to reserve two elementary school sites within the Plan (e.g. two K-6 elementary schools with 450 students, one 900-capacity K-8 school, or a combination of the two). Figure 3-17 only proposes one location for a school site. No school site has been selected according to text in Chapter 6.5.

The DEIR should more specifically describe the school site or school sites proposed and give assurances that those sites are appropriate and available for the use.

**1.0 Introduction, Relationship Between This EIR and CEQA Review for Later Project Approvals Pursuant to the Proposed Specific Plan (p. 1-4):**

Proposals for future development of the school site are to be reviewed pursuant to the terms of the Specific Plan and implementing entitlements.

On March 29, 1997, DTSC was named as responsible for administering all state and local laws, ordinances, regulations, and standards that are applicable to and govern the investigation and remediation of the Railyards (p. 6.5-8). DTSC is also responsible for school site selection review and approval. The DTSC role and responsibility (e.g. whether for site cleanup or for school site selection review and approval) should be clearly stated in the applicable effects and mitigation requirements sections of Table 2-1 in which DTSC is named as the responsible agency. Without this information the District is inadequately informed regarding measures needed to reduce or avoid environmental effects of the Plan.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-1; 6.5 Hazards and Hazardous Substances, Introduction and Regulatory Setting/Overview/Local; and Appendix I:**

Potentially significant hazards associated with contaminated soil that may affect construction workers are to be mitigated to less than significant by following DTSC and the Tri-Party Memorandum of Understanding (MOU) requirements. The revised MOU will also identify the respective roles and responsibilities of the vested parties.

A programmatic level potential human health effects evaluation was conducted and included in the 1994 Railyards Specific Plan/Richards Boulevard Area Plan EIR according to the Introduction in 6.5, Hazards and Hazardous Substances (p. 6.5-1). Additional information concerning constituents of concern and affected areas and additional health risk assessments have been conducted since 1994 (referenced in

## LETTER 18

Appendix I of the DEIR). The most current health risk information reports should be referenced by the DEIR and addressed relative to the proposed school site selection alternatives and a juvenile population.

The DEIR should outline the respective roles under the 1994 Tri-Party MOU and responsibilities of the vested parties prior to finalizing the EIR and the City's responsibilities in the proposed revised MOU for land use and development related portions of the DTSC deed restrictions will be important considerations for the school site selection process. Without this information it is not clear whether environmental effects of the plan is or can be adequately mitigated.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-2 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-2, School Sites:**

School sites are generally addressed (p. 6.5-27) and the Specific Plan is referenced. According to the Specific Plan, the potential schools will not be located at ground level and will most likely include indoor play areas, thereby limiting potential exposure (e.g. lead contamination in soil). The DEIR should better inform how Specific Plan requirements are aligned with DTSC requirements.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-3 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-2 and 6.5-3:**

Potentially significant hazards associated with remediation of contaminated soil and/or groundwater to occupants or visitors are to be mitigated to less than significant by following a variety of requirements including those requirements for vapor intrusion, if required by DTSC. In addition, the occupancy is to be prohibited unless the entire block and area immediately surrounding the block are remediated.

A school site is likely to occupy more than a city block. Therefore, in the area proposed for school land use, the occupancy prohibition should be based on a larger area that includes the proposed school boundaries and area immediately surrounding the boundaries.

Risk based standards for a proposed school site should include evaluation of a juvenile population in addition to the construction worker, who is considered in the DEIR to be the overall Railyard site population with the greatest exposure potential (6.528). The DEIR fails to adequately address long-term exposure to a juvenile population.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-7 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-7:**

The implementation of the proposed project increase in the use of hazardous substances during construction and occupancy is considered less than significant.

Construction activity may include use and storage of fuels, solvents, and other hazardous substances. Construction staging activity would have to be off-site for this impact to be considered less than significant at a school site. If onsite staging at the school site is to occur, then a potential impact to soil and surface water exists and storm water management, hazardous materials storage, and other environmental requirements are to be met to prevent contamination of the site and impact to storm

## LETTER 18

drains and other conduits to waterways during construction. The DEIR should address whether and how environmental effects from construction activities are mitigated.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-8 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-8:**

The proximity of the proposed development to existing non-project-related hazardous substances transportation routes (e.g. Interstate Highway 5 and the UPRR rail lines) is considered less than significant in the DEIR.

Relative to school site selection, this environmental effect appears to be potentially significant. According to Figure 3-17, the proposed school location is adjacent to a transportation corridor on which hazardous, radioactive, or other materials can be transported or stored. If this or another location for the school site near a transportation corridor is selected, DTSC and CDE requirements for school sites should be considered in the DEIR.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-9 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-9:**

The proposed school location, included on Figure 3-17, is not located near the West Jibboom Street property, therefore, this section is not immediately relevant.

If, however, a new school location is selected that is located within the West Jibboom Street property, then the occupancy should be restricted until the West Jibboom Street property is remediated to levels that would be protective of the most sensitive population for the proposed use.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-10 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-10:**

The DEIR lists the potential impacts of off-site projects to construction workers as less than significant.

We consider the potential impacts of off-site projects as potentially significant for school site selection, which does not limit evaluation of potential impacts to construction workers only. DTSC and CDE's requirements for school sites apply. DTSC, may require a Phase I ESA, which includes an evaluation of potential off-site impacts. Also, the impact described as 6.5-10 fails to specify a radius of potential impact to be considered. For instance, a project in the City of Sacramento with contaminated soil that is not located adjacent to the proposed Specific Plan area may not affect the site, however, a groundwater contamination plume may affect the site depending on the type of contaminant, groundwater gradient, soil conditions, and other factors.

**2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-12 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-12:**

The effect of the cumulative increase in the use of hazardous substances during construction and occupancy of the projects is listed as less than significant with no mitigation required.

## LETTER 18

Construction activity (e.g. fueling, maintenance, etc.) is associated with use of fuels, solvents, and other hazardous substances. Construction staging activity would have to be off-site for this impact to be considered less than significant for a school site. If onsite staging is to occur, then stormwater management, hazardous materials storage, and other environmental requirements must be addressed to prevent contamination of the site.

### **2.0 Summary of Environmental Effects, Table 2-1, Impact 6.5-13 and 6.5 Hazards and Hazardous Substances, Specific Plan, Impacts and Mitigation Measures 6.5-13:**

The contribution of the proposed project to the cumulative increase in the number of people who could be exposed to accidental or intentional release of hazardous substances on rail lines and roadways is less than significant and no mitigation is recommended on Table 2-1.

The DEIR should consider mitigation measures such as a minimum set-back pursuant to CDE regulations or the construction of a physical barrier separating the transportation corridor(s) from the school site or other sensitive land use.

### **3.0 Project Description**

The project description does not include a development schedule. When would project construction begin, and when is project buildout anticipated? Figure 3-6 identifies the initial phase of the project. What is the time line for the Initial Phase?

Figure 3-17 shows the potential location of a school site within the specific plan area. The site would also include police and fire station facilities. The location comprises two parcels (49a and 49b) totaling 4.62 acres. Co-locating a school with fire and police station facilities would result in land use conflicts due to noise from sirens and traffic impacts inappropriate for a school site, to name a few. The 4.62 acres is inadequate for a school site; combined with police and fire station facilities it is unacceptable. Please refer to the comments under section 6.10 Public Services – Public Schools below.

The school site is located adjacent to the railroad tracks and 7<sup>th</sup> Street, the proposed location of the light rail line. The School Facilities Planning Division of the California Department of Education (CDE) has established standards for use by Local Educational Agencies (i.e., school districts and charter school entities) in the selection of safe school sites. These standards have been adopted in the California Code of Regulations (CCR) Title 5, Section 14010 (Standards for School Site Selection). CCR Title 5, Section 14010(d) stipulates that:

“If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, and preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.”

The proposed school (and police and fire station; Figure 3-17) location is directly adjacent to the relocated railroad tracks (Figure 3-11). Page 6.5-14 indicates that 12 to 14 freight trains consisting of 80 to 100 freight cars each pass through the Site daily. Given the hazard posed by the railroad tracks and

## LETTER 18

the difficulty of evacuating the schools in a timely manner (given that a rail incident directly adjacent to the school will not allow for any action other than sheltering in place) it is unlikely that the California Department of Education (CDE) will approve the proposed school location. Please revise the DEIR to address how the CDE's concerns regarding railroad risk will be mitigated.

Figure 3-7 shows an Arena Overlay that would cover half of the site area that is also shown as the school site (Figure 3-17). Locating a sports and entertainment facility adjacent to a school represents a potential land use conflict, and would reduce the site area available for development of a school. Figure 3-17 should be revised to locate alternative school sites that are more suitable for a school use.

A sewer pump station is proposed within the area proposed for school site selection. Hazardous materials may be stored at the sewer pump station (e.g. chlorine). Therefore, DTSC should be contacted for compatibility of the pump station with the school site.

The DEIR inadequately addresses the Plan's impact on school facilities because (1) the proposed site is itself inadequate to accommodate new students generated by the development, and (2) it fails to describe any alternatives to the proposed site.

#### 4.0 Plans and Policies Consistency Analysis

On page 4-19 of the DEIR, the proposed project would not be consistent with "Schools Goal B". The Specific Plan does not provide adequate land area at a suitable location to construct a new school. Table 4-2 should be revised to reflect this.

#### 6.1 Air Quality

##### *Climate Change*

The issue of global climate change is not addressed. The DEIR states three main arguments as to why the potential impacts of greenhouse gases (GHG) were not evaluated. These arguments (discussed below) contradict the information contained in a document released by Larry Greene, an Air Pollution Control Officer for the Sacramento Metropolitan Air Quality Management District ("the District"), on September 6, 2007. The document entitled, "Addressing Climate Change in CEQA Documents" ("Climate Change"), is attached and can be found at:

<http://www.airquality.org/climatechange/ClimateChangeCEQAguidance.pdf>

- 1) On page 6.1-16 of the DEIR, it is stated that global climate change is not addressed in the impact analysis because:

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

Even though there are no definitive federal, state, or regional "thresholds of significance" for GHG, many government agencies, including the District, are still requiring an evaluation of potential GHG impacts for project approval under the California Environmental Quality Act (CEQA).

## LETTER 18

Climate Change states the following:

“To date, local decision-making agencies, the District, the state, and the federal government have not developed specific GHG thresholds of significance for use in preparing environmental analyses under the California Environmental Quality Act (CEQA). The absence of thresholds, however, does not negate the CEQA mandate to analyze all potentially significant impacts, including emissions of greenhouse gases.

Agencies have the discretion to determine, based on a variety of factors, whether a particular impact is significant. To ensure consistency and fairness, the CEQA Guidelines encourage agencies to adopt significance thresholds. Neither the Act nor the Guidelines, however, require the adoption of thresholds as a prerequisite to analyzing impacts. To the contrary, significance criteria are commonly developed by the experts that prepare the CEQA analysis, based on their assessment of the technical evidence. In fact, CEQA may require additional analysis even if a project meets an adopted standard, if other evidence indicates the project may nonetheless have a significant impact.

Consequently, despite the lack of a GHG threshold, the District recommends that CEQA environmental documents include a discussion of anticipated GHG emissions during both the construction and operation phases of a project. This recommendation is consistent with comments made by the previous and current California Attorney Generals on Land Use projects undergoing CEQA review.”

Since the proposed “Railyard Project” falls within the District’s jurisdiction, it is prudent to assume that GHG impacts should be evaluated for this project based on the information contained in the Climate Change document. Failure to do so results in an inadequate CEQA analysis of impacts.

- 2) On page 6.1-17 of the DEIR, it is implied that it would be difficult to identify and quantify the potential GHG emissions from the project:

“To accurately account for CO<sub>2</sub> emissions attributable to the project, it would be necessary to differentiate between new sources that otherwise would not exist but for the project, and existing sources that have simply relocated to the Specific Plan Area (presumably from any place in the world).”

However, there are numerous publicly-available models, literature references, and agencies to help identify and quantify GHG emissions for a particular project. For example, the California Climate Action Registry has released a guidance for quantifying GHG emissions due to electricity usage, as well as mobile and stationary sources. Moreover, Climate Change states the following:

“Models are already available to estimate GHG emissions from projects, and the District staff can help agencies select and refine models to accommodate their specific projects.”

- 3) The DEIR states on page 6.1-17 that:

## LETTER 18

“Lacking the necessary facts and analysis to support a conclusion as to the ‘significance’ of global warming, and the lack of any adopted methodology or thresholds of significance, the City is unable to determine the effectiveness of potential mitigation measures.”

The District has identified numerous mitigation measures that will help reduce the impacts of GHG emissions (included in the Document). The Document states that:

“Analysis of the impacts is not simply a technical exercise. If the analysis demonstrates that a project may have a significant impact, there are many practical climate change mitigation measures available to reduce or eliminate the project impacts. And avoiding feasible mitigation today will require other projects to implement more difficult and costly mitigation in the future as GHG levels increase in the atmosphere. Moreover, many projects include elements that mitigate GHG emissions (energy measures, solar roofs, mixed use housing, etc.) and the benefits of these measures should be noted.

To aid local jurisdictions in identifying feasible mitigation, the District has attached a list of feasible mitigation measures drawn from comments made by the California Attorney General that will reduce GHG emissions by reducing the stationary and travel related energy use associated with the new development. A copy of this list is attached to this letter (the Document).”

Based on the information presented above, it is necessary and feasible to evaluate and mitigate the potential GHG impacts from this project before the DEIR is approved.

#### *Construction Impacts – Worker Vehicle Trips*

Section 6.1-2 (“Construction of the proposed project would generate emissions of ozone precursors”) does not address impacts associated with emissions from construction worker vehicle trips. The District’s CEQA guidelines require construction related emission estimates include both construction equipment and worker commute trips to determine level of significance.

#### *Construction and Operation Impacts – PM2.5*

Section 6.1 does not address the air quality impacts associated with the increases in PM2.5 emissions due to construction equipment and the additional vehicle trips resulting from operation. These emissions could significantly impact the area now that the National Ambient Air Quality Standard has been lowered from 65 ug/m<sup>3</sup> to 35 ug/m<sup>3</sup> (effective December 16, 2006). Ambient air pollutant data from the T Street monitoring station (approximately 1 mile southeast of the project area) shows that the highest reported PM2.5 levels well exceed the new standard.

## **6.2 Biological Resources**

*Section 6.2-3 - Development of the Specific Plan could result in take of an endangered and threatened fish species and degradation of designated critical habitat.*

This Section indicates that the operation of the stormwater outfall may significantly affect wildlife in the Sacramento River:

## LETTER 18

“An increase in contaminated runoff, discharge of water with low dissolved oxygen levels, and/or elevated water temperatures into the Sacramento River could alter instream habitat for any of the three Chinook runs, steelhead, green sturgeon, delta smelt, or Sacramento splittail. The potential for impacts would be greatest during a higher-than-designed storm event when high first flush flows exceed the systems’ storage capacity and are directly discharged to the river, resulting in release of concentrated pollutants. Under these conditions, low quality nutrient rich water with low dissolved oxygen levels that had been in the cistern throughout the dry season could be discharged into the river. Although it is conceptually intended that the outfall would only release stormwater during high flow events which would tend to quickly dilute any pollutant concentrations, the lack of operational designs require consideration of the potential for effects from such releases.

Pollutants entering the river could cause mortality to, and reduced growth of, the egg, larval, and juvenile life stages of fish. If pollutants enter the river they could adversely affect Sacramento River winter-run Chinook, designated critical habitat for Chinook, steelhead, and delta smelt as it relates to water quality, or other special-status fish species such as Sacramento splittail or green sturgeon as these species use the Sacramento River for migration, spawning, and rearing.”

However, Section 6.2-9 states that:

“As described within the Environmental Setting the terrestrial portions of the Specific Plan Area do not serve as wildlife corridors or linkages, and the construction and operation of the Specific Plan Area or the stormwater outfall would not result in disturbance to the extent that it would permanently and substantially interfere with the movement of resident or migratory fish or wildlife species.”

These two sections appear inconsistent regarding the potential long-term impacts associated with operation of the outfall structure and the findings should be rectified. Mitigation measures addressing the potential for periodic significant impacts associated with high storm events are not clear.

#### *6.2-4 – Analysis of Potential Impacts to Valley Elderberry Longhorn Beetle*

Paragraph #4 on page 6.2-17 of the DEIR states the following:

“The USFWS has issued a renewable take permit for the Railyards Remediation Project (TEO23739). The take permit allows the remediation project (a separate and independent project) to remove 87 plants with up to 261 stems greater than 1-inch, and then maintain the property to prevent regrowth and/or recolonization.”

It is unclear if the permit issued by the USFWS for the Railyards Remediation Project provides “take” protection for actions associated with the Railyards Specific Plan (a separate and independent project). Are the 44 elderberry shrubs identified in the DEIR included in the 87 plants to be removed under the permit issued for the Railyards Remediation Project? Will the effort to maintain the property to prevent regrowth and /or recolonization apply to just the remediation areas or to the entire 244 acres within the Specific Plan Area?

The take permit issued by the USFWS for the Railyards Remediation Project may not cover impacts to the VELB that may occur during proposed development described in the Railyards Specific Plan. If this

## LETTER 18

is the case, will another USFWS permit be required for impacts to the VELB associated with the Railyards Specific Plan? The DEIR does not list any mitigation measures for impacts to the VELB.

*6.2-8 – Analysis of Potential Impacts and Associated Mitigation for Impacts to Jurisdictional Waters and other Sensitive Habitats*

The 2<sup>nd</sup> paragraph of this section on page 6.2-43 of the DEIR states the following:

“It is anticipated that grading and construction associated with the stormwater outfall could require fill to be placed below the ordinary high watermark of the Sacramento River. However, this riverine habitat is not a wetland or special aquatic site and therefore there would be no impact.”

It is our understanding that the Sacramento River is considered a “traditional navigable water” of the United States and as such is considered jurisdictional as defined in the federal Clean Water Act. Any fill placed in this area would be regulated by the United States Army Corps of Engineers and would require federal permitting through Section 401 and Section 404 of the Clean Water Act.

*Table 6.2-2 – Plant Species Observed*

The table includes several spelling errors for plant species and one incorrect use of capitalization that should be corrected. The correct spelling and capitalization are provided below:

*Avena fatua*  
*Bromus diandrus*  
*Centaurea solstitialis*  
*Sorghum halepense*  
*Ulmus parvifolia*

#### 6.4 Seismicity, Soils, and Geology

The geologic assessment is based on a general literature review and no site-specific geotechnical assessment was prepared. This leads to lack of detail regarding quantities of excavation and fill required for site remediation and foundation preparation, which means that trucking trips associated with project construction and resultant air pollutant generation cannot be accurately estimated.

The DEIR indicates (on page 6.4-18) that the cut and fill on the Site will be balanced. Figure 6.4-2 indicates that virtually the entire Site (except for the historical structures) will be either cut or filled. DTSC would not likely allow fill from an industrial site to be used on a school. Hence, the school site(s) should either be all cut or any fill required should be from a non-industrial facility. This, in turn, may result in additional trucking-in of dirt and related potential impacts. Please revise the DEIR to address any environmental impacts resulting from the importation of off-site fill to the school site(s).

In Table 2-1, the project proponent lists “cost effectiveness” as a criterion for determining whether piles can be used to support structures in the project area. Pile driving for a large structure could take up to three months, which could have a ruinous impact on the educational experience of students within 1000 feet of the pile driving. Please revise the DEIR to address this impact. One possible mitigation would be to indicate that one of the costs the project proponent will account for in any cost-benefit analysis of the

## LETTER 18

use of piles to support structures in the project area is the relocation of classrooms from any schools within 1000 feet of the pile driving area for the duration of the pile driving. The relocation of the classrooms must be to an equivalent (or better) facility within 2 miles of the affected classrooms.

The seismic impact assessment (Impacts 6.4-3, 6.4-7) omits any discussion of the potential for site levees to fail in a major earthquake.

It appears that the project proponent is proposing to cut soil from behind the levees along the Sacramento River. Reducing the amount of soil behind the levee reduces the drainage pathway water will take between the river and the land side of the levees. Reducing the drainage path between the river and the land side of the levees increases the pressure gradient along the water flow path. Increasing the pressure gradient could, in an extreme case, lead to blow out of the levee foundation and subsequent failure of the levee (this has been the cause of levee failures in the Sacramento delta and some speculate may have caused the levee failures following hurricane Katrina in New Orleans). Has this potential environmental impact been assessed? If not, please revise the DEIR to address how the impacts of excavation from the land side of the Sacramento River levees will be assessed.

#### **6.5 Hazards and Hazardous Substances, Environmental Setting, Soil and Groundwater Contamination, Specific Plan Area:**

Lead is considered to be found on most of the project area in the surface soil and is a contaminant of concern (COC). Site specific COCs will need to be included in the DTSC Phase I ESA and /or PEA prepared for the school site selected. The selected cleanup methods for metals, VOCs, and other COCs at the school site location selected need to be compatible with DTSC requirements for schools. Soil remediation of the project area is not complete.

Fill material is proposed for several areas within the project (e.g. Lagoon Study Area, "Vista Park"). The fill material may originate from other sections of the project or from off-site locations. If the school site location is one of the areas that receives fill material, then the DEIR should evaluate the fill material.

#### **6.6 Hydrology and Water Quality**

The DEIR raises several project-related hydrology and water quality concerns (DEIR pgs. 481-508). However, the DEIR does not sufficiently analyze potential increases in impervious surfaces from the proposed residential and commercial development within the Specific Plan Area. This potential increase can be analyzed using an accounting of existing land cover and soil conditions and the determination of an estimate for the new impervious areas associated with the proposed development footprint. Similarly, potential increases in stormwater flows associated with the new development can be estimated to characterize the hydrologic impact of the project.

The proposed project area is currently dominated by unpaved and relatively flat ground surfaces on which rainwater percolates into the soil and/or sub-surface. Historically, the project area drainage included a combination of surface runoff into natural drainages, percolation into the soil, and collection in stormwater drainage pipes that discharge to the City's Combined Sewer and Stormwater system (CSS), and ultimately to the Sacramento River. The CSS pipelines serving the project area were designed to lower runoff standards than are used currently, and it is noted that heavy storms have

## LETTER 18

previously resulted in flooding in parts of the Specific Plan Area. The DEIR states "current flows in the drainage shed that are conveyed to the existing CSS pipeline network are estimated at approximately 10 cubic feet per second." This statement requires clarification with regard to whether this value represents a peak flow or an average flow and an identification of the frequency and duration of the flow.

The proposed project would add significant areas of impermeable surface, including roads, parking areas, driveways, rooftops and other surfaces within the development area as a whole.

This increase in impermeable surface area would substantially reduce the ability of the site to absorb surface water runoff over existing conditions. Despite differences in methodology, most published studies on the topic have seen significant effects associated with 10-15% increases in impervious surface coverage. Increases in impervious cover result in direct increases in stormwater runoff rates and associated decreases in water quality. The post-project runoff would contain varying types and amounts of chemical constituents typical of urban runoff, which are ultimately conveyed to the Sacramento River. Pollutants likely to occur in stormwater from the site include target pollutants identified by the City of Sacramento Stormwater Quality Improvement Plan (SQIP) such as pesticides, metals, and fecal coliform, among other urban pollutants.

Any change to runoff can be cumulatively significant in the Sacramento River watershed, a water body that is impacted by pollutants associated with urban stormwater runoff (i.e. compliance with NPDES permits is insufficient to avoid cumulative impacts for potential pollutants). NPDES permits set discharge guidelines, minimum project size, and maximum cost levels for mitigations. Unless the City or County requires a no-net increase in peak flows, the analysis of impacts that could be significant either individually or cumulatively is not adequately addressed. Reliance on compliance with an NPDES waste discharge requirement is insufficient in and of itself; CEQA mandates that all cumulative impacts be considered and NPDES requirements do not attempt to eliminate all such impacts.

Section 6.6 states that under existing conditions, wet weather flows have been known to exceed the local CSS capacity during heavy storm events. When the capacities of the pipeline system and treatment plant are surpassed, excess untreated flows flood local streets in the downtown area through existing manholes and catch basins. The existing capacity of the CSS and the required system upgrades that would be required to serve the proposed development are not clearly characterized in the environmental analysis. However, the CSS is already considered an impacted system and the City of Sacramento requires all additional inflow into the system to be mitigated. Additional mitigation measures for flooding impacts (Impact 6.6-4) are not included in this section and the impact analysis states that none are required. Mitigation measures for potential flooding impacts should be included to address additional inflow into the CSS system.

At a minimum, a reference should be provided to the Public Utilities section and the associated mitigation measures (6.11-1 and 6.11-2) that partially address flow increases to the CSS.

The operation of the proposed project would increase stormwater and non-stormwater runoff entering the Sacramento River and the CSS compared to existing conditions. Therefore, the project has included a large cistern to capture the first flush of stormwater runoff and attenuate peak flows. The project is relying on the proposed cistern system to serve as the primary detention and stormwater quality-management facility for the project area. It is assumed that the cistern would be considered effective by simply capturing the "first flush" of a storm event for water quality purposes. The cistern would have

## LETTER 18

two compartments: the first would capture the most polluted stormwater runoff from the first flush. Up to one-third of the entire water quality volume would be pumped from the first compartment into the CSS. The residual two-thirds of the water quality volume collected in the second compartment would discharge to the Sacramento River over the course of 24 to 48 hours. The DEIR environmental analysis does not provide adequate evidence that the water discharged to the Sacramento River would be free of potential contaminants.

Operational activities of the proposed Specific Plan would be required to meet NPDES and the City of Sacramento SQIP requirements. Meeting these requirements would include implementation of structural and non-structural Best Management Practices (BMPs) that are intended to maximize reduction of the pollutants of concern. However, no specific BMPs are identified, discussed or included as part of the project (other than the cistern). The stormwater "treatment" facilities described in Impact 6.6-2 appear to be a detention cistern and do not appear to include any actual treatment (other than the first flush diversion to the CSS). The remaining stormwater would be discharged directly to the Sacramento River. In addition, the rainfall intensities and runoff volumes that constitutes the "first flush" should be quantified in the DEIR. Finally, for compliance with NPDES requirements for stormwater treatment, this "treatment" facility should be replaced or at least integrated with distributed landscape based stormwater treatment and storage measures incorporated into the overall site design such as vegetated swales and bioretention areas; these features can provide both biological treatment of stormwater and an amenity to the project residents. Although the proposed project would construct the proposed cistern designed to meet the City's water quality criteria, the proposed cistern design has not yet been completed and the Central Valley Regional Water Quality Control Board (CVRWQCB) has not approved of the discharge from the cistern. It is also not well demonstrated that the proposed cistern would function effectively to adequately improve water quality prior to subsequent discharge especially with regard to fine particulates and dissolved contaminants. The proposed project could degrade Sacramento River water quality when stormwater flows exceed the storage capacity of the second chamber and discharges are pumped directly in the river. Therefore, operation of the proposed project could violate water quality standards, exceed wastewater discharge requirements, and/or otherwise degrade water quality. This preceding impact is considered significant as indicated in the DEIR; however, the proposed mitigation measure 6.6-2 (cited below) does not adequately address this impact. It is unclear how the Specific Plan (in practice) will limit discharges to the Sacramento River that do not meet established water quality standards. This will need to be more clearly described. In addition, the identification and incorporation of stormwater BMPs should not be delayed until sometime in the future. Mitigation Measure 6.6-2: "The proposed Specific Plan shall limit discharges to the Sacramento River from the cistern that do not meet the water quality standards set by the City and the CVRWQCB. If the cistern cannot meet the required water quality standards, then the proposed Specific Plan shall incorporate BMPs using the best available technology as provided in the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Manual) (May 2007) to reduce urban pollutant discharges to the Sacramento River."

The setting section of the Hydrology DEIR analysis should also be updated to discuss the more recent revelations that Sacramento River levees may not provide adequate flood protection. Flooding has historically been a problem for Sacramento, prompting the City to build levees beginning in the 1860's. The DEIR discussion should note that as FEMA continues to release updated FIRM maps for the County, these maps may de-certify major portions of the Sacramento River levees. The FEMA FIRM map presented in the DEIR (Figure 6.6-1) is dated 1998 and should be updated to reflect 2005 revisions

## LETTER 18

as discussed in the narrative. Similarly, the discussion of Impact 6.6-4 should be revised to recognize the new FEMA information and recommend mitigation to address the potential flooding of the project site due to levee failure. As written, the discussion addresses impacts related to levee "maintenance" not potentially significant levee "improvements" which could be required by the new FEMA maps.

The flooding analysis also fails to address sea level rise and global climate change. As noted by the CALFED Bay-Delta Program, "the ISB [Independent Science Board] suggests that a mid range rise in sea level this century is likely to be at least 70-100 cm, significantly greater (~200 cm) if ice cap melting accelerates." Thus, sea level rise of 36-80+ inches may occur during the project lifetime. In addition, peak flood flows have been steadily increasing and are projected to continue to increase as substantially more of the precipitation falling on the Sierra Nevada falls as rain instead of snow, resulting in increased numbers of flood events and increased flood volumes. The DEIR should be revised to address the combined impacts of projected sea level rise and higher river flows on possible future flooding at the project site.

In summary, a brief listing of issues/concerns based on review of Section 6.6 of the DEIR include the following:

- The potential cumulative impact on hydrology and water quality in the Sacramento River is not fully addressed.
- Impacts associated with increased stormwater runoff and floodwater flows to the Sacramento River are not fully addressed.
- It is recommended that the applicant consider modifying the storm drain discharge method/design to the CSS and Sacramento River. The end-of-pipe approach for managing water quality of discharges from the development area is a concern (i.e. effectiveness of the proposed cistern).
- It is recommended that the applicant conduct a defensible floodplain impact assessment now versus during final design to comply with CEQA. The applicant should provide the County Flood Control District with an analysis of the effect of flood plain encroachment showing that the project would not result in a rise in the base flood elevation. The impact of projected sea level rise should also be addressed in the environmental analysis.
- It is recommended that the applicant develop a site landscape management plan designed to abate pollutants in runoff and incorporate this as a project mitigation measure.
- It is recommended that the applicant use reclaimed water for irrigation of landscaping and incorporate this as a project mitigation measure.
- The DEIR environmental analysis should be revised to include a discussion regarding any potential effects or mitigation measures for the construction and operation of the proposed marina facility that is included in the project description.
- Due to the considerable potential for increased runoff it is recommended that calculations be performed and/or a technical study results be presented to quantify the adequacy of sizing and proposed functionality of the proposed drainage facility improvements following heavy rainfall events.

## LETTER 18

- It is recommended that calculations be performed that quantify and assess percentages of existing impervious surfaces within the watershed with that to be added by the proposed development. It is also recommended that pre- and post-development stormwater runoff flows be calculated for the project.
- The DEIR should include requirements for semi-annual monitoring of water quality during summer low flow and winter storm conditions. Mitigation measures should specify areas where on-site stormwater storage and treatment facilities are required, and to specify that the project must include provisions for annual cleaning of drop inlets and storm drains prior to onset of winter storms.
- The FEMA FIRM map presented in Figure 6.6-1 is dated 1998 and should be updated to reflect 2005 revisions as discussed in the narrative.
- Figure 6.6-2 is partially illegible and difficult to comprehend.
- Table 6.6-1 addresses only methodology of groundwater quality sampling but not the results. The text on p. 6.6-12 (Groundwater Quality) also fails to provide any summary of the results. Please expand (or replace) this table to describe the results of the sampling. This text is very vague as to the extent of this issue; this is important because water dewatered from construction pits, if contaminated, could contaminate receiving waters.
- The Stormwater Quality Improvement Plan expires in 2008; will it be renewed and applied to project construction, which will occur after 2008? This comment also applies to Impact 6.6-1.
- The federal Spill Prevention and Control Program requirements (p. 6.6-20) apply only to petrochemicals. What will be done to mitigate spill potential for other hazardous liquids used in project construction?
- Even though remediation has been completed in some areas and will occur in the near-term in others, it is possible that residual chemicals could remain in site soils or groundwater where they could be encountered during construction and released in dewatering and/or stormwater discharges. This issue should be more fully addressed in the environmental analysis.

**6.7 Land Use**

As described above, co-locating the school with police and fire station facilities would result in land use conflicts. Additionally, adjacent land uses including the railroad tracks, light rail line and Sports and Entertainment Facility Overlay represent potentially significant land use conflicts. Please revise the DEIR to address potential land use conflicts with the proposed location of the school site and adjacent and surrounding land uses.

**6.8 Noise and Vibration**

The discussion under East End District on page 6.8-20 of the DEIR does not identify the school site as a sensitive receptor in this district. There is no discussion of noise impacts associated with traffic, the light rail line and the railroad tracks on the school. Please revise the DEIR to identify potential noise impacts on the school site.

## LETTER 18

As shown on Figure 6.8-3, the proposed school site is located within the area for potential groundborne vibration for commuter trains and the light rail. Please revise to address the potential impacts of groundborne vibration on the school.

#### 6.10 Public Services – Public Schools

It is our current understanding that the Plan currently envisions between 10,000 and 12,501 high-density residential units. Based on the maximum number of units, the average density for the residential land use areas would be approximately 150 dwelling units per acre. According to the DEIR, the plan will generate 1,250 elementary, 250 middle, and 375 high school students.

The Railyards Specific Plan is currently within the attendance boundaries of Washington Elementary School, Sutter Middle School and McClatchy High School. For the 2006-07 school year, these schools were over their design student capacity. Therefore, the K-8 students generated by Plan will be considered “unhoused” and new school facilities will be needed to serve the students generated by the Plan. Furthermore, additional high school facilities at McClatchy High School will be required.

Washington Elementary School serves students in grades K-6. Washington has a design capacity of 317 students, and 284 students were enrolled there for academic year 2006-07. Sutter Middle School serves students in grades 7-8. Sutter has a design capacity of 1,293 students, and 1,342 students were enrolled for the 2006-07 school year. McClatchy High School serves students in grades 9- 12. McClatchy has a design capacity of 1,754 students, and 2,362 students were enrolled there for the 2006-07 school year. These facilities are therefore already near or over their capacity. In addition to resulting negative impacts on education, overcrowding also impacts student safety on campus and traffic concerns on and near campus.

The cumulative impact will be limited to the impact on the Central City boundaries. However, based on our current analysis, the District will need at least 2 elementary school sites within the Plan to serve the students from the Plan. The Board-approved capacity for a K-6 elementary school is 450 students. Alternatively, the District might consider 900-capacity K-8 schools or a combination of the two.

School site size requirements have yet to be determined, but State guidelines recommend 9.6 acres for a typical elementary school and 20.9 acres for a typical middle school. While the DEIR does propose a site, it is unclear whether the site is large enough to meet state guidelines. The DEIR should better identify the proposed site characteristics.

Currently, the DEIR only sets aside a single proposed school site. Hence, it fails to adequately address the Plan’s impact on the District’s facility needs.

#### 6.12 Transportation and Circulation

##### *Study Area*

## LETTER 18

Page 6.12-7. For a project with such massive trip generation (more than 12,000 AM peak hour trips and more than 20,500 PM peak hour trips in the maximum office scenario), the study area does not appear to be sufficiently large to capture all of the potential transportation impacts to the internal and external street networks. As an example, more than 40 internal intersections are proposed as part of the project; however, only 13 appear to be evaluated in the DEIR. Similarly, only a fraction of the internal street segments are evaluated in the DEIR.

The number of external intersections considered in the DEIR also appears to be insufficient to describe the full potential impacts of the proposed project. As an example, the intersection of 16<sup>th</sup> Street and H Street (Number 47 in the DEIR) is significantly impacted by the proposed project. However, in order to get to this intersection, project traffic would need to pass through eight (8) intersections which are not considered in the DEIR. As the project significantly impacts this intersection, it would be reasonable to include intersections between it and the project site, and additional intersections further away from the project site to fully capture all potential project impacts. Very similar arguments could be constructed for other roadways leading to and from the project site which are not analyzed sufficiently in the DEIR, including but not limited to G Street, E Street, I Street, J Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street, 5<sup>th</sup> Street, 7<sup>th</sup> Street and 8<sup>th</sup> Street. As the intersections at the perimeter of the study area are significantly impacted by the project (sometimes with very substantial increases in vehicular delay), the study area is likely too small to fully describe all project impacts.

Given the extreme levels of traffic and impacts identified in the DEIR, additional transportation facilities should be evaluated to identify the full potential impacts of the proposed project. At a minimum, the DEIR should more fully explain and document the screening analysis used to develop the study area wherein all potential impacts of the project would be captured (i.e. how many trips would need to be added to an intersection to merit its inclusion in the study).

*Data Collection*

Page 6.12-14. Some of the traffic counts used in the analysis are now approximately three years old. Normally only counts less than two years in age would be used in such a document.

*Future Transportation Improvements*

Page 6.12 – 37. The analysis assumes the completion of the City's planned Sacramento Intermodal Transit Facility and the Downtown Natomas Airport (DNA) LRT extension. As these transit facilities are not fully funded and not proposed by the project, the DEIR should include an analysis which would evaluate the impacts of the project should they not be constructed.

*Trip Distribution and Assignment*

Neither the DEIR nor appendices contain graphics or descriptions of the project's trip distribution or trip assignment. As a result, these important calculations and assumptions could not be reviewed. We recommend that figures be added that provide this information to the reader, as the EIR is inadequate as an informational document without this information.

LETTER 18

*Impacts and Mitigation*

Table 6.12-15, Table 6.12-21, Table 6.12-26 and Table 6.12-31 Mitigation measures are routinely proposed which would not fully mitigate the impacts of the proposed project (i.e. the intersection levels of service and delays would be worse in the mitigated condition than in the no-project condition). Mitigations should be proposed which would fully mitigate the traffic impacts of the proposed project.

*Parking*

The DEIR identifies that the project does not propose sufficient parking in accordance with City Code requirements. We recommend that the project be modified to provide sufficient parking. In addition to the calculation of required parking in accordance with City Code, we recommend that an analysis of parking demand be undertaken which estimates the likely demand for parking which will occur with the development of the project. Rates from the ITE Parking Demand reference are typically employed in such analyses. The DEIR is inadequate without detailing how increased parking demands will be addressed.

**6.13 Urban Design and Visual Resources**

There is no discussion of the Sports and Entertainment Facility Overlay (page 6.13-37 of DEIR). Given the type of advertising; i.e., electronic big screen signage, which would most likely be used with a sports and entertainment facility, visual impacts associated with light and glare would be significant. Please revise the DEIR to address potential light and glare impacts associated with Sports and Entertainment Facility Overlay.

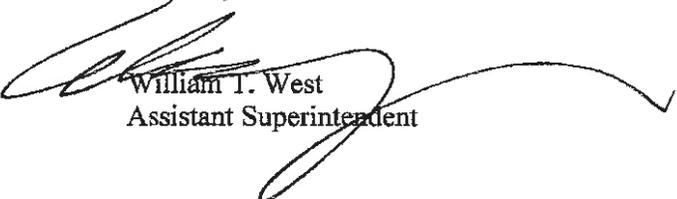
**8.0 Alternatives**

The DEIR states that the Reduced Density/Intensity Alternative (page 8-15 of DEIR) would be the Environmentally Superior Alternative except that it actually would result in off-site impacts resulting in greater impacts than with the project, therefore the project is the environmentally superior alternative. With this logic, any alternative that would result in less development than the proposed project would be rejected because the "surplus" development would go elsewhere resulting in significant off-site impacts. This analysis lends to an absurd result and inappropriately rejects feasible, environmentally superior alternatives in violation of CEQA

**Conclusion**

It is the District's position that the DEIR does not adequately analyze the Project's potential impacts to schools. The DEIR must address with greater specificity the impacts on school facilities and services. The District encourages the City to work cooperatively with the District and consider alternative measures, such as phasing or land dedication, which can adequately mitigate the impacts on the District's schools.

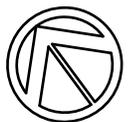
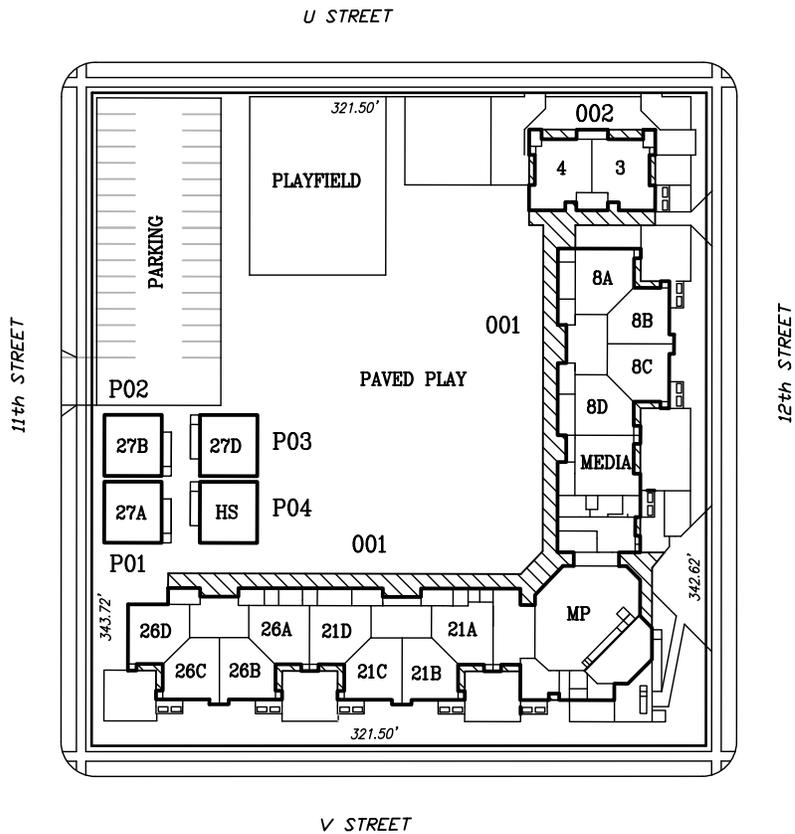
Sincerely,



William T. West  
Assistant Superintendent

# William Land Elementary





NORTH

Scale 1"=100'

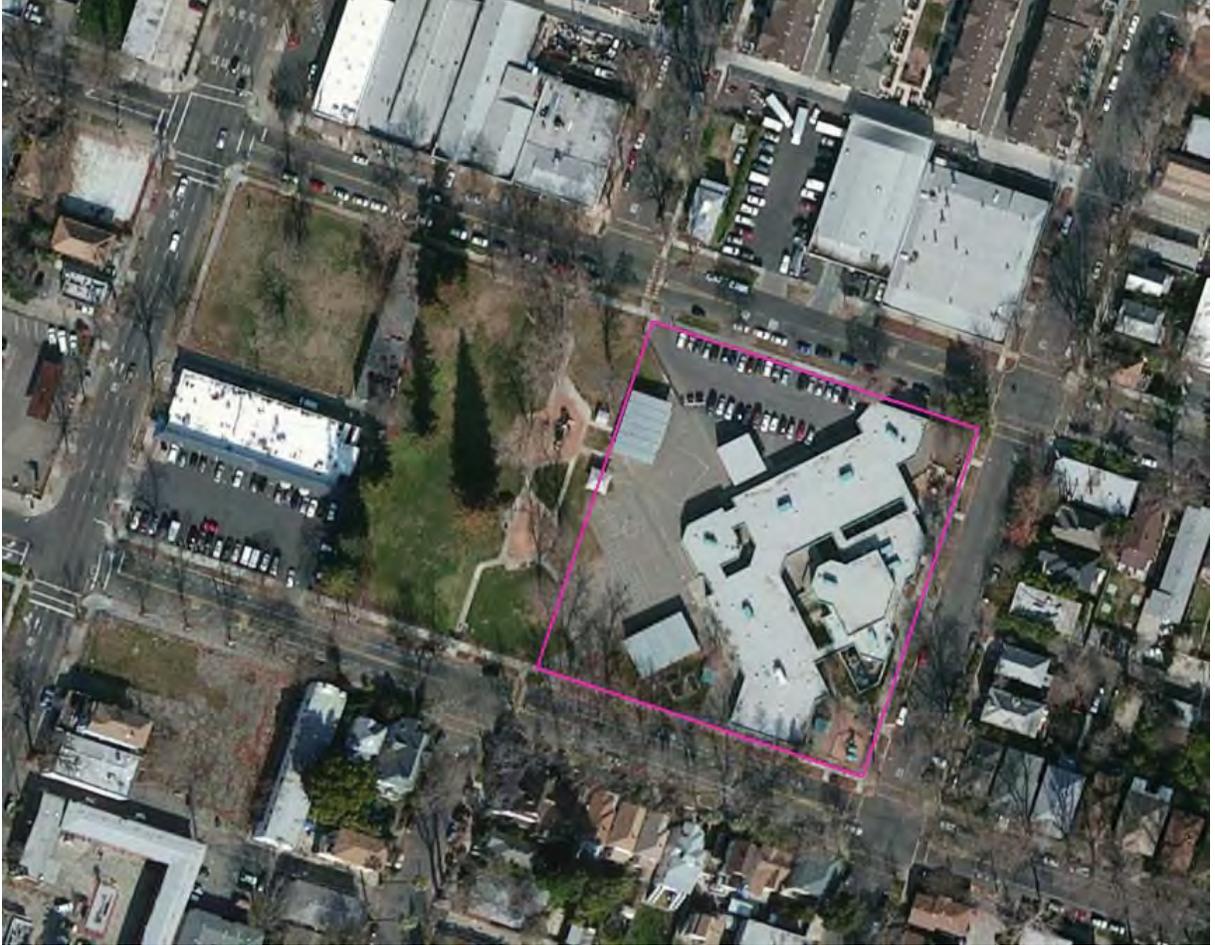
SITE AREA: 2.53 ACRES  
A.P.N. 009-0136-002 & 003

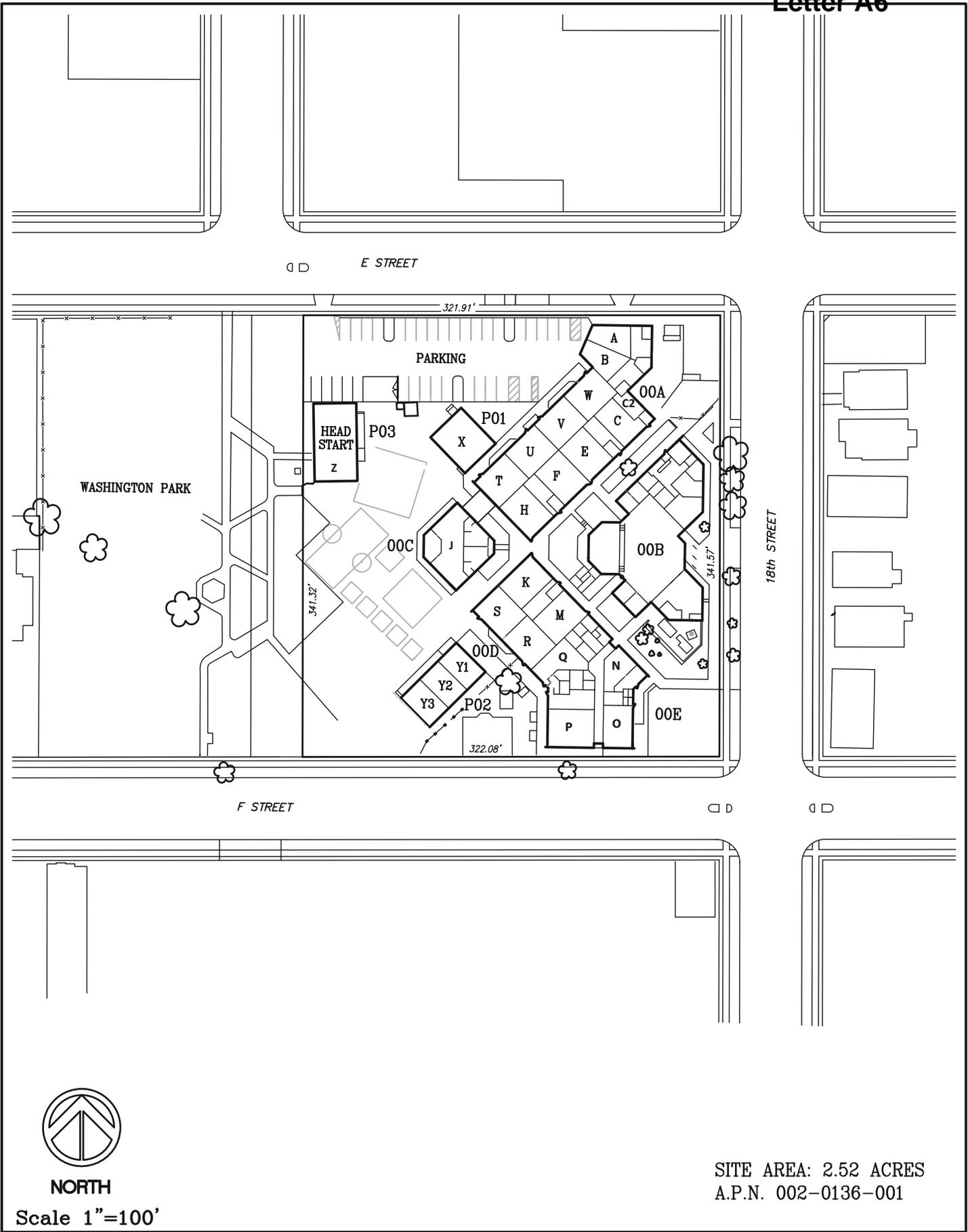
William Land Elementary School (384)  
2120 12th Street  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

# EXISTING SITE DIAGRAM

DECEMBER 2003

# Washington Elementary





NORTH

Scale 1"=100'

SITE AREA: 2.52 ACRES  
A.P.N. 002-0136-001

Washington Elementary School (379)  
520-18th Street  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

# EXISTING SITE DIAGRAM

DECEMBER 2003



# APPROVED

Letter A6

## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 3.2

**Meeting Date: June 28, 2016**

**Subject: Adopt Proposed Fiscal Year 2016-17 Budget for All Funds**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_)
- Conference/Action
- Action
- Public Hearing

**Division: Business Services**

**Recommendation: Adopt the proposed 2016-17 Budget for all funds presented as a Public Hearing Item at the June 16<sup>th</sup>, 2016 Board Meeting.**

**Background/Rationale: At the June 16, 2016 Board meeting, a public hearing was conducted on the proposed 2016-17 Budget for all funds. Administration is now requesting action to adopt the proposed Budget. As indicated at the prior Board meeting, by June 30<sup>th</sup> of each year, the school district must adopt a budget for all funds for the ensuing fiscal year. Prior to adoption of the budget, the Board must conduct a public hearing. This is in accordance with state prescribed procedures for single budget adoption, which require that the budget be adopted and submitted to the County Office of Education on state required forms by June 30<sup>th</sup>. The 2016-17 Budget establishes expenditure authority for the district to conduct business for the next fiscal year.**

The proposed 2016-17 budget is based on the May Revise Budget that was presented by the Governor on May 13, 2016 and incorporates recommendations from the Sacramento County Office of Education. While the Governor's May Revise Budget is a very significant event in the process, the final impact to the district will not be known until the state budget is signed. School districts have 45 days after the final state budget is signed to amend and resubmit their budget.

The complete set of state required forms is quite voluminous and is available on the district's website as presented at the June 16, 2016 Board Meeting.

**Financial Considerations: The proposed budget establishes expenditure authority for all funds.**

**LCAP Goal(s): College and Career Ready Students; Family and Community Engagement; Safe, Clean and Healthy Schools**

**Documents Attached:**

1. All the documents presented on First Reading on June 16, 2016 Board Meeting, Agenda 9.3 applies, <http://www.scusd.edu/sites/main/files/file-attachments/9.3rev.pdf>
2. Adopted Budget Summary All Funds
3. Power Point Presentation

**Estimated Time of Presentation:** 15 minutes

**Submitted by:** Gerardo Castillo, CPA, Chief Business Officer

Michael Smith, Fiscal Director

**Approved by:** José L. Banda, Superintendent

**ANNUAL BUDGET REPORT:**  
July 1, 2016 Budget Adoption

Insert "X" in applicable boxes:

This budget was developed using the state-adopted Criteria and Standards. It includes the expenditures necessary to implement the Local Control and Accountability Plan (LCAP) or annual update to the LCAP that will be effective for the budget year. The budget was filed and adopted subsequent to a public hearing by the governing board of the school district pursuant to Education Code sections 33129, 42127, 52060, 52061, and 52062.

If the budget includes a combined assigned and unassigned ending fund balance above the minimum recommended reserve for economic uncertainties, at its public hearing, the school district complied with the requirements of subparagraphs (B) and (C) of paragraph (2) of subdivision (a) of Education Code Section 42127.

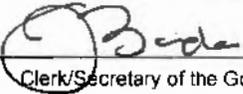
Budget available for inspection at:

Public Hearing:

Place: SCUSD - Budget Services  
Date: June 10, 2016

Place: Board Meeting Room - Serna Cente  
Date: June 16, 2016  
Time: 06:30 PM

Adoption Date: June 28, 2016

Signed:   
Clerk/Secretary of the Governing Board  
(Original signature required)

Contact person for additional information on the budget reports:

Name: Michael Smith

Telephone: (916) 643-9405

Title: Director of Fiscal Services

E-mail: smithm@scusd.edu

**Criteria and Standards Review Summary**

The following summary is automatically completed based on data provided in the Criteria and Standards Review (Form 01CS). Criteria and standards that are "Not Met," and supplemental information and additional fiscal indicators that are "Yes," may indicate areas of potential concern for fiscal solvency purposes and should be carefully reviewed.

CRITERIA AND STANDARDS			Met	Not Met
1	Average Daily Attendance	Budgeted (funded) ADA has not been overestimated by more than the standard for the prior fiscal year, or two or more of the previous three fiscal years.	X	

<b>CRITERIA AND STANDARDS (continued)</b>			<b>Met</b>	<b>Not Met</b>
2	Enrollment	Enrollment has not been overestimated by more than the standard for the prior fiscal year, or two or more of the previous three fiscal years.	X	
3	ADA to Enrollment	Projected second period (P-2) ADA to enrollment ratio is consistent with historical ratios for the budget and two subsequent fiscal years.	X	
4	Local Control Funding Formula (LCFF)	Projected change in LCFF is within the standard for the budget and two subsequent fiscal years.	X	
5	Salaries and Benefits	Projected ratios of total unrestricted salaries and benefits to total unrestricted general fund expenditures are consistent with historical ratios for the budget and two subsequent fiscal years.	X	
6a	Other Revenues	Projected operating revenues (e.g., federal, other state, and other local) are within the standard for the budget and two subsequent fiscal years.		X
6b	Other Expenditures	Projected operating expenditures (e.g., books and supplies, and services and other operating) are within the standard for the budget and two subsequent fiscal years.	X	
7	Ongoing and Major Maintenance Account	If applicable, required contribution to the ongoing and major maintenance account (i.e., restricted maintenance account) is included in the budget.	X	
8	Deficit Spending	Unrestricted deficit spending, if any, has not exceeded the standard for two or more of the last three fiscal years.	X	
9	Fund Balance	Unrestricted general fund beginning balance has not been overestimated by more than the standard for two or more of the last three fiscal years.	X	
10	Reserves	Projected available reserves (e.g., reserve for economic uncertainties, unassigned/unappropriated amounts) meet minimum requirements for the budget and two subsequent fiscal years.	X	

<b>SUPPLEMENTAL INFORMATION</b>			<b>No</b>	<b>Yes</b>
S1	Contingent Liabilities	Are there known or contingent liabilities (e.g., financial or program audits, litigation, state compliance reviews) that may impact the budget?	X	
S2	Using One-time Revenues to Fund Ongoing Expenditures	Are there ongoing general fund expenditures in excess of one percent of the total general fund expenditures that are funded with one-time resources?	X	
S3	Using Ongoing Revenues to Fund One-time Expenditures	Are there large non-recurring general fund expenditures that are funded with ongoing general fund revenues?	X	
S4	Contingent Revenues	Are any projected revenues for the budget or two subsequent fiscal years contingent on reauthorization by the local government, special legislation, or other definitive act (e.g., parcel taxes, forest reserves)?	X	
S5	Contributions	Have contributions from unrestricted to restricted resources, or transfers to or from the general fund to cover operating deficits, changed by more than the standard for the budget or two subsequent fiscal years?	X	

<b>SUPPLEMENTAL INFORMATION (continued)</b>			<b>No</b>	<b>Yes</b>
S6	Long-term Commitments	Does the district have long-term (multiyear) commitments or debt agreements?		X
		• If yes, have annual payments for the budget or two subsequent fiscal years increased over prior year's (2015-16) annual payment?	X	
S7a	Postemployment Benefits Other than Pensions	Does the district provide postemployment benefits other than pensions (OPEB)?		X
		• If yes, are they lifetime benefits?		X
		• If yes, do benefits continue beyond age 65?		X
		• If yes, are benefits funded by pay-as-you-go?		X
S7b	Other Self-insurance Benefits	Does the district provide other self-insurance benefits (e.g., workers' compensation)?		X
S8	Status of Labor Agreements	Are salary and benefit negotiations still open for:		
		• Certificated? (Section S8A, Line 1)		X
		• Classified? (Section S8B, Line 1)		X
		• Management/supervisor/confidential? (Section S8C, Line 1)		X
S9	Local Control and Accountability Plan (LCAP)	• Did or will the school district's governing board adopt an LCAP or approve an update to the LCAP effective for the budget year?		X
		• Approval date for adoption of the LCAP or approval of an update to the LCAP:	<b>Jun 28, 2016</b>	
S10	LCAP Expenditures	Does the school district's budget include the expenditures necessary to implement the LCAP or annual update to the LCAP as described in the Local Control and Accountability Plan and Annual Update Template, Section 3: Actions, Services, and Expenditures?		X

<b>ADDITIONAL FISCAL INDICATORS</b>			<b>No</b>	<b>Yes</b>
A1	Negative Cash Flow	Do cash flow projections show that the district will end the budget year with a negative cash balance in the general fund?	X	
A2	Independent Position Control	Is personnel position control independent from the payroll system?	X	
A3	Declining Enrollment	Is enrollment decreasing in both the prior fiscal year and budget year?	X	
A4	New Charter Schools Impacting District Enrollment	Are any new charter schools operating in district boundaries that are impacting the district's enrollment, either in the prior fiscal year or budget year?	X	
A5	Salary Increases Exceed COLA	Has the district entered into a bargaining agreement where any of the budget or subsequent fiscal years of the agreement would result in salary increases that are expected to exceed the projected state funded cost-of-living adjustment?	X	

<b>ADDITIONAL FISCAL INDICATORS (continued)</b>			<b>No</b>	<b>Yes</b>
A6	Uncapped Health Benefits	Does the district provide uncapped (100% employer paid) health benefits for current or retired employees?		<b>X</b>
A7	Independent Financial System	Is the district's financial system independent from the county office system?		<b>X</b>
A8	Fiscal Distress Reports	Does the district have any reports that indicate fiscal distress? If yes, provide copies to the COE, pursuant to EC 42127.6(a).	<b>X</b>	
A9	Change of CBO or Superintendent	Have there been personnel changes in the superintendent or chief business official (CBO) positions within the last 12 months?	<b>X</b>	



## Adopt Proposed 2016-17 Budget for All Funds

June 28, 2016  
Agenda Item No. 3.2

Presented By  
Gerardo Castillo, CPA, Chief Business Officer  
Michael Smith, Director of Fiscal Services

### OVERVIEW

- Additional General Fund Revenues and Expenses
- Summary of General Fund
- Multi Year Projections
- Local Control Funding Formula (LCFF)
- Summary of Other Funds
- Next Steps



## General Fund New Revenue Summary

Estimated Revenues	Amount
New 2016-17 LCFF Revenue (Ongoing)	\$17,855,956.00
New 2016-17 Discretionary Revenue (One-Time)	<u>\$9,106,725.00</u>
<b>Total Revenue Increases*</b>	<b><u>\$26,962,681.00</u></b>

\* Very low compared to previous years. 2015-16 revenue increased \$51.6 million (\$31.1 million ongoing/\$20.5 one time).



## General Fund Additional Expenditures

Required/Statutory Cost Increases	Amount
Projected Increase in Step and Column - Certificated	\$2,050,879.00
Projected Increase in Step and Column - Classified	\$356,519.00
Projected Increase in Health Benefit costs - 6%	\$3,508,597.00
Increase in STRS Contribution	\$2,567,359.00
Increase in CalPERS Contribution	\$433,181.00
Additional Committed Investments	
K-3 CSR for all sites (24:1; 75 Teachers )	\$7,500,000.00
Covering Counselors with General Fund Unrestricted (12 FTE)	\$1,500,000.00
Reopening of Washington Elementary (Staffing Only)	\$1,346,953.00
<b>Total Projected Ongoing Expenditure Increase</b>	<b><u>\$19,263,488.00</u></b>

 Sacramento City Unified School District Putting Children First		
<u>General Fund One-time Expenditures 2016-17</u>		
Superintendent's recommendations	Detail Description	College and Career Ready
K-6 Classroom Libraries to Support Core Ready Instruction	Supplemental text and trade books to support ELA CCSS implementation in the absence of a K-6 textbook adoption	\$ 1,000,000
Technology Services - Computer Replacement Plan	Implement a sustainable, long-term plan to centrally provide and maintain functional, standardized computing equipment for all teachers and staff across the District, supporting equity and consistency in the availability and integration of instructional technology across schools.	\$ 400,000

 Sacramento City Unified School District Putting Children First		
<u>General Fund One-time Expenditures 2016-17</u>		
Superintendent's recommendations	Detail Description	College and Career Ready
City Year - \$500,000 (Youth Services can no longer fund)	Continuation of implementation of City Year's Whole School, Whole Child model focusing on outcomes in three key areas: attendance, behavior and course performance in English and Math. AmeriCorps members serve schools throughout the school day.	\$ 250,000
VAPA Music Instruments	Funding to support Arts initiatives/programs in the district and the functioning of the Music Library. NOTE the costs to sustain existing programs is \$165,000 and the additional funding is \$35,000	\$ 200,000

 Sacramento City Unified School District Putting Children First		
<b>General Fund One-time Expenditures 2016-17</b>		
Superintendent's recommendations	Detail Description	College and Career Ready
Visions 2000 Summer Program	To prevent summer learning lost in math and ELA.	\$ 230,000
Words Their Way (K-6)	Instructional materials to build foundational literacy skills as part of the ELA CCSS implementation	\$ 192,000

 Sacramento City Unified School District Putting Children First		
<b>General Fund One-time Expenditures 2016-17</b>		
Superintendent's recommendations	Detail Description	Family and Community Engagement
Technology Services - Kiosks	Deploy kiosk computers at school sites to provide access to District resources (e.g., Online Registration, Parent Portal, Workday, etc.) by parents and staff.	\$ 500,000
GALE Data Base (K-12)	Digital data base of supplemental texts for all content area teachers. This resource will support content area teachers to address the ELA CCSS Standards for literacy in science, social science, and career and technical subjects	\$ 50,000

 Sacramento City Unified School District Putting Children First		
<b>General Fund One-time Expenditures 2016-17</b>		
Superintendent's recommendations	Detail Description	Family and Community Engagement
Additional \$50,000 for FACE (i.e. snacks, childcare, material development)	<ul style="list-style-type: none"> <li>• Translations as needed</li> <li>• Volunteer fingerprinting</li> <li>• Material development/copying/etc</li> <li>• Snacks for Parents and Children in daycare</li> <li>• Professional development opportunity for FACE staff</li> <li>• Support for all the area schools we serve in the FACE department in our one time workshops, SSC training, Community Meetings, etc(snacks, child sitters, translation, etc)</li> </ul>	\$ 50,000

 Sacramento City Unified School District Putting Children First		
<b>General Fund One-time Expenditures 2016-17</b>		
Superintendent's recommendations	Detail Description	Safe, Healthy and Clean Schools
Technology Services - Backup/redundant power	Deploy battery backup devices to network and telecommunications equipment ensuring continuity at school sites in the event of emergencies/power failures.	\$ 980,000
Desk/Chairs High Schools	Needed district wide	\$ 150,000

 Sacramento City Unified School District Putting Children First		
<u>General Fund One-time Expenditures 2016-17</u>		
Superintendent's recommendations	Detail Description	One-time 2016-17
Set aside OPEB	Goal is to have \$2 million set aside every year to partially fund OPEB	\$ 1,705,291
Increase our Fund Balance for Economic Uncertainty	Set aside for future costs	\$ 1,250,000

 Sacramento City Unified School District Putting Children First	
<u>General Fund Revenue Summary</u>	
• Beginning Fund Balance	\$ 59.087 M
• Revenues	\$ 491.032 M
• Transfers In	
Charter School Fees	<u>\$ 1.438 M</u>
<b>Total Revenues</b>	<b>\$ 551.557 M</b>

 <b>Sacramento City Unified School District</b> <small>Putting Children First</small>	
<h2><u>General Fund Summary</u></h2>	
• Total Revenues	\$ 551.557 M
• Less Expenditures*	<u>(\$ 494.946)M</u>
<b>Ending Fund Balance</b>	<b>\$ 56.611 M</b>
<p>*Includes contributions of \$1.5 million to maintain Child Development programs and \$230,000 parent participation preschool</p>	

 <b>Sacramento City Unified School District</b> <small>Putting Children First</small>	
<h2><u>General Fund Summary Cont'd</u></h2>	
• Ending Fund Balance	
• Reserves:	
• Revolving Cash and Stores	\$ .545 M
• Reserve for Economic Uncertainties	\$ 20.013 M
• Other Post Employment Benefits Liability	\$ 3.000 M
• Fleet Replacement	\$ .250 M
• Future Costs/Prop 30 Expiration	\$ 10.576 M
• District wide Technology Upgrades	\$ 4.000 M
• Cover deficit spending in future years	\$ 16.644 M
• Medi-Cal Funds	\$ .443 M
• Buy Down 3 days of Vacation Liability	<u>\$ 1.140 M</u>
• <b>Total Reserves</b>	<b>\$ 56.611 M</b>

 <b>Sacramento City Unified School District</b> Putting Children First	
<h3><u>Expenditures Included in 2016-17 Budget</u></h3>	
•Certificated Salaries	\$186.397 M
•Classified Salaries	\$ 58.714 M
•Employee Benefits	<u>\$149.593 M</u>
<b>Sub-Total</b>	<b>\$394.704 M</b>
–80% of Total Expenditures •Unrestricted Funding – 89%	

 <b>Sacramento City Unified School District</b> Putting Children First	
<h3><u>Expenditures Included in 2016-17 Budget</u></h3> <h4><u>Cont'd</u></h4>	
–Salaries/Benefits	\$ 394.704 M
–Books and Supplies	\$ 20.169 M
–Services/Other Operating Exp.	\$ 62.883 M
–Capital Outlay	\$ 17.061 M
–Other Outgo	\$ 0.00 M
•Debt Service Payment	
–Indirect Costs	<u>(\$ 1.600) M</u>
<b>Total Expenditures</b>	<b>\$ 493.217 M</b>

## CONTRIBUTIONS FROM GENERAL FUND

<b>Transfer From Unrestricted to Restricted Accounts</b>	
Special Education Programs \$	52,333,305
Ongoing Maintenance Transfer to Restricted \$	10,698,751
Energy Education Project \$	386,582
<b>Subtotal from Unrestricted to Restricted \$</b>	<b>63,418,638</b>
Special Education Transportation \$	6,699,154
Home to School Transportation \$	1,004,572
<b>Subtotal to Transportation \$</b>	<b>7,703,726</b>
<b>Total Transfer From General Fund* \$</b>	<b>71,122,364</b>

## Multi-Year Forecast Assumptions

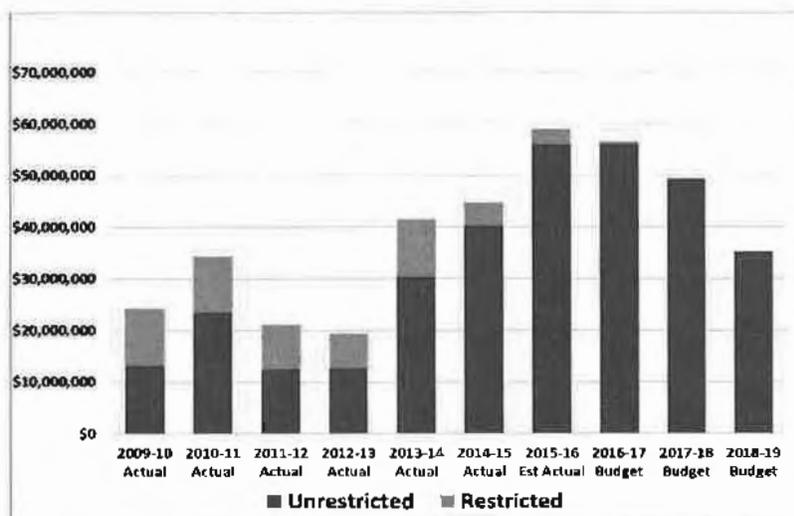
- 1.5% Step and Column Salary increase
- 6% Medical Benefit increase
- STRS rates increase to 14.43% and 16.28% in 2017-18 and 2018-19 respectively
- PER5 rates increase to 15.50% and 17.1% in 2017-18 and 2018-19 respectively
- Assumes no additional compensation increases for 2016-17 and beyond
- Loss of \$3.8 Million for 2017-18 and \$3.9 Million for 2018-19 due to declining enrollment of 421 (400 ADA equivalent)

## Unrestricted Multi-Year Forecast

Multi-Year Forecast Unrestricted			
Unrestricted Description	2016-17	2017-18	2018-19
Revenues and Other Sources	\$ 319,198,831	\$ 315,694,087	\$ 318,684,525
Expenditures and Transfers Out*	\$ 319,065,879	\$ 322,411,012	\$ 332,858,006
<b>Surplus/(Deficit Spending) (a)</b>	<b>\$ 132,952</b>	<b>\$ (6,716,925)</b>	<b>\$ (14,173,481)</b>
Beginning Fund Balance (b)	\$ 56,035,061	\$ 56,168,013	\$ 49,451,088
<b>Ending Fund Balance (a+b)</b>	<b>\$ 56,168,013</b>	<b>\$ 49,451,088</b>	<b>\$ 35,277,607</b>

\*Includes contributions of \$1.5 million to maintain Child Development programs and \$230,000 parent participation preschool

## Fund Balance



## Local Control Funding Formula (LCFF)

- New funding is estimated to close the gap by 54.84% in 2016-17 towards full implementation of LCFF
  - Reaching to 95.7% of the targeted funding levels in 2016-17
- Assumes unduplicated percentage for SCUSD of 71.35% (3 year average)
- Transportation and Targeted Instructional Improvement Grant (TIIG) are included as add-ons in the calculation

## Local Control Funding Formula (LCFF)

Adjusted Base (GAP, Grade Span)	\$ 300,133,312
Supplemental and Concentration	\$ 58,655,074
Add-ons (TIIG, Transp.)	\$ 6,543,535
<b>Total Estimated 2016-17 LCFF</b>	<b>\$ 365,331,921</b>

## Local Control Funding Formula (LCFF)

SUMMARY SUPPLEMENTAL & CONCENTRATION GRANT & MPP			
	2015-16	2016-17	Increase
Estimated supplemental and concentration grant funding in the LCAP year	\$48,591,193	\$58,655,074	<b>\$10,063,881</b>
Minimum Proportionality Percentage (MPP)*	16.62%	19.54%	<b>2.92%</b>

\*Percentage by which services for unduplicated students must be increased or improved over services provided for all students.

## How is SCUSD Increasing Services for Targeted Students?

PROPOSED ADDITIONAL INVESTMENTS 2016-17		
ACTION OR SERVICE	GOAL	AMOUNT
Decrease class sizes in grades K-3 to 24:1	College and Career Ready Students	\$7,500,000
Expand Early Kinder / Transitional Kindergarten	College and Career Ready Students	\$234,600
Build school climate by introducing the tenets of restorative practices, SEL and PBIS. Provide training in new administrative regulations for discipline - mandating shift from punitive to restorative practices	Safe, Healthy and Clean Schools	\$500,000



## How is SCUSD Increasing Services for Targeted Students?

PROPOSED ADDITIONAL INVESTMENTS 2016-17		
ACTION OR SERVICE	GOAL	AMOUNT
Academic supports and remediation for foster youth	College and Career Ready Students	\$350,800
Provide academic and career counseling to support unduplicated students	College and Career Ready Students	\$1,500,000
High Quality Professional Learning for Teachers (Added 1 hour per week for Collaborative Time)	College and Career Ready Students	\$4,913,025
<b>TOTAL PROPOSED SPENDING</b>		<b>\$14,998,425</b>



## Summary Other Funds

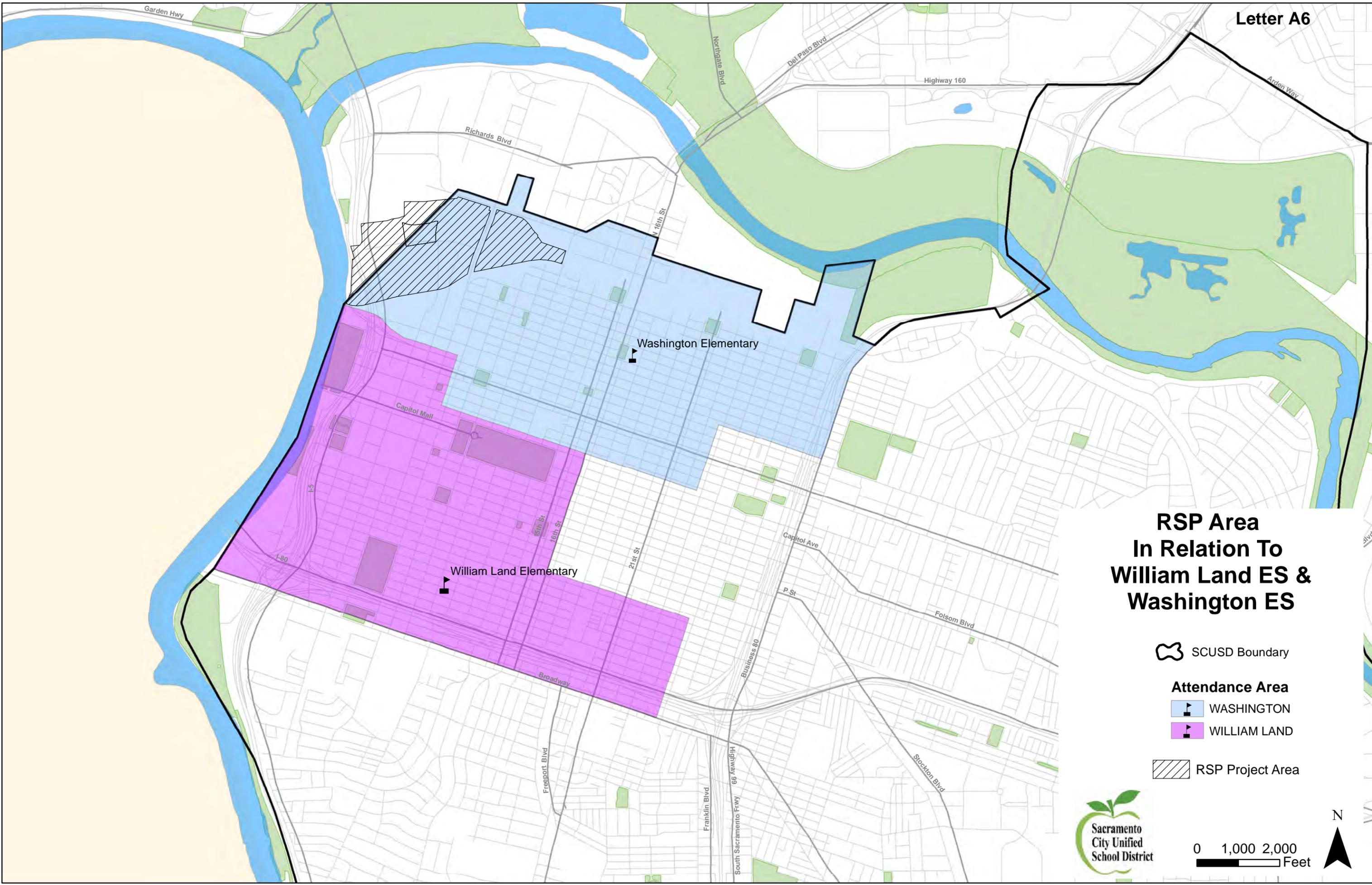
FUND	BEGINNING BALANCE	REVENUE	TRANSFERS IN / (OUT)	EXPENSES	NET CHANGE IN FUND BALANCE	ENDING BALANCE
Charter School	\$1,124,076	\$18,094,482	(\$1,438,122)	\$16,025,695	\$630,645	\$1,754,721
Adult Education	\$0	\$6,414,137	\$230,000	\$6,644,137	\$0	\$0
Cafeteria	\$6,455,227	\$24,824,585		\$24,824,585	\$0	\$6,455,227
Child Development	\$7,307	\$20,869,458	\$1,500,000	\$20,669,458	\$1,500,000	\$1,507,307
Building	\$60,043,870	\$20,560		\$60,064,430	(\$60,043,870)	\$0
Capital Facilities	\$7,994,754	\$3,910,530		\$8,435,058	(\$4,524,528)	\$3,470,226
Dental & Vision	\$1,220,635	\$9,236,283		\$9,236,283	\$0	\$1,220,635
Retiree Benefit	\$28,477,534	\$20,265,000		\$20,265,000	\$0	\$28,477,534
Self insurance	\$4,356,734	\$5,001,494		\$5,023,484	(\$21,990)	\$4,334,744
<b>TOTALS:</b>	<b>\$109,680,137</b>	<b>\$108,636,509</b>	<b>\$291,878</b>	<b>\$171,388,130</b>	<b>(\$62,459,743)</b>	<b>\$47,220,394</b>

## Next Steps

- Complete and post budget document
- Continue to monitor State Budget
- Revise budget within 45 days of signed State Budget
- First Interim Financial Report as of  
October 31, 2016
- Second Interim Financial Report as of  
January 31, 2017

Thank You

Questions?



### RSP Area In Relation To William Land ES & Washington ES

-  SCUSD Boundary
- Attendance Area**
  -  WASHINGTON
  -  WILLIAM LAND
-  RSP Project Area



0 1,000 2,000 Feet



**Letter A6 Response**      **Harold M. Freiman, Lozano Smith Attorneys at Law (Sacramento City Unified School District)**  
July 27, 2016

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A6-1            Please see Responses to Comments A6-2 through A6-48 for a discussion of the adequacy of the Draft SEIR, and A6-48 for a discussion of collaboration between the project proponents and the SCUSD with respect to provision of schools.

A6-2            The cited letter addresses the 2007 RSP Draft EIR. Responses to that letter were provided in the 2007 RSP Final EIR, and the commenter is referred to that document which is available for review on the City's Environmental Impact Report website at <http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>.

No inadequacies were identified in the review of and response to the SCUSD's comments on the 2007 RSP Draft EIR, and the comment does not indicate what, if any, comments it believes were not adequately addressed in the 2007 RSP Final EIR or remain relevant to the Draft SEIR. In a long line of cases, the California Court of Appeal has indicated that "unelaborated"<sup>4</sup> comments from the public do not constitute substantial evidence, and that "[T]he objections must be sufficiently specific so that the agency has the opportunity to evaluate and respond to them."<sup>5</sup> Because the comment includes a vague, unelaborated or summarized incorporation of a letter that comments on a prior version of the RSP EIR, and provides no direct or specified comments on or criticisms of the Draft SEIR for the proposed projects, no additional response is possible or necessary.

A6-3            The capacity of schools in the SCUSD was based on information provided by the SCUSD Facilities Management and Operations Director for the Sacramento Entertainment and Sports Facility Draft EIR (December 2013, see footnotes to Table 4.11-2 in the 2016 RSP Draft SEIR). The SCUSD was consulted during preparation of the 2016 RSP Draft SEIR, and provided information on programming and other considerations. Although this information was requested at several points during the preparation of the Draft SEIR, the SCUSD did not provide information about the capacity of the schools identified in the Draft SEIR.<sup>6</sup> As discussed in Comment A6-5, the capacity of William Land ES is 585 students *after* the recent K-3 class size reduction. When the Draft SEIR was prepared, enrollment at this school was 436, so there was capacity for

<sup>4</sup> California Court of Appeal, Fifth Appellate District, *Porterville Citizens for Responsible Hillside Development v. City of Porterville*, November 9, 2007, 157 Cal.App.4<sup>th</sup> 885.

<sup>5</sup> California Court of Appeal, Fourth Appellate District, Division One, *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, May 19, 2011, 196 Cal.App.4<sup>th</sup> 515.

<sup>6</sup> Matthew Pruter, ESA, electronic and phone communication to Jim Dobson, SCUSD Facilities Management and Operations Director, February 23, 2016, February 18, 2016, February 2, 2016, January 25, 2016 and January 12, 2016, and from Jim Dobson to Matthew Pruter, January 22, 2016, and February 23, 2016.

approximately 150 additional students. Washington ES did not open until the 2016-17 academic year, and the SCUSD does not indicate how many students were expected to be enrolled. Thus, Table 4.11-2 in the Draft SEIR indicated that, future available capacity at the Washington ES was as of yet undetermined. Washington ES has since opened, and has an enrollment of 200.<sup>7</sup> As the comment indicates, the decision by the SCUSD to reduce class size would mean that the capacity would be below the 706 students estimated in the Draft SEIR. Table 4.11-2 has been revised to include both the current enrollment and capacity number (see Response to comment A6-4). The comment also provides updated information regarding enrollment capacities at the Washington and Land Park elementary schools. The Draft SEIR noted that “these schools could not accommodate all RSPU students under existing conditions,” information consistent with the input from the SCUSD in this comment. Please see Responses to Comments A6-4 through A6-8 regarding enrollment levels and capacities at these elementary schools. This comment, while noted, does not require modifications to the SEIR’s analysis or conclusions of significance.

A6-4 Response to Comment A6-3 provides a description of the efforts undertaken by the City to acquire current school enrollment and capacity information from the SCUSD during preparation of the Draft SEIR. School capacity can change over time as the result of policy changes (e.g., classroom size), increases or decreases in student populations, changes to school operations or curricula, and other factors. As an example, prior to the Great Recession, local school districts implemented class size reduction; these reductions were rescinded during the recession years, but have recently been incrementally implemented based on available funding. Thus, capacity of local schools is somewhat elastic based on economic conditions and policy direction. The information provided in the Draft SEIR represents the conditions that were present at the time the analysis was prepared, based on the best information available to the City. In order to ensure the accuracy of the information contained in the SEIR, however, Table 4.11-2 is revised as shown to reflect the enrollment capacity at local schools as a result of recent changes in K-3 classroom size.

**TABLE 4.11-2.  
SACRAMENTO CITY USD SCHOOLS AND CAPACITIES IN THE RSP AREA VICINITY**

School Name	Design Capacity	Current Enrollment	Excess Capacity
William Land Elementary School	<del>641</del> <u>585</u>	436	<del>205</del> <u>149</u>
Washington Elementary School <sup>1</sup>	<del>706</del> <u>390</u>	<del>n/a</del> <u>200</u>	<del>n/a</del> <u>190</u>
Sutter Middle School	1,403	1,118	285
C.K. McClatchy High School	2,775	2,285	490

<sup>7</sup> Aman Javed, Manager, GIS/Facilities, Sacramento City Unified School District, electronic communication, September 23, 2016.

**TABLE 4.11-2.  
SACRAMENTO CITY USD SCHOOLS AND CAPACITIES IN THE RSP AREA VICINITY**

School Name	Design Capacity	Current Enrollment	Excess Capacity
NOTES:			
1. <u>Washington Elementary School is anticipated to be reopened for the 2016-2017 school year. Washington Elementary School was reopened in the 2016-17 school year with an enrollment of 200 students, per Aman Javed, Manager, GIS/Facilities, Sacramento City Unified School District, electronic communication, September 23, 2016.</u>			
SOURCES:			
1. Design capacity from City of Sacramento, Sacramento Entertainment and Sports Center & Related Development Draft Environmental Impact Report, December 2013, Table 4.9-1, <u>and Harold M. Freiman, Lozano Smith, Attorneys at Law, Comments of the Sacramento City Unified School District on the Draft Subsequent Environmental Impact Report for Railyards Specific Plan Update, Kaiser Permanente Medical Center, Major League Soccer Stadium, and Stormwater Outfall Projects, July 27, 2016.</u>			
2. Current enrollment from <a href="http://www.scusd.edu/school">www.scusd.edu/school</a> , accessed March 26, 2016. <u>Current 2015-2016 enrollment from <a href="http://dq.cde.ca.gov/dataquest/Enrollment/GradeEnr.aspx?cChoice=DistEnrGr2&amp;cYear=2015-16&amp;cSelect=3467439--Sacramento%20City%20Unified&amp;TheCounty=&amp;cLevel=District&amp;cTopic=Enrollment&amp;myTimeFrame=S&amp;cType=ALL&amp;cGender=B">http://dq.cde.ca.gov/dataquest/Enrollment/GradeEnr.aspx?cChoice=DistEnrGr2&amp;cYear=2015-16&amp;cSelect=3467439--Sacramento%20City%20Unified&amp;TheCounty=&amp;cLevel=District&amp;cTopic=Enrollment&amp;myTimeFrame=S&amp;cType=ALL&amp;cGender=B</a>, accessed September 27, 2016 for all schools except Washington Elementary School.</u>			

No adjustment has been made for K-4-6 classroom sizes because, as indicated in the comment, these are still under consideration, and therefore are considered speculative. Speculation in an EIR is discouraged under CEQA. According to State CEQA Guidelines section 15145, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." Because future policy actions and fiscal conditions of the SCUSD are uncertain and speculative, the SEIR does not assume class size reduction for grades 4-6.

A6-5 Please see Response to Comment A6-4 regarding revisions to the Draft SEIR to reflect information provided by the SCUSD in its comment letter reflecting recent changes in K-3 classroom size.

Regarding the potential for some students from outside of the William Land ES attendance area attending the school for its Mandarin Immersion Program, this is another example of how school district policies and programs may affect capacity at individual schools. School enrollment programs, such as the Mandarin Immersion Program, STEAM (science, technology, engineering, art, and mathematics) education, or other specialized education programs, could affect enrollment at some schools accompanied by changes in available enrollment capacity. At the same time, to the extent that specialized programs decrease capacity at some schools, there would be corresponding reductions in enrollment and capacity increases at other schools. Similarly, students from the RSP Area could be participants in such programs that could affect the levels of enrollment demand on schools in the vicinity of the RSP Area, or, since the SCUSD is an open enrollment district, parents may choose to enroll their children at a school outside of their geographic attendance area for a multitude of reasons.

These situations, along with demographic and other changes that affect school enrollment, must be considered and balanced by the SCUSD as part of short- and long-term planning. According to the California Department of Education Data Reporting Office, enrollment in SCUSD schools has dropped considerably in the last 15 years, from a high of approximately 53,400 K-12 students in the 2001-02 school year, to a low of 46,643 students in 2015-16. This decrease of over 6,000 students would affect some schools more than others, and it is reasonable to assume there are now some schools that are under capacity that could absorb additional students should the SCUSD decide to redistribute enrollment.

As described above, the Draft SEIR recognizes that William Land ES and Washington ES would not be able to absorb all RSP students (page 4.11-36). This is consistent with the information provided in the comment.

A6-6 There are two designations/zones that would allow residential uses within the RSP Area, and both are intended for high-density, multifamily development. The R-5-SPD allows for residential densities of 61 to 450 units per acre and the C3-SPD zone allows up to 450 units per acre. Neither of these zones provides for single-family detached development. Therefore, the Draft SEIR has included a reasonable assumption that all residential units within the RSP Area would be multi-family units.

Furthermore, even if the entire area that allows for residential uses (approximately 122 acres) were developed with single-family units, the total number of students would be lower than assumed for the proposed RSP. The City Sacramento 2035 General Plan land use designation with the highest density single-family uses is Suburban Neighborhood Medium Density, which allows for a maximum of 17 units per net acre. If the entire area proposed to be designated C-3 SPD and R-5 SPD were developed at the maximum density allowed under Suburban Neighborhood Medium Density, approximately 2,072 homes could be built. Using the SCUSD rate of 0.44 for grades K-6, there would be 911 elementary students, compared to the 1,140 to 1,900 estimated for the Proposed RSPU or 1,315 to 1,885 SCUSD elementary students estimated for RSPU Land Use Variant (Table 4.11-4 of the Draft SEIR). The number of grade 7-8 students would be similar (248 SCUSD students for single family, compared to 180 to 300 for the proposed RSPU and 208 to 298 for the RSPU Land Use Variant). Only the number of high school students would be higher for single family (478 SCUSD students compared to 240 to 400 under the proposed RSPU and 277-397 under the RSPU Land Use Variant).

A6-7 The comment is acknowledged. In addition to geographic attendance areas, the SCUSD has a system of open enrollment. According to the SCUSD, "Open Enrollment is an opportunity for each student who resides permanently within the boundaries of Sacramento City Unified School District to apply for enrollment

for schools within the district, when space is available.” Thus, while the Washington Elementary School would be the closest existing school to the RSP Area, families living in the RSP Area in the future would have the opportunity to choose open enrollment of their school age children in other schools in the SCUSD if space is available.<sup>8</sup> The text of the first full paragraph on page 4.11-27 of the Draft SEIR is revised as shown:

The RSP Area is within the current attendance boundaries for the Washington Elementary School, located at 520 18<sup>th</sup> Street in September, which reopened in 2016-17. The next closest SCUSD elementary school is William Land Elementary School, which is located at 2120 12th Street. The RSP Area is also within the attendance areas of: Sutter Middle School, located at 3150 I Street, and C.K. McClatchy High School, located at 3066 Freepoint Boulevard (see Figure 4.11-3). The SCUSD plans to reopen Washington Elementary School, located at 520 18<sup>th</sup> Street in September.<sup>3</sup> Students in the RSP Area may also attend Arthur Benjamin Health Professions High School, located at 451 McClatchy Way, the MET Charter High School at 810 V Street, or the Success Academy Alternative School at 5601 47th Ave. In addition, through Open Enrollment, students living with the RSP Area could apply for enrollment at other schools within the SCUSD, when space is available.

A6-8 Please see Response to Comment A6-4 for revisions regarding the capacity of Washington Elementary School. As indicated in Table 4.11-2 and Impact 4.11-5, the Draft SEIR does not indicate that there would be available capacity at the Washington Elementary School to accommodate students from the RSP Area, nor does the Draft SEIR make any conclusions based on an expectation of a certain number of students attending any particular school. Therefore, a change in the capacity of Washington Elementary School would not alter the Draft SEIR analysis or conclusions.

A6-9 The Draft SEIR does not assume that additions or portables would be added to Washington or William Land Elementary Schools. Rather, it discusses the implication of SCUSD deciding to accommodate RSPU enrollments by expanding facilities on existing school sites and/or developing new school sites (Draft SEIR, page 4.11-36). The SCUSD has previously used portables to expand school capacity as a temporary measure, along with splitting grade levels and temporary facilities.<sup>9</sup>

<sup>8</sup> Sacramento City Unified School District, Open Enrollment Frequently Asked Questions, [http://www.scusd.edu/sites/main/files/file-attachments/oe\\_faq\\_elementary2016-2017english.pdf](http://www.scusd.edu/sites/main/files/file-attachments/oe_faq_elementary2016-2017english.pdf), Accessed: August 22, 2016.

<sup>9</sup> Jim Dobson, SCUSD Facilities Management and Operations Director, electronic communication to Aaron Hecock, ESA, October 15, 2013.

The comment refers to exhibits showing the layout of William Land and Washington Elementary Schools as evidence demonstrating that these schools cannot be expanded. The exhibits do indicate that there is only a limited amount of undeveloped space on each campus. However, the comment does not indicate why the schools could not be reconfigured and/or reconstructed vertically (e.g., adding a second floor). Regarding parking, the availability of parking is no longer considered an environmental impact under CEQA. See, for example, Appendix G of the CEQA Guidelines, which was revised to delete the question regarding parking capacity. Further, under the City's 2035 General Plan it is a policy of the City to encourage options for alternative modes of travel, such as in the Central City, which would reduce the demand for parking.

A6-10 As indicated in Responses to Comments A6-4 and A6-7, minor clarifications and associated revisions have been made to the Draft SEIR to correct information about existing school capacity. These changes do not alter the analysis or conclusion of the Draft SEIR that, consistent with SB 50, impacts on school facilities would be mitigated through the payment of applicable school fees (Draft SEIR, page 4.11-36).

A6-11 As clearly stated in the last paragraph on page 4.11-36 of the Draft SEIR, the impact on school facilities is found to be less than significant due to the required payment of school fees, pursuant to California Government Code section 65996 as established in the Leroy F. Greene School Facilities Act of 1998 (SB 50). The environmental baseline for the analysis presented in the Draft SEIR is the conditions that existed at and around the time when the SEIR NOP was published in June, 2015. Because this is a Subsequent EIR, an additional comparison of impacts on schools to those described in the 2007 RSP EIR has been provided to inform the readers and decision makers as to whether the RSPU would result in any impacts that were not identified in the 2007 RSP EIR and/or whether any significant impacts identified in the 2007 RSP EIR would be substantially more severe with implementation of the proposed RSPU. This comparative information has been provided to facilitate an understanding of the differences between the 2007 RSP and the proposed RSPU, and is not the basis of determining whether the RSPU itself would have a significant impact. In light of the fact that the approved 2007 RSP provided for the potential for more residential units than the RSPU (proposed project), and given that those units would be constructed over a similar time frame, it is reasonable to conclude that buildout of the proposed RSPU would generate fewer students than buildout of the approved 2007 RSP. In either case, pursuant to State law the impact would be less than significant due to the payment of school fees.

A6-12 The statement that the Draft SEIR analysis of schools is an "advocacy piece" and fails to provide a neutral, objective analysis of the effects of the proposed RSPU on public schools is not supported by the information and analysis presented in

the Draft SEIR. The Draft SEIR concludes that there would be a shortfall of capacity in the SCUSD elementary schools closest to the RSP Area to accommodate the future enrollment from development in the RSP Area, but also concludes that the impact on schools would be less than significant, consistent with Government Code section 65996 (see Draft SEIR Impact 4.11-5, pages 4.11-35 through 4.11-38). Contrary to the comment, the Draft SEIR fully discloses the potential lack of capacity in local schools, and in no way states or suggests there would be no impact on schools.

Further, the Draft SEIR does not understate the number of potential students that could be generated by residential development under the proposed RSPU. As stated on page 4.11-36, the rates that were used in the Draft SEIR are the SCUSD's district-wide rates for multifamily units, and, if anything, overstate the number of students who would be generated in high-density residential development, such as the RSPU. The Sacramento Area Council of Governments (SACOG) provides long-term planning for transportation and affordable housing throughout the six-county Sacramento region. Recently, SACOG estimated student generation rates specific to the Railyards and River District Specific Plan areas, both of which are planned to contain development at substantially higher densities than most areas of the City. According to SACOG, households in residential development at densities planned for in the RSP Area and the River District would be materially smaller than elsewhere in the region. More specifically, SACOG projects the persons per household in the RSP Area and the River District to be 1.9, compared to a citywide average household size of 2.5 persons and a regional average household size of 2.7 persons.

Corresponding to smaller household sizes, SACOG projects the number of school-aged children to be lower in higher density development.<sup>10</sup> A comparison of SCUSD district-wide and SACOG student generation rates for the proposed RSPU is shown in Table 3-1, and the resulting estimated number of students is provided in Table 3-2.

**TABLE 3-1.  
COMPARISON OF SCUSD AND SACOG STUDENT GENERATION RATES**

Grades	SCUSD Rate	SACOG Rate	Difference
K-6	0.19	0.07	0.12
7-8	0.03	0.02	0.01
9-12	0.04	0.06	-0.02
Total	0.26	0.15	0.11

SOURCES: Sacramento City Unified School District, 2016; Sacramento Area Council of Governments, 2016; Environmental Science Associates, 2016.

<sup>10</sup> Kacey Lizon, Planning Manager, SACOG, 2016 MTP/SCS Student Generation Rates for the Railyards Specific Plan, August 12, 2016.

**TABLE 3-2.  
COMPARISON OF STUDENT GENERATION WITH SACOG AND SCUSD RATES**

Housing Units	SCUSD Generation Rates	Students Generated	Grade Levels	Housing Units	SCUSD Generation Rates	Students Generated	Grade Levels
6,000	0.19	1,140	K-6	10,000	0.19	1,900	K-6
6,000	0.03	180	7-8	10,000	0.03	300	7-8
6,000	0.04	240	9-12	10,000	0.04	400	9-12
6,000	0.07	420	K-6	10,000	0.07	700	K-6
6,000	0.02	120	7-8	10,000	0.02	200	7-8
6,000	0.06	360	9-12	10,000	0.06	600	9-12

SOURCES: Sacramento City Unified School District, 2016; Sacramento Area Council of Governments, 2016; Environmental Science Associates, 2016.

As shown in Table 3-2, using SACOG rates, the proposed RSPU would generate 420 to 700 elementary students, which is substantially lower than the Draft SEIR presented based on the SCUSD district-wide rates. If the SACOG rates are borne out, and the RSPU develops only 6,000 residential students, it may be that no new schools would be required to accommodate RSPU enrollment. With the SACOG rates, even if 10,000 units are constructed in the RSP Area, one school in the RSP Area may be adequate to serve most or all RSPU students.

A6-13

As discussed on page 4.11-31 of the Draft SEIR, SB 50 provides that the impact of a project on school facilities is considered less than significant if developer fees are to be paid. California Government Code 65996(b) states that the payment of school facilities fees is “deemed to provide full and complete school facilities mitigation,” and that “a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.” More specifically, California Government Code 65997(a) states that payment of legislatively established school facilities fees “shall be the exclusive methods of mitigating environmental effects related to the adequacy of school facilities when considering the approval or the establishment of conditions for the approval of a development project,” and section 56997(b) states conclusively that a state or local agency may not “deny approval of a project on the basis of the adequacy of school facilities.”

Notwithstanding the availability or lack of availability of State funding, California law does not provide for the use of CEQA-based mitigation to require the funding of school construction beyond the payment of established fees. Projects developed under the RSPU would pay the applicable developer school facility fees, and no further environmental mitigation can be imposed by the City to address this issue.

Projects developed under the RSPU would pay the applicable developer school facility fees, and no further environmental mitigation can be imposed by the City to address this issue.

A6-14

The comment is correct that SB 50 addresses only impacts on school facilities. The Draft SEIR fully addresses the environmental effects on school-age children living within the RSP Area, as required under CEQA (and as articulated by California Court of Appeal, Fifth District in its opinion in *Chawanakee Unified School District v. County of Madera* 196 Cal.App.4<sup>th</sup> 1016).

As stated on page 4.11-36 of the Draft SEIR, because a potential school site is proposed as part of the proposed RSPU, the direct effects of locating a school within the RSP Area are addressed (see, for example, Impact 4.11-6, which addresses the impacts of locating a school in proximity to existing hazards). The effects on physical resources of locating a school building in the RSP Area (e.g., loss of biological or archaeological resources, increases in runoff, visual impacts) would be the same as any other building, and are therefore addressed in relevant sections of Chapter 4 of the Draft SEIR. The indirect effects of RSPU students attending schools outside the RSP Area, based on buildout of 10,000 residential units in the RSP Area, are addressed in the Draft SEIR to the extent practicable in light of the uncertainties associated with the location, size and enrollment of schools over the next twenty or more years, as well as the potential changes in delivery of educational services over that extended timeframe. For example, the transportation analysis assumes home-to-school and school-to-home trips associated with each residential unit; since the transportation analysis is the basis of the traffic air emissions, traffic noise and greenhouse gas emissions analyses in Sections 4.2, 4.10 and 4.12 of the Draft SEIR, these impacts too are considered and disclosed in the Draft SEIR. For more discussion of these analyses, please see Responses to Comments A6-23, A6-25, A6-27, A6-30, A6-31, A6-39, A6-40, A6-42, A6-43, A6-44, and A6-45. Thus, the effects of the proposed RSPU on schools, including associated indirect environmental effects, are fully disclosed in the Draft SEIR.

As discussed in Response to Comment A6-5, the RSPU would be developed over many years, and there are a number of different strategies that the SCUSD could use to accommodate students from the RSP Area. The specific timing, location and design of new school construction (within or outside of the RSP Area) and school expansions, if any, are not known at this time. As required by State law, these projects would be the subject of subsequent CEQA review, and any project-specific impacts would be evaluated at that time. Given that the development under the proposed RSPU would occur over many years, the then-current state of affairs for SCUSD school facilities is speculative at this time. The need for new or expanded schools is uncertain at this time, because the number of residential units, the student generation rates, and the capacity of an on-site school have yet

to be determined. CEQA does not require analysis of impacts that are too speculative for evaluation (CEQA Guidelines section 15145) (see Response to Comment A6-4).

A6-15 Under CEQA “the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.”<sup>11</sup> It is not the purpose of an environmental impact report to explore or otherwise describe the variety of school funding methods that could be employed to meet the needs of the local school districts to provide facilities or operational funds to provide education services to the future population of the RSP Area. As described in Response to Comment A6-11, the California Government Code limits the extent to which environmental mitigation may be used to offset the costs for school facilities. That said, the Government Code is explicit in stating that the limitation on use of environmental mitigation is not intended to limit the range of methods used by local school districts to fund facilities improvements. Specifically, Government Code Section 65996(d) states that “(d) [n]othing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorem taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.”

Government Code Section 65352 does not apply to CEQA documents, and specifically refers to adopting or substantially amending a general plan. While the proposed RSPU would result in several project-specific amendments to the 2035 General Plan, the proposed RSPU does not represent the adoption of a new general plan, a comprehensive update of the 2035 General Plan, nor does it include substantial amendments to the City’s 2035 General Plan. Therefore, Section 65352 does not apply to the proposed project. Further, Section 65352 speaks to notifying public agencies of the proposed general plan actions, and states that “This section is directory, not mandatory, and the failure to refer a proposed action to the entities specified in this section does not affect the validity of the action, if adopted.”

Section 65352.2 of the Government Code states that after notification under Section 65352, a school governing board *may* request a meeting with the

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<sup>11</sup> California Public Resources Code section 21002.1(a).

planning agency to discuss methods of coordinating planning, design and construction of new facilities and school sites, and that *if requested*, the planning agency shall meet with the school district within 15 days following notification. Section 65352.2 also addresses notification requirements for school districts when completing school facility needs, master plans or long-range plans, and identifies a number of topics that *may* be addressed. This section refers to general plan adoption or substantial amendments and school planning documents, and does not apply to CEQA. Nevertheless, it should be noted that the SCUSD was included on the City's distribution of the June 26, 2015 Notice of Preparation for the SEIR and the SCUSD did not submit a comment letter or otherwise reach out to or attempt to coordinate with the City. In addition, as documented in Response to Comment A6-3, numerous attempts were made by the SEIR consultant to seek information from or otherwise engage in coordination with the SCUSD between Summer 2015 and Spring 2016, during the preparation of the Draft SEIR.

A6-16 Government Code Section 65350 pertains to the adoption of new, or substantial amendment of existing, general plans. The RSPU does not involve substantial amendment of the City's existing 2035 General Plan. Furthermore, the cited code section addresses notification and meetings, but does not require that a lead agency take any particular action with respect to schools. The City is precluded from finding that the RSPU would have a significant impact on schools because the RSPU would pay school development fees. Therefore, State law does not allow the City to identify additional mitigation to address impacts on school facilities. Please also see Responses to Comments A6-13 through A6-15.

A6-17 The City has not delegated authority for development of mitigation measures for school siting to the project proponent. As described above, pursuant to California Government Code section 65997, no further mitigation is required for the impact on school facilities beyond the payment of developer fees (see Response to Comment A6-13). Thus, not only is there no need for the development of additional mitigation measures, the inclusion of any such additional measures is explicitly prohibited by State law.

Further, the State CEQA Guidelines allows for entities other than the lead agency to prepare and/or contribute to any or all portions of an EIR. CEQA Guidelines section 15084(b) states that the lead agency may require the project applicant to supply data and information to assist the agency in preparing the Draft EIR. Section 15084(d) states that the lead agency may accept a draft EIR prepared by the applicant or applicant's consultants. Presumably, a draft EIR prepared by the applicant, if complete, would include a description of feasible mitigation measures for any significant impact. Section 15084(e), cited in the comment, specifically speaks to the situation when an EIR is prepared by someone other than the lead agency. In such cases, the lead agency must subject the draft to its

own review and analysis, and the draft EIR that is publicly circulated must reflect the lead agency's independent judgment. The City of Sacramento has been intimately involved in the preparation and review of the SEIR, and throughout the preparation and review process, the City has ensured that the Draft SEIR is objective and represents the independent judgment of the City.

A6-18 Government Code sections 65970 through 65978 establish procedures wherein a school district can officially determine that overcrowding exists (see section 65971), setting in motion a series of actions which, pursuant to section 65972, require the local agency to either approve an ordinance requiring developers to make land dedications or pay additional fees to the school district (see section 65974), or make findings that there are overriding considerations that would benefit the local agency. To the City's knowledge, the SCUSD has not made findings of overcrowding pursuant to section 65971. In fact, as noted in in Response to Comment A6-5, the enrollment in the SCUSD has fallen by approximately 6,000 students between the 2001-2002 and 2015-2016 school years. Therefore, reference to the provisions of Government Code sections 65970 through 65978 is not relevant to the proposed RSPU.

As discussed in Response to Comment A6-13, the City is precluded from requiring additional mitigation for the impact on school facilities. This would include mitigation requiring land dedication.

Please see Response to Comment A6-15 for a discussion of Government Code 65352.

Please also see Response to Comment A6-48 regarding discussions between the applicant and SCUSD regarding provisions for a school site.

A6-19 Please see Response to Comment A6-13.

A6-20 Please see Response to Comment A6-14 and A6-23 through A6-46.

A6-21 Please see Response to Comment A6-14.

A6-22 Please see Response to Comment A6-14 and A6-48.

A6-23 The traffic impacts of the RSPU are analyzed in detail in Section 4.12, Transportation, of the Draft SEIR. Typically, school traffic only affects the a.m. peak hour, because school hours do not extend into the p.m. peak hour (though after-school sporting and other activities occasionally occur). As discussed in Impact 4.12-1, the RSPU would increase traffic congestion at certain downtown intersections, but the impact would be less than significant after mitigation because the intersections would continue to meet the City's service level (LOS) standards. As shown in Table 4.12-13, the only intersections that would operate

at “gridlock”, as represented by LOS F conditions, during the a.m. peak hour would be in the River District, which is not in the SCUSD service area, or near Interstate 5, where there are no schools. Although two intersections (i.e., Railyards Boulevard/Jibboom Street, and Camille Lane/Bercut Drive) located within or adjacent to the RSPU would operate at LOS F under cumulative conditions, this is as much attributable to future roadway connections (e.g., new I Street bridge) as RSPU traffic generation. Intersections along the primary circulatory roadways within the RSP Area would operate at LOS E or better under cumulative conditions. Therefore, it is not anticipated that traffic congestion would increase to such an extent that schools would be subject to gridlock, and/or that emergency service providers would be hampered in reaching schools during an emergency.

As discussed in Impacts 4.12-5 and 4.12-6, the RSPU provides an extensive network of existing and planned bike and pedestrian facilities, including sidewalks on both sides of most streets. With the exception of the roads and bridges that have already been built, sidewalks would be 16-foot wide. Bulbouts at nearly every intersection in the RSP Area would reduce the crosswalks’ length and decrease the amount of time pedestrians would be in the street while crossing. Crosswalks would be provided on all legs of most intersections within the RSP Area. Nearly all intersections would be signalized as well. Moreover, intersection dimensions would be kept to a minimum so as to reduce pedestrian crossing distances. Had policies been in place to maintain a more auto-oriented level of service (e.g., LOS D goal), then many intersections would have needed to be widened, which would have resulted in greater areas of potential conflict for pedestrians (including school children). Therefore, the RSPU provides for the safe and efficient circulation of pedestrians, including school children, within the RSP Area, and minimizes the potential for conflicts between vehicles, bicycles and/or pedestrians.

With respect to parking at the Washington and William Land Elementary Schools, the comment does not indicate why off-site parking would create safety impacts. Children who walk or bicycle to school would not need to access off-site parking, nor would parents who drop them off. While the demand for parking could increase if school staff increases, this would not affect students. An increase in demand for parking is not, in and of itself, an environmental impact subject to CEQA. As discussed in A6-14, any assumptions about the location and/or size of new schools and/or expansion of existing schools would be speculative at this time. Therefore, it is not possible to analyze the traffic impacts that might or might not occur as a result of increased staff due to the proposed RSPU.

A6-24

Please see Responses to Comment A6-14 and A6-23.

A6-25 The traffic analysis relies upon the regional travel demand model developed by the Sacramento Area Council of Governments (SACOG), and modified by the City of Sacramento for the purposes of its 2035 General Plan. One of the model's inputs is the number of students in schools throughout the region. The model then matches those trip attractions with home-based-school trips, which comprise a portion of all home-based travel (along with work, shop, and other purposes). The traffic analysis considers the effects of school-related trips but does not isolate this individual trip purpose. Similarly, the study does not isolate the effects of numerous other home-based trips, and non-home-based trips, though they are considered in the model. Separating out different trip purposes would have resulted in a substantially lengthier and more complicated document that would have not helped decision-makers understand the effects of the proposed projects. However, based on the interest expressed by this comment, the following paragraph provides some data regarding travel behavior associated with school trips, both statewide and within the Sacramento region.

According to Table 1.2.4 of the *2010-2012 California Household Travel Survey Final Report Appendix*,<sup>12</sup> the statewide average one-way school trip was 15 minutes in duration. According to Table 8-7 of Appendix C4 of the SACOG 2016 MTP/SCS,<sup>13</sup> average one-way home-to-school travel distances in the SACOG region are eight miles to colleges, four miles for kindergarten for students being driven to school, and three miles for all kindergarten to 12<sup>th</sup> grade students age 5 to 15. According to Table 8-35 of Appendix C4, the most common modes of travel for school-based trips are private vehicle (63 percent), school bus (15 percent), walk (13 percent), and bike (6 percent). Because SACOG's travel demand model includes a mode choice component, its estimate of school trips not only considers the quantity of these trips, but also the travel mode they would be expected to use based on the availability of transit in the area.

The Draft SEIR presents consolidated information for the readers' review, but does not include all the model input and output files, which would be overly cumbersome for the reader (note that Section 4.12 already contains 50 figures and 62 tables). Details of the model's function can be found in Chapter 8 of the *Sacramento Activity-Based Travel Simulation Model Reference Report*, which was Appendix C4 of the 2016 SACOG MTP/SCS. Refer to pages 8-99 through 8-103 for specifics relating to how the model was calibrated against household survey data for mode split, trip purpose, and arrival/departure periods for school trips.

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<sup>12</sup> California Department of Transportation, 2013. *2010-2012 California Household Travel Survey Final Report Appendix*. June 2013.

<sup>13</sup> Sacramento Area Council of Governments, 2016. *2016 Metropolitan Transportation Plan/Sustainable Communities Strategy*. Adopted February 18, 2016.

Further, the following paragraph is added after the first full paragraph on page 4.12-68 of the Draft SEIR:

One of the SACMET model’s inputs is the number of students in schools throughout the region. The model matches those trip attractions with home-based-school trips, which comprise a portion of all home-based travel (along with work, shop, and other purposes). The traffic analysis considers the effects of school-related trips but does not isolate this individual trip purpose. The study does not isolate the effects of numerous other home-based trips, and non-home-based trips, though they are considered in the model. Separating out different trip purposes would have resulted in a substantially lengthier and more complicated document that would have not helped decision-makers understand the effects of the proposed projects. According to Table 1.2.4 of the 2010-2012 California Household Travel Survey Final Report Appendix,<sup>14</sup> the statewide average one-way school trip was 15 minutes in duration. According to Table 8-7 of Appendix C4 of the SACOG 2016 MTP/SCS,<sup>15</sup> average one-way home-to-school travel distances in the SACOG region are eight miles to colleges, four miles for kindergarten for students being driven to school, and three miles for all kindergarten to 12<sup>th</sup> grade students age 5 to 15. According to Table 8-35 of Appendix C4, the most common modes of travel for school-based trips are private vehicle (63 percent), school bus (15 percent), walk (13 percent), and bike (6 percent). Because SACOG’s travel demand model includes a mode choice component, its estimate of school trips not only considers the quantity of these trips, but also the travel mode they would be expected to use based on the availability of transit in the area.

A6-26 As discussed in Response to Comment A6-5, school capacities change over time due to demographics, policy changes and other factors. The future decisions of the SCUSD to, for example, have schools focus on a particular curriculum or specialized program does not necessarily change the physical capacity of the school (although as indicated in the comment, it can affect the programmatic enrollment capacity). The future curriculum or program decisions of the SCUSD that pertain to schools in the vicinity of the RSP Area cannot be reasonably predicted by the City of Sacramento. As described in Response to Comment A6-4, it is improper for an EIR to engage in speculation.

It should be further noted that if the SCUSD allows students from outside of a school’s geographic attendance area to enroll in a particular school, it follows that capacity should be available for students from within that attendance area to

<sup>14</sup> California Department of Transportation, 2013. 2010-2012 California Household Travel Survey Final Report Appendix. June 2013.

<sup>15</sup> Sacramento Area Council of Governments, 2016. 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy. Adopted February 18, 2016.

enroll in another school in the district. Students who attend William Land or Washington Elementary Schools from outside those schools' attendance areas would presumably free up capacity elsewhere in the SCUSD for enrollment of RSP Area students. See also Response to Comment A6-5.

- A6-27 There are no at-grade crossings for heavy rail within the RSP area. Crossings of the UPRR tracks are provided by grade-separated roadways that include sidewalks and bike lanes. There will be light rail lines and stations within the RSP Area. Light rail trains will share travel lanes with vehicles, and follow normal traffic patterns. Within the RSP Area, all of the roadway intersections that cross light rail lines will be signalized and have push-button pedestrian crosswalk activations. Therefore, pedestrians, including students, will be provided opportunities to cross light rail tracks lawfully and safely.
- A6-28 Please see Responses to Comments A6-23, A6-25 and A6-27.
- A6-29 Education Code Section 17620 allows school districts to levy fees on commercial development, and requires that the school district take into account the effect of commercial development on schools when setting fees (Section 17621(e)(1)(B)). As with residential development, the payment of development fees would fully mitigate the effect on schools of new commercial development. The proposed RSPU would provide for development of approximately 4.8 to 6 million square feet of non-residential space. If school fees were required for construction of all RSPU non-residential development up to approximately \$3 million in school fees could be generated under the current fee levels. The SCUSD has established fees for the development of enclosed commercial/industrial space. These fees likely apply to office, retail, and flexible mixed use space under the proposed RSPU. It remains to be determined the extent to which such fees also apply to cultural or other non-commercial space, including hospital and medical office, stadium, and other such space that may be developed under the proposed RSPU. Thus the total amount of fees that would be collected through development of non-residential space in the RSP Area is currently unclear, and could exceed \$3 million.
- The comment does not provide evidence that there is anything characteristic of the non-residential development that would result in greater numbers of employees' children attending schools in or near the RSP Area than assumed in the SCUSD findings used to support the adoption of the developer fees for commercial uses.
- A6-30 As stated on page 2-61 of the Draft EIR, a potential school site has been identified in the RSP Area, but other locations may ultimately be selected. For example, as discussed in Response to Comment A6-48, the applicant is currently discussing the possibility of locating a school in the R-5 zone of the proposed RSPU. This site, along with the vast majority of the RSP Area, including the site

that is shown in Figure 2-21 of the Draft EIR, is located within 1,500 feet of the UPRR tracks.

As discussed on page 4.11-39 of the Draft SEIR, the Education Code identifies the need for a safety study to be prepared for sites within 1,500 of a railroad track. The safety study is expected to analyze safety related to the nature of train traffic on the rail line, the conditions of the rail line, railroad crossings, potential presence of high pressure gas lines that could be affected by train derailment, and evacuation plans. The study is also required to identify “possible and reasonable mitigation measures” should any safety issues be identified. The requirement for a safety study pursuant to CCR section 14010(d) does not mean that the site is necessarily unsafe or may not be an appropriate site for a school. In fact, CCR section 14010 identifies several characteristics that disqualify a site for a school, including active earthquake faults, liquefaction zones, and flood prone or dam inundation zones, but railroad tracks are not on this list. Rather, as required by State Code and Mitigation Measure 4.11-6, a safety study must be prepared to demonstrate that the proposed location and design of the school would ensure that students would not be unreasonably exposed to risks associated with train accidents.

As discussed in Response to Comment A6-5, project-specific designs for the development of a future school, including the site, size and design of a school within a the RSP Area, are not available at this time. The conclusions of a safety study at a future school developed within the RSP Area would depend on a variety of factors, including distance and angle to the tracks, both horizontally and vertically. For example, a school located several stories above the tracks would not be at the same risk as a school located at the same elevation of the tracks. Since these and other factors, or even whether a school would be located within the RSP Area, are unknown at this time, it would be premature to conduct a safety study, draw conclusions about the safety or related risks of any particular site, or to identify mitigation measures. Mitigation Measure 4.11-6, which requires that the school site and design be determined to be safe, is an appropriate standard and is consistent with the requirements of CCR section 14010(d).

Please also see Responses to Comments A6-23 and A6-27.

A6-31 The Draft SEIR inadvertently referred to the California Education Code. As such, the following change is made to Draft SEIR page 4.11-31, third complete paragraph:

The California Code of Regulations (CCR), Title 5, ~~Education Code governs all aspects of education within the state.~~ Title 5, Division 1, Chapter 13, Subchapter 1, Article 2 outlines minimum requirements for the placement of schools, and specifically addresses placement of school sites in proximity to railroad tracks, as shown below.

Page 4.11-39, third full paragraph, the first sentence is revised to read:

The California ~~Education~~ Code of Regulations establishes threshold for development of new school sites. Section 14010(d) specifically outlines measures to be taken if a school is proposed within 1,500 feet of a railroad track due to the potential risk to students.

Page 4.11-39, fourth full paragraph, the first sentence is revised to read:

The ~~Education~~ California Code of Regulations also requires that certain findings be made for new school sites within State-funded school districts, including a finding that a natural gas pipeline does not run through the school site.

Page 4.11-40, Mitigation Measure 4.11-6, the last sentence is revised to read:

*In the event these conditions cannot be satisfied, SCUSD shall proceed in a manner than complies with California ~~Education~~ Code of Regulations, Title 5, section 14010(d).*

Mitigation Measure 4.11-6 establishes the requirement for study of safety concerns for any future school site to be located within 1,500 feet of the UPRR railroad line within the RSP Area. While it recognizes that the precise location of a school site within the RSP Area has not yet been established, it does not improperly defer mitigation. CEQA Guidelines section 15126.4 (a)(1)(B) establishes that “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” In this case, the measure establishes the requirements for a future safety study, and articulates a performance standard to be achieved (i.e., “school design and construction would not expose students to risks associated with train accidents”). Further, it provides alternative direction for conditions if the performance standard cannot be met, requiring SCUSD to comply with section 14010(d) of the CCR. Since the need, size, nature, and location of a future school in the RSP Area has not been established, it would be practically impossible to provide greater level of detail in mitigation than is currently provided in Mitigation Measure 4.11-5. This measure meets the requirements for mitigation that have been established under CEQA.

Please also see Response to Comment A6-30.

A6-32

As is explained in Response to Comment A6-30, the characteristics of the potential sites within the RSP Area do not trigger any criteria in CCR section 14010(d) that would preclude the potential for their use for a school site. As stated on page 4.11-36 of the Draft SEIR, the finding that the impact on school facilities would be less than significant is based on the payment of development fees. The potential for developing a new school within the RSP Area is noted, but

is not proposed as the reason for finding the impact less than significant, nor as mitigation. Nonetheless, as indicated in Response to Comment A6-48, the applicant is willing to locate a school within the RSP Area at a site that is satisfactory to the SCUSD.

- A6-33 Chapter 6 of the Draft SEIR contains a robust discussion of alternatives, including three alternatives to the full RSPU and additional alternatives specific to the KP Medical Center, the MLS Stadium and the Stormwater Outfall. Two of these alternatives, Alternatives 1 and 3, would generate fewer students and would therefore have less of an impact on schools. As discussed in Responses to Comments A6-5, A6-30 and A6-32, the impact on school facilities was not significant, so it is not necessary to provide an alternative to address this issue. The one impact related to schools (Impact 4.11-6 regarding locating a school within 1,500 feet of a rail line) would occur regardless of where a school is located, because the areas that would be available would be within 1,500 of the tracks. Further, that impact could be reduced to a less-than-significant level through implementation of Mitigation Measure 4.11-6.
- A6-34 As stated on page 4.11-39 of the Draft EIR, and clarified in Chapter 2, Revisions to the Draft SEIR, the petroleum pipeline (formerly characterized as a natural gas pipeline) no longer runs through the RSP Area. The petroleum pipeline was relocated to the northwest boundary of the RSP Area and runs along the periphery of the RSP Area between North B Street and Bercut Drive. The petroleum pipeline no longer travels beneath or through any development parcels. Therefore, there would be no natural gas or petroleum pipeline running through any school site located within the RSP Area. Since the pipeline has already been relocated, there would be no risks to existing or future uses, including a school, from relocation of the petroleum pipeline, and a school site within the RSP Area would comply with school facilities siting requirements (Title 5, CCR section 14011(h)).
- A6-35 CEQA requires that an EIR evaluate the effects of a project on the physical environment. More specifically, under CEQA, economic and social effects are relevant only insofar as they may serve as a link in a chain of cause and effect that may connect the proposed action with a physical environmental effect, or they may be part of the factors considered in determining the significance of a physical environmental effect. The comment includes no discussion or evidence that suggests a connection between the impacts on staffing requirements and the physical environmental effects of the proposed RSPU. Furthermore, it would be speculative at this time to anticipate staffing levels and operational considerations (e.g., staff hours), because the location, number and other aspects of future schools are unknown. As such, there is no basis upon which to require the project to implement the measures suggested in this comment.

The comment does not suggest or provide evidence that economic impacts on the school district might somehow result in urban decay. With up to 6 million square feet of non-residential space and 6,000 to 10,000 residential units, the RSPU would generate substantial increases in property tax revenue, a large portion of which would go to the SCUSD.

For a discussion of traffic impacts, please see Responses to Comments A6-23, A6-25 and A6-27.

- A6-36 Curriculum is not a physical attribute of the environment, and the comment provides no evidence to suggest that curriculum is connected to or otherwise related to a physical change in the environment. As such, pursuant to State CEQA Guidelines section 15131, this issue is not therefore subject to CEQA analysis. Please see Response to Comment A6-5. Furthermore, the curriculum and programs that may be offered at a school or schools serving project children has yet to be determined, so it would be speculative to discuss whether such programs could have impacts on the environment beyond the impacts already discussed in the Draft SEIR. Please also see Response to Comment A6-35 for a discussion of CEQA's consideration of social and economic effects, such as effects to curriculum.
- A6-37 Please see Responses to Comments A6-5, A6-9 and A6-11 related to student enrollment and related impacts of the proposed RSPU. The mandate to find impacts on school facilities to be fully mitigated by payment of developer fees applies to both existing plus project and cumulative analyses.
- A6-38 Please see Responses to Comments A6-15 and A6-48 regarding consultation with the school district.
- The Draft SEIR evaluates the impacts of buildings with heights of 85 to 450+ feet (building heights are limited to 24 feet and 40 feet in some portions of the Central Shops, but a potential school site has not been identified in those areas). A school located within the RSP Area would be urban in character, and therefore could be multiple stories. A stand-alone elementary school is not likely to be more than 6 stories tall, so it would be consistent with the heights analyzed in the Draft SEIR. If a school were located within a residential or commercial building, that building would comply with the height limits of the RSPU. Therefore, the visual effects of an urban-style school located within the RSP Area are within the programmatic assumptions and visual analysis of the Draft SEIR.
- A6-39 As discussed on page 4.2-68 of the Draft SEIR, mid- to high-rise buildings can result in increased ground-level wind speeds, resulting in a wind hazard. Depending on its orientation, relationship to surrounding buildings, and design (e.g., with or without wind-break features; recreational areas provided outside or within a building, orientation of the building to wind), a rooftop recreational area

could also be subjected to wind. However, as discussed in Response to Comment A6-14, specific information regarding the siting, size and design of a school within the RSP Area is not known at this time. If and when a school facility is proposed to be located within the RSP Area, it will be subject to CEQA review, which would include identify any safety-related impacts, such as locating a recreation area on a rooftop.

A6-40 When the analysis of air quality impacts was being conducted, one of the first steps in the analysis was to evaluate the location of the closest sensitive receptors, which included the locations of future land uses that would be zoned as residences, schools/daycares, and medical facilities. The analysis found that the closest receptors to sources of air pollution were residences and medical facilities (near the proposed KP Medical Center). The analysis focused on the closest receptors because they represent the locations where health risks would be the highest. Impacts at other sensitive receptors located farther from sources of air pollutants, such as schools, would result in health risks lower than the worst-case impacts. Since all of the modeled worst-case impacts were found to be less than significant, the impacts at schools would also be less than significant.

A6-41 As explained on page 1-4 of the Draft SEIR, the SEIR has the characteristics of both a Program EIR and a Project EIR. Based on the project description, the Draft SEIR includes more detailed analyses and air quality modeling of the KP Medical Center, MLS Stadium and Stormwater Outfall. The analysis of the overall RSPU, including those zones that allow residential development, is consistent with the programmatic level of detail in the proposed entitlements and other project approvals.

As further explained on page 1-5 of the Draft SEIR, the proposed RSPU provides the regulatory and policy framework for future development, but does not identify and/or describe specific projects aside from the KP Medical Center, MLS Stadium, and Stormwater Outfall project components. The proposed RSPU provides for 6,000 to 10,000 residential units, and identifies the zones in which residential development could occur, but does not indicate where or when specific residential or mixed-use (with residential) projects would occur, or the exact number or design of the future uses. Therefore, the Draft SEIR addresses residential impacts, including impacts related to schools, at a programmatic level. For example, the Draft SEIR reports that 1,140 to 1,900 students would be generated using SCUSD generation rates, and that these students would attend SCUSD schools. However, it is reasonable to assume that the residential units would be built over up to 20 or more years, and, as discussed in Response to Comment A6-5, enrollment levels and characteristics for the SCUSD would change over time. Therefore, it would not be appropriate or reasonable to make assumptions about the exact number of students who would be expected to attend specific schools.

Further, as discussed in Response to Comment A6-12, SACOG has developed generation rates that are more reflective of the type of high density development that would occur within the RSP Area. These rates indicate that there would be 400 to 700 elementary school students. At this level, it may be that the school site identified in the proposed RSPU would be adequate to accommodate most or all students living within the RSP Area.

A6-42 SMAQMD's Guide to Air Quality Assessment in Sacramento County (CEQA Guide) provides direction on how to analyze air quality impacts resulting from existing sources, stating that lead agencies are not required by CEQA to analyze the impact of the existing environmental conditions on a proposed project's new receptors unless the project will exacerbate the existing environmental hazards or conditions.<sup>16,17</sup> The proposed RSPU would not increase locomotive use, increase the frequency of locomotives, or otherwise affect the operations of existing locomotive operations through the RSP Area. Consequently, health risks from locomotive emissions were not quantified.

A6-43 The evaluation of potential wind speeds in Sacramento and wind's effects on the RSP Area was included in the Draft SEIR because it was previously included in the 2007 RSP EIR. Because the City of Sacramento does not have its own wind speed safety or comfort thresholds, evaluation criteria and methodology used in the City of San Francisco was adapted for applicability to the RSPU project. To translate windspeed data to comfort and safety thresholds, mathematical computations must be made to convert windspeeds and gusts to one-hour average wind speeds.

To make this translation, San Francisco wind speeds were measured at a downtown meteorological station for roughly one minute each hour, measurements that are directly compatible with the Comfort Criteria defined in the San Francisco Planning Code. In contrast, the San Francisco Planning Code defines the Hazard Criterion in terms of a one-hour average wind speed. For that reason, the one-hour speed must be restated as an equivalent one-minute wind speed for direct use with the wind data from that meteorological station. Therefore, converting the 26 mph one-hour average windspeed criterion to a one-minute equivalency yields a 36 mph windspeed. The 36 mph windspeed allows modelers to use the windspeed data directly. This is explained in detail in a peer-reviewed paper by Arens et al.<sup>18</sup> that discusses the San Francisco wind ordinance.

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<sup>16</sup> Sacramento Metropolitan Air Quality Management District, 2009. Guide to Air Quality Assessment in Sacramento County. Chapter 5, TAC Emissions, pp. 5-7 and 5-8. December 2009. Updated June 2016.

<sup>17</sup> *California Building Industry Association v. Bay Area Air Quality Management District*. 2015 62 Cal. 4th 369.

<sup>18</sup> Arens, E., D. Ballanti, C. Bennett, S. Guldman, and B. White. 1989. "Developing the San Francisco Wind Ordinance and Its Guidelines for Compliance." *Building and Environment*, Vol. 24, No. 4, pp. 297-303.

- A6-44 The commenter is correct that the Draft SEIR evaluates whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan. However, the commenter incorrectly states that the analysis does not provide a meaningful basis from which decision-makers and the public can review and analyze impacts. As stated in the Draft SEIR Air Quality section and confirmed with SACOG in their comment letter (see Comment Letter A10), the proposed RSPU is consistent with the land uses (and transportation network) used to develop SACOG's MTP/SCS. The 2013 Revisions to the Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan<sup>19</sup> prepared and implemented by SMAQMD is based on the land uses and transportation network in SACOG's previous 2012 MTP/SCS. Relevant information from the 2012 MTP/SCS was incorporated into the 2016 MTP/SCS, including land use assumptions for the RSP Area. Since the RSPU is consistent with the 2016 MTP/SCS, it would not conflict with or obstruct implementation of SMAQMD's air quality plans.
- A6-45 The Draft SEIR appropriately refers to the 2007 RSP EIR because, as stated on page 1-1 of the Draft SEIR, the SEIR addresses the changes to the adopted 2007 RSP proposed under the RSPU, and evaluates whether those changes would result in new or substantially more severe significant impacts as compared to the current baseline of existing environmental conditions. This analysis can only be done by comparing the impacts of the RSPU to the impacts identified in the 2007 RSP EIR. This approach is consistent with CEQA Guidelines section 15162.
- Among the changes that the proposed RSPU would make to the 2007 RSP are the provisions for the proposed KP Medical Center and MLS Stadium projects. In part because these projects were not considered in the 2007 RSP EIR, the City determined the need for a Subsequent EIR.
- A6-46 For the RSPU, the expected construction schedules are known for the MLS Stadium and the KP Medical Center. Since these schedules would overlap, the construction emission estimates account for potential overlapping construction schedules between the RSPU development and the KP Medical Center and the MLS Stadium. Development of uses within the RSPU were anticipated to occur over approximately 20 years, as stated on page 4.2-40 of the Draft SEIR. Construction of individual residences and non-residential buildings (which could include a school) under the RSPU could occur sequentially or concurrently as dictated by market conditions. For the analysis presented in the Draft SEIR for the Railyards Specific Plan Update scenario, it is conservatively assumed that the construction of the KP Medical Center, MLS Stadium and developments

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<sup>19</sup> Sacramento Metropolitan Air Quality Management District. 2013. 2013 Revisions to the Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (2013 SIP Revisions). September 26, 2013.

proposed under the RSPU would overlap, as stated on page 4.2-40 of the Draft SEIR.

In contrast, the precise construction schedule is unknown for the land uses comprising the RSPU Land Use Variant, which would not include the KP Medical Center or MLS Stadium. Individual uses that could be constructed under the Land Use Variant include residences, commercial buildings, schools, cultural amenities, open space areas and public plazas, public utilities and infrastructure, or things of the like. The timing of development for these types of uses would be market-driven. Consequently, the Land Use Variant's construction emission estimates assume a uniform level of acreage would be developed annually for 20 years. With this approach, construction of several land uses could overlap, including residences and schools.

If the amount of developed acreage in any year were to exceed the annual average assumed in the air analysis, the impacts of that development would still be mitigated because the construction mitigation measure requires payment of a per-acre-developed fee, as explained in Response to Comment A7-3. This per acre fee ensures that developed acreage in any year would be fully mitigated, and would not be dependent on the 20-year average assumed in the Draft SEIR. SMAQMD will use those fees to purchase emission reductions that would offset the increase in construction emissions.

A6-47 State CEQA Guidelines section 15125(d) states that “[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” The Draft SEIR includes a discussion of the project's consistency with Goal ERC 1.1, and specifically policies ERC 1.1.1 through ERC 1.1.4 in the 2035 General Plan. Policy ERC 1.1.1 requires the City to work with school districts to provide schools and school sites in neighborhoods they serve. Policy ERC 1.1.2 requires the City to assist in the reservation of school sites and establishes locational criteria for schools that relate to accessibility, safety, and compatibility with adjacent uses. Policy ERC 1.1.3 requires the City to work with the school districts to explore use of smaller sites and higher intensity facilities (multi-story buildings). Finally, policy ERC 1.1.4 requires the City to work with school districts to explore opportunities for joint use facilities.

The Draft SEIR states that “[t]he RSPU provides for an urban school within the SCUSD portion of the RSP Area. Consistent with policies ERC 1.1.1 through ERC 1.1.3, the developer would coordinate school needs with SCUSD to achieve optimum school siting. In addition, developers would pay the appropriate fees and consult with the two school districts to ensure adequate school needs are met.” Related to policy ERC 1.1.4, the Draft SEIR discussion notes that a joint-use facility could be developed if consistent with the type of school that would be

developed in the RSP Area. The overall conclusion in the Draft SEIR is that the proposed projects would be consistent with each of the 2035 General Plan goals and policies related to the provision of public school services.

Given that the proposed project allows for one or more school sites within the RSP Area and the District's policy allowing open enrollment, students within the RSP Area would have similar opportunities and access to educational services as other students in the District. Therefore, the RSPU would not result in inequity with other students.

Please see Responses to Comments A6-30 and A6-34 for a discussion of railroad tracks and the petroleum pipeline (formerly characterized as a natural gas pipeline). With implementation of Mitigation Measure 4.11-6, a school sited within the RSP Area would not be subject to undue risk from proximity to railroad tracks or the petroleum pipeline near the northwest corner of the RSP Area. Additionally, the project applicant will continue to coordinate with SCUSD for appropriate location(s) for school siting in the RSP Area. Please also see Response to Comment A6-12.

A6-48

ERC 1.1.1 through 1.1.4 are 2035 General Plan policies that call for the City to coordinate and cooperate with the school district in long range planning for school facilities, and ensuring that school locations take into account student safety and other relevant considerations. As General Plan policies these identify relevant aspirations and goals, and the Draft SEIR has adequately identified and discussed the applicable policies (see discussion on pages 4.11-32 and 4.11-33).

The SCUSD assertions regarding communication relating to the project in question are, in the City's view, inaccurate in terms of the City's commitment to supporting the school district's efforts to provide adequate facilities and safe locations for schools. Regardless of the SCUSD's view of the City's long-term commitment to cooperation, however, the SCUSD has been contacted regarding the proposed RSPU project, and the project has complied with the City's requirements regarding school facilities and planning. For example, the SCUSD was contacted during preparation of the Draft SEIR (see Response to Comment A6-3). In addition, the applicant met with SCUSD staff on April 5, 2016 and August 3, 2016 and additional discussions are ongoing. Based on those discussions, the applicant has proposed an additional potential school site at the northeast corner of the intersection of Railyards Boulevard and 5<sup>th</sup> Street. This site is farther from the UPRR railroad tracks although it would still require a safety study because it is within 1,500 feet of the tracks. The site is also kitty corner to Vista Park, which could contain joint use facilities, such as recreational fields.

The Draft SEIR adequately identified the issues raised by the school district, and reasonably concluded that the project as proposed is consistent with the 2035

General Plan goals and policies cited by the school district. No further response is required.

A6-49 Please see Responses to Comments A6-1 through A6-48.

July 27, 2016

Submitted Via Email

Scott Johnson, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
SRJohnson@cityofsacramento.org

**Subject:** *Notice of Availability- Draft Subsequent Environmental Impact Report for the Sacramento Railyards specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall project (P15-040)*

Mr. Johnson,

The Sacramento Metropolitan Air Quality Management District (The District) thanks you for the opportunity to comment on environmental document for the Railyards Specific Plan Update (RSPU). The District is required by law to “represent the citizens of the Sacramento district in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality within the Sacramento district<sup>1</sup>. We offer our comments in that spirit.

*Operational Mitigation:*

The project previously included the 2007 Air Quality Mitigation Plan. The plan will continue to be implemented as described in Chapter 4.2 and Appendix C.2. Please clarify the implementation status of the following measures from the 2007 plan:

**Measure 10a:** Employee and/or customer parking: The original measure include a requirement that “all” employee and customer parking in the specific plan area would be paid, and that customer and employee validations would not be allowed. The measure from the RSPU, described in table 4.2-8 on page 4.2-35 states that “most” parking for non-employees/residents would be charged.

Text from measure 10a of the Railyards Final Air Quality Mitigation Plan, Submitted to the District on 11/9/2007:

*All daily parking will be charged at rates that are equal to or greater than the cost of Sacramento Regional Transit day passes plus 20%. Monthly charges for parking will be equal to or greater than the cost of an RT monthly pass plus 20%. There will be no customer or employee validations for parking. Pursuant to the Mitigation Monitoring Plan and as incorporated by reference in the*

<sup>1</sup> California Health and Safety Code §40961

*Railyards Development Agreement, this measure shall run with the land and shall bind all successors, assigns, and other subsequent owners and tenants of the property.*

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(cont.)

If paid parking is no longer compulsory for all employees and customers as originally described, please modify the plan to require paid parking or submit alternate mitigation.

**Measure 21:** The original AQMP included an affordable housing measure quantifying the emission benefits associated with this housing type. Please describe in greater detail if the ratio of affordable housing described in the 2007 plan is the same in the RSPU. If the ratio has changed, please update the measure to reflect the new data.

2

*Construction Mitigation:*

Projects within the Railyards specific plan area currently pay a per-acre fee to mitigate construction emissions.-Mitigation Measure 4.2-2 (d) in the Air Quality section should specify that the proponents for the MLS arena & Kaiser Hospital Facility will also participate in this mitigation fee program.

3

*Non-CEQA Design Comments:*

The project is bisected by Interstate 5 and the Union Pacific Mainline. Please consider the following, either as design features or conditions of approval.

- Enhanced Indoor Filtration: SMAQMD recommends that the City of Sacramento require enhanced indoor filtration as a condition of approval for all residential units. The filtration shall be certified by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and equivalent to or greater than that provided by MERV 13 filters (as defined by ASHRAE standard 52.2). Enhanced filtration shall be provided to all units in the buildings. A licensed mechanical engineer, or an individual authorized by California Business and Professions Code Sections 6700-6799 to design mechanical ventilation systems, should be consulted. Building permit documents should incorporate all designs and details necessary for the construction of the enhanced ventilation system. The ventilation systems installed should be properly maintained as specified by the manufacturer. A fixed notice should be placed on the filter compartment door of each ventilation unit advising that MERV 13 (or greater) filters shall be used per local law.
- Vegetative Barrier: The project should incorporate trees to aid in dispersion and reduce exposure to toxic air contaminants. Trees should be placed consistent with the US Environmental Protection Agency’s “Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality.”<sup>2</sup>

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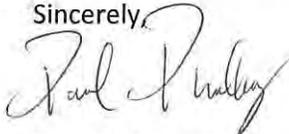
<sup>2</sup> Baldauf, R. Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality. US Environmental Protection Agency, Cincinnati, OH, EPA/600/R-16/072, 2016. [https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?dirEntryId=321772](https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=321772)

- Restore lost North/South connectivity: The Air District is concerned that the replacement of the 7th street pedestrian/bicycle pathway with a 2nd Green Line track will create a substantial obstacle to pedestrian and bicycle travel between the rail yards (in particular the Soccer Arena) and downtown. Previous versions of the Railyards Specific plan included additional connectivity; the District recommends that the City look for opportunities to provide additional north-south connectivity between 6<sup>th</sup> and 12<sup>th</sup> streets along the projects southern boundary. 5
- Low-Emission transportation between Kaiser Facilities: Please indicate if the proposed Kaiser facility in the RSPU will be operationally linked the planned Kaiser facility at 5<sup>th</sup> and J streets. If substantial travel is anticipated between the two facilities, the City should consider requiring the facilities to operate a shuttle service with the lowest-emission shuttles available for patrons & staff. 6

*General Comments:*

All projects are subject to District rules in effect at the time of construction. A complete listing of current rules is available at [www.airquality.org](http://www.airquality.org) or by calling (916) 874-4800. The District thanks the project proponents for the opportunity to comment on this project. If you have additional questions or require further assistance, please contact Joseph Hurley at (916) 874-2694 or [jhurley@airquality.org](mailto:jhurley@airquality.org).

Sincerely,



Paul Philley, AICP  
Program Coordinator  
Land Use & Transportation Program

## **SMAQMD Rules & Regulations Statement (revised 3/12)**

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules in effect at the time of construction. A complete listing of current rules is available at [www.airquality.org](http://www.airquality.org) or by calling 916.874.4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

**Rule 201: General Permit Requirements.** Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the SMAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

**Rule 403: Fugitive Dust.** The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

**Rule 414: Water Heaters, Boilers and Process Heaters Rated Less Than 1,000,000 BTU PER Hour.** The developer or contractor is required to install water heaters (including residence water heaters), boilers or process heaters that comply with the emission limits specified in the rule.

**Rule 417: Wood Burning Appliances.** This rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

**Rule 442: Architectural Coatings.** The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

**Rule 460: Adhesives and Sealants.** The developer or contractor is required to use adhesives and sealants that comply with the volatile organic compound content limits specified in the rule.

**Rule 902: Asbestos.** The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

**Naturally Occurring Asbestos:** The developer or contractor is required to notify SMAQMD of earth moving projects, greater than 1 acre in size in areas "Moderately Likely to Contain Asbestos" within eastern Sacramento County. Asbestos Airborne Toxic Control Measures, Section 93105 & 93106 contain specific requirements for surveying, notification, and handling soil that contains naturally occurring asbestos.

**Letter A7 Response**      **Paul Philley, Sacramento Metropolitan Air Quality Management District (SMAQMD)**  
July 27, 2016

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A7-1      The 2007 RSP, as originally proposed, did not incorporate as part of its project description measures that would directly reduce air emissions to the extent required by SMAQMD. As a result, a 2007 Air Quality Mitigation Plan (AQMP) was established to identify specific measures to serve as mitigation and reduce ROG and NOx emissions.<sup>20</sup> The RSPU takes a different development and design approach than the 2007 RSP and includes design features that would reduce air emissions during project operation. Some of those features that are part of the proposed RSPU and RSPU Land Use Variant are the same as measures that were previously included in the 2007 AQMP, as described in Table 4.2-8 of the Draft SEIR. Measures that were required previously to reduce air emissions under the 2007 AQMP are proposed to be incorporated into the RSPU by design. As a result of incorporating those measures into the project description, the Draft SEIR air quality analysis found that measures that are proposed to be incorporated as part of the RSPU design, when applied to the RSPU and the RSPU Land Use Variant, would reduce ROG and NOx by more than the 15% goal established by SMAQMD. Thus, neither the 2007 AQMP nor a new AQMP would be needed or required, and no further mitigation is warranted.<sup>21</sup>

Under the proposed RSPU, parking throughout the entire RSP Area is intended to be paid parking, with exceptions. As specifically described in Table 4.2-8, the majority of parking for future RSPU non-employees and customers would be charged at a rate at least equal to the cost of a Sacramento Regional Transit Pass plus 20%. Non-employees and customers to the RSP Area would likely be charged for parking, although a voucher system or other user reimbursement agreement may be operated in some portions of the RSP Area.

A7-2      As described on page 3-50 of the Draft SEIR, the proposed project would comply with the Mixed Income Housing Ordinance adopted by the City on September 1, 2015. Based on existing regulatory agreements in place, approximately 267 housing units in the RSP Area would be affordable units restricted as affordable for not less 30 years in accordance with the requirements imposed by acceptance of Proposition 1C funds. Consistent with the Mixed Income Housing Strategy developed for the RSPU, a strategy for achievement of

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<sup>20</sup> City of Sacramento. 2007. Railyards Specific Plan Environmental Impact Report (SCH No. 2006032058). The Railyards – Final Air Quality Mitigation Plan. November 9, 2007. Certified December 11, 2007. Appendix D.

<sup>21</sup> City of Sacramento. 2016. Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall Draft Subsequent Environmental Impact Report. SCH No. 2006032058. June 2016. p. 4.2-51 through 4.2-58.

mixed income housing goals within the RSP Area will be approved for entitlement by the City.

- A7-3 The proponents for the MLS Stadium and the KP Medical Center will participate in the current Railyards per-acre fee program that is designed to mitigate construction NOx emissions. Mitigation Measure 4.2-2(d) in Section 4.2, Air Quality, of the Draft SEIR has been revised as follows:

Project applicants shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NOx that exceed SMAQMD's daily emission threshold of 85 lbs/day. ~~The project applicants shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the applicable current SMAQMD Fee. The applicants shall keep track of actual equipment use and their NOx emissions so that mitigation fees can be adjusted accordingly for payment to the SMAQMD. Fees shall be paid to SMAQMD based upon the previously agreed upon Railyards Specific Plan fee of \$2,603 per acre developed.~~

- A7-4 The City acknowledges the non-CEQA design features submitted by the commenter regarding enhanced indoor filtration and vegetative barriers. The City will encourage applicants to incorporate these features into project designs in situations where these features are feasible and cost-effective.

- A7-5 As shown in the Draft SEIR on Figure 2-15, the RSPU will provide a Class 1 Trail on 6<sup>th</sup> Street and 12<sup>th</sup> Street and a Class 2 Lane on 5<sup>th</sup> Street to provide north-south bicycle connectivity between the RSP Area and downtown. Additional north-south vehicular, pedestrian, and bicycle connections between 6<sup>th</sup> Street and 12<sup>th</sup> Street are not proposed.

- A7-6 As discussed on pages 2-80 and 2-81 of the Draft SEIR, Kaiser member traffic between Kaiser's 501 J Street medical office building and the Railyards KP Medical Center campus is expected to be minimal and a shuttle is not contemplated at this time. The facilities are independent with very little or no regular levels of traffic anticipated between them. Rather, members will travel to one or the other facilities based on where their appointment is scheduled. Similarly, KP staff traffic between the facilities would also be minimal, and potentially will include only the regularly scheduled courier cars that move medical supplies and lab samples between facilities. As a result, shuttle service is not expected to result in any appreciable decrease in operational emissions.



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July 27, 2016

Scott Johnson  
Associate Planner  
City of Sacramento, Community Development  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Subject: Sacramento Railyards SP Update, KP Medical Center, MLS Stadium DSEIR (P15-040)

Dear Mr. Johnson,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report (SEIR) for the Sacramento Railyards Specific Plan Update, KP Medical Center, and MLS Stadium. In an effort to be prepared for the opening of the stadium, Sacramento Regional Transit District (RT) staff has committed to working with the applicant and City staff to have a plan in place so that the community will be efficiently and safely served by transit in a cost-effective manner. RT staff has the following comments on the Draft SEIR and Event Transportation Management Plan (ETMP).

1. RT staff has been meeting with City staff, the applicant, and consultants to discuss the transit infrastructure needed to serve the Railyards development. The following items should be documented in the Final SEIR:
  - a. Ongoing coordination will be required to ensure RT's future light rail expansion plans are not impacted, that necessary right of way is reserved, and that funding committed by the Railyards Specific Plan for transit is used to build the necessary light rail infrastructure needed to serve the stadium and other Railyards development.
  - b. Please show the Railyards station footprint on the SEIR's Figures 12-13 a and b.
  - c. Include construction of both Railyards station platforms and double-tracking of light rail on 7<sup>th</sup> Street as improvements being funded by the I-5 Subregional Corridor Mitigation Program fee.
  - d. The project will provide a "passenger queueing area/plaza" adjacent to both the interim and built-out Railyards Station platforms, developed, designed, constructed and maintained by third parties. The purpose of this space will be to accommodate



the passengers waiting for transit, as the standard boarding platform will be insufficient in size to accommodate the spatial needs of event crowds. The passenger queueing areas will need to be sized based on standard space requirements for pedestrians and the forecasted event crowds exiting the stadium post-events. How the design and operational interface (e.g., pedestrian flows, bike parking if any, gated in some way, hours of operation and open to the public, etc.) will need to be worked out in concert with the Developer, the City and RT to ensure the passenger queueing areas do not become a haven for "inappropriate uses" during non-event periods. The Developer, not RT, will maintain ownership and control over these areas and will be required to eliminate "inappropriate uses" during non-event time periods and for maintenance purposes.

- e. Railroad crossing arms may be required at all intersections and should be incorporated into the project's street improvement plan alternatives so that their impacts may be considered.
  - f. Provide bus stops following RT's specifications; locations and design to be reviewed and approved by RT staff.
  - g. RT must approve the tentative map and transportation cross sections.
2. The Draft SEIR and TMP are assuming new bus service will be provided to the stadium and Kaiser Hospital, to which RT cannot commit at this time. Kaiser should plan to provide shuttle service for employees and customers to connect to the most convenient light rail station.
  3. The proposed projects will be generating unique transit demands that were not anticipated with the adoption of the 2007 Railyards Specific Plan and light rail operations will serve as a substantial environmental mitigation for traffic. These demands will require transit service beyond existing or planned levels of service and RT requests that a percentage of parking fees (or some other on-going revenue stream) from the Railyards development be set aside and provided to RT to subsidize light rail operations specifically serving the Railyards area after the Railyards station is built.
  4. Mitigation measures requiring a Transportation Demand Management Program should include providing transit subsidies for employees.
  5. RT staff would like to see an analysis in the SEIR of the operational impacts on light rail and future streetcar when multiple events take place at the same time. RT is concerned there may be conflicts with trains serving each event, lack of places to stage vehicles, and lack of light rail vehicles available to serve multiple events occurring simultaneously.
  6. Please incorporate into a diagram in the ETMP the Railyards station (both platforms), Alkali Flat station, future Dos Rios station, and the 7<sup>th</sup> & I or Sacramento Valley Station, and pedestrian access to and from the stadium and the stations, and the areas where post-event queueing would take place at the Railyards station.
  7. For pedestrian access to/from Downtown Sacramento, it is unclear how the access will occur. We understand that the bicycle lane might be re-located from the west side of North 7<sup>th</sup> Street to North 6<sup>th</sup> and Railyards Boulevard (or the open space area

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shown north of Railyards). However, as pedestrians and bicycles tend to take the "path of shortest distance," our concern is that pedestrians and bicycles will utilize the 7<sup>th</sup> Street undercrossing walking (or riding) in the light rail trackway creating a significant safety risk to pedestrians and bicyclists. This presents a significant safety and operational concern, which has not been addressed or even acknowledged in the draft SEIR or ETMP. The applicant and City must work with RT to develop a design concept that eliminates the potential for pedestrians and bicycles to use the North 7<sup>th</sup> Street tracks for their access due to the potential safety hazard.

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- 8. The Final SEIR should state the existing capacity of the Blue Line and Gold Line on pages 4.12-23 & 24. There are stations on both lines ½ mile from the stadium; we see potential of some RT passengers walking to these stations rather than transferring to and from the Green Line.
- 9. Project construction cannot impact the operation of light rail service. For safety purposes, construction near the tracks will require coordination with RT. If impacts are determined to be unavoidable for limited periods of time, coordination with RT will be required. Working around or near the tracks may require RT supervision and compensation for RT staff time. The cost of any bus bridges associated with the project shutting down light rail service will also require compensation to RT.

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

Sincerely,



Jeffrey P. Damon, AICP  
Director, Long Range Planning

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**Letter A8**      **Jeffrey P. Damon, Sacramento Regional Transit (Sac RT)**  
**Response**      **July 27, 2016**

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- A8-1      The comments are noted. The applicant (Downtown Railyard Venture, LLC), the City, and Regional Transit have met and discussed the design of the street right-of-way and cross-section for 7<sup>th</sup> Street to accommodate the future light rail expansion plans. The right-of-way reservation included in the proposed Tentative Subdivision Map includes locations for light rail stations on the east and west sides of 7<sup>th</sup> Street north of Railyards Boulevard. As a condition of approval for the RSPU, notations will be made on the Tentative Subdivision Map to indicate the anticipated length of the station (approximately 350 feet). The RSPU Finance Plan would include an allocation of funds from development fees collected to support the cost of constructing the RT 7<sup>th</sup> Street/Railyards Boulevard light rail transit station.
- A8-2      Figures 12-13a and 12-13b have been renumbered to Figures 4.12-13a and 4.12-13b and included in Chapter 2, Revisions to the Draft SEIR. Additionally, Figures 4.12-13a and 13b have been revised to show the location of the planned light rail stations on 7<sup>th</sup> Street north of Railyards Boulevard. However, the station footprints are not shown because their dimensions are not known at this time. The primary purpose of these exhibits is to illustrate the planned widening and lane configurations of 7<sup>th</sup> Street under various scenarios, and not necessarily identify infrastructure for other modes of travel.
- A8-3      On April 5, 2016 the Sacramento City Council adopted the Voluntary I-5 Subregional Corridor Mitigation Fee Program (SCMP), including approval of a related nexus study and Supplemental Environmental Impact Report. The SCMP is a collaborative effort of the cities of Sacramento, West Sacramento, and Elk Grove, and was developed in consultation with SACOG and Caltrans. As adopted, the SCMP fee serves as CEQA mitigation for project effects on the regional highway system within the I-5 Subregional Corridor, and will be used to fund a portion of the costs of select freeway, local roadway, and transit improvement projects that will reduce vehicle delay and congested VMT on the freeway segments. The I-5 Subregional Corridor extends generally from the American River on the north, the western boundary of the City of West Sacramento on the west, the southern boundary of the City of Elk Grove on the south, and Highway 99 on the east.
- The SCMP is based, in part, on a nexus study that included consideration of a specific set of projects identified as the I-5 Subregional Corridor Improvement Plan (SCIP). The projects in Sacramento that are currently included in the SCIP, and which are subject to use of the SCMP fees, include:

- Downtown Natomas Airport – Extend light rail from Richards Blvd. to Natomas Center;
- Downtown Streetcar – Construct streetcar network from Intermodal Terminal in downtown Sacramento to West Sacramento (Phase 1); and south to R Street and Broadway corridors;
- American River Crossing – New bridges across the American River;
- Richards/Railyards – Reconstruct the I-5/Richards Blvd. interchange, including feasibility and pre-environmental studies, and 7<sup>th</sup> Street Widening and 6<sup>th</sup> Street Extension to Richards Blvd.;
- Sacramento River Crossings – Two new bridges across the Sacramento River;
- I-5 High Occupancy Vehicle (HOV) Lanes – Construct HOV lanes from Elk Grove Blvd. to U.S. 50;
- I-5 Ramp Meters and Detection Station – Ramp meters from Elk Grove Blvd. to Sutterville Road;
- I-5 Auxiliary/Transition Lane – Auxiliary lanes on I-5 from Florin Road to Pocket Road, U.S. 50 connector ramp to Sutterville Road off-ramp, U.S. 50 entrance to P Street on-ramp, and transition lane from Garden Highway off-ramp to Garden Highway on-ramp; and
- SR 99 Auxiliary/Transition Lanes – Northbound transition lane from Florin Road to 47<sup>th</sup> Avenue, and from 47<sup>th</sup> Avenue to Fruitridge Road, and southbound transition lane from Martin Luther King Blvd. to 47<sup>th</sup> Avenue.

Under the fee, the participating cities agree that the first priority for each city in allocating fees it has collected is to apply those funds towards construction of projects in the SCIP which are located within the jurisdictional boundaries of that city so as to benefit the new developments within that city which paid the fee. In its action to adopt the fee program, the City indicated its intent to work collaboratively with SACOG, Caltrans, and the other participating cities to prioritize and allocate available fees to projects that, together with funding from other sources, are ready to commence design and construction in order to mitigate impacts of new development on the freeway segments in the I-5 Subregional Corridor.

In accordance with the Mitigation Fee Act, the SCIP will be updated annually as may be needed, the SCMP will be reviewed every five years per Government Code §66006, and the estimated costs, funding sources, and amount of funds available for each transportation improvement project in the SCIP will be updated for those improvements which have not been completed.

The projects identified in the comment, including construction of the 7<sup>th</sup>/Railyards light rail station platforms and the double-tracking of light rail on 7<sup>th</sup> Street through the RSP Area, are not currently an explicit part of the SCIP. In the future, the City may consider addition of these projects to the SCIP as part of periodic updates of the SCIP or reviews of the SCMP.

A8-4 The project applicant and the City are coordinating with RT regarding the planning for the 7<sup>th</sup> Street/Railyards Boulevard light rail transit station. Specific design requirements such as the separation and use of public sidewalks and private paseos and properties, design of gates and signage, and establishment of operating hours will be determined in coordination with the project applicant, RT, and the City. Further operations information, such as RT's future policing of the light rail station, consistent with current practices, will be coordinated between DRV, the City, and RT.

With regard specifically to light rail usage as a result of the MLS Stadium, Table 4.12-29 in the Draft SEIR indicates that the MLS Stadium would have an expected 6% light rail mode split for attendees under baseline conditions. As discussed on page 4.12-116 of the Draft SEIR, and amended below, transit service enhancements may be needed to accommodate this level of light rail use.

To clarify the types of transit service improvements that may be implemented to support increased transit usage, the text on Draft SEIR page 4.12-116 under the Transit Mode Split header is revised:

#### **Transit Mode Split**

During a November 3, 2015 meeting with the applicant, RT, and City of Sacramento, RT officials expressed a willingness to work cooperatively with the City and the applicant to ensure that necessary light rail facilities and services would be in place by the time the proposed Stadium would open.<sup>22</sup> ~~Specific improvements identified as being necessary included~~ may include, but are not limited to:

- Construction of a new (either temporary or permanent) light rail station located on the east side of 7<sup>th</sup> Street north of Railyards Boulevard;
- Increased service frequency to accommodate special events (including 15-minute train headways and/or 3- or 4-car trains); and

<sup>22</sup> The MLS Stadium would be constructed initially with seating for 19,621 attendees and the capacity to accommodate concerts with an attendance up to 21,500 people. In the event that the potential improvements identified are not implemented, the transit mode split is estimated to decrease to 2% and the MLS Stadium could accommodate 21,500 total attendees without adversely affecting the transportation impact analysis.

- Increased service duration to accommodate transit riders after a Stadium event ends (e.g., service would extend until 10:30 PM or 11:00 PM for a 7:30 PM soccer match).

Page 4.12-116 in the Draft SEIR also describes how use of the Green Line would require a transfer to reach outlying destinations, whereas other slightly more remote stations would not. If enhancements to the Green Line service at the MLS Stadium (i.e., construct new station, increase service to 15-minute headways, and extend service hours to 11:00 PM) are not made, it is likely that a reduction in transit use would occur. However, attendees could still access the stadium from the Sacramento Valley Station (Gold Line) or Alkali Flat/La Valentina Station (Blue Line). So, if the Green Line was not a viable game-day light rail service option, then it is estimated that light rail mode split could decrease to 2%, meaning the percentage of all attendee trips made by vehicle would increase from 90% to 94%. This would cause the MLS Stadium pre-event peak hour trip generation to increase from 7,300 vehicle trips (per Table 4.12-30) to 7,622 vehicle trips. However, the Draft SEIR had assumed the MLS Stadium would have seating for 25,000 attendees. Under opening day conditions, seating for only 19,621 spectators is planned. Assuming a sold-out 19,621-attendee soccer match and no enhanced Green Line light rail service, the project would generate about 6,000 pre-event peak hour vehicle trips, which is 1,300 trips fewer than was analyzed and mitigated for in the Draft SEIR.<sup>23</sup>

The comment references the design and management of the future light rail station and is not a comment on the adequacy of the Draft SEIR.

- A8-5 As discussed in Response to Comment A8-4, DRV and the City will continue to coordinate with RT regarding the design of the future 7<sup>th</sup> Street/Railyards Boulevard light rail station, including any requirement for railroad crossing arms. The comment references the design and management of the future light rail station and is not a comment on the adequacy of the Draft SEIR.
- A8-6 The project is conditioned to coordinate with Regional Transit regarding the location of future bus stops to serve the RSP Area. The project applicant has begun work with RT to identify adjusted existing routes to bring future RT bus service into the RSP Area. To date, the discussions have included locating future stops. Over time the City and the applicant will continue to work with RT to identify the locations for future stops in light of existing built roads, developed uses within the RSP Area, and planned RT routes. It is anticipated that all future bus stops provided in the RSP Area would be designed to meet specifications identified by RT.

<sup>23</sup> The maximum seating capacity of the MLS Stadium could be 23,944 without exceeding the pre-event peak hour trip generation estimate used in the Draft SEIR transportation impact analysis.

A8-7 As part of its standard review process, the City provides RT the opportunity to review and comment on the Tentative Subdivision Map and street cross-sections, which include road, bike, pedestrian, and RT light rail locations and stations. The final TSM and street cross-sections would be subject to approval by the City and incorporate input from RT and other related stakeholders.

A8-8 The commenter implies that the Draft SEIR assumptions regarding the level of future bus service in the RSP Area are incorrect, based on the assertion that RT has not formally committed to extension of bus service in the area. Page 4.12-93 states that no additional adjustments (beyond the 0.5 percent bus mode split observed at Kaiser Morse Avenue) were made for bus ridership at the KP Medical Center. Table 4.12-21 shows a five percent AM peak hour and eight percent PM peak hour adjustment for light rail use, but no further reductions for bus service for trips to the KP Medical Center. As shown on Table 4.12-29, the MLS Stadium was assumed to have a six percent light rail mode split and a 0.5 percent bus mode split, which could be accommodated by extending regular bus hours (operated by RT, YoloBus, or other service providers) or special event charter buses. The bus mode split assumptions for the KP Medical Center and MLS Stadium do not rely upon assumed levels of bus service that RT is not able to commit to at this time.

The provision of such bus service is reasonably foreseeable based upon discussions with RT staff, who have provided the City with various possible bus service options. In addition, the provision of bus service need not be irrevocably or finally approved by the RT board in order for the existence of bus service to be included with the SEIR's projections of future conditions. The fact that RT has not formally approved future bus lines does not change the SEIR's conclusion that impacts with regard to access to public transit would be less than significant, and thus shuttle service, as suggested by the commenter, would not be required as mitigation. Notwithstanding that shuttle service is not required as mitigation, as discussed in the SEIR Project Description and Transportation chapters, shuttle service connecting the KP Medical Center to Regional Transit light rail stations will be considered, based on demand. Kaiser's future Transportation Demand Management program, which will incorporate several measures to reduce trip generation, may include providing shuttles to specific light rail stations, among other strategies, and will be considered at the discretion of Kaiser.

A8-9 The RSPU Finance Plan currently under development may include funding to support the development of transit infrastructure, but it would not include funding to support transit operating costs. As noted in Response to Comment A8-4, coordination between DRV, the City, and RT will continue as plans for transit improvements in the RSP Area evolve. The comment references financing for transit improvements and is not a comment on the adequacy of the Draft SEIR.

- A8-10 Pursuant to City Code Section 17.700.060, the applicant is required to submit a Transportation System Management Plan for review and approval of the City, Department of Public Works and pay all required fees prior to issuance of the building permit.
- A8-11 The comment requests an operational analysis of impacts on light rail and streetcar when multiple special events take place simultaneously. Between April 2014 and September 2015, there were only four days in which the Sacramento Kings played a home game on the same day that a west coast MLS soccer game was also played (i.e., San Jose Earthquakes home schedule was selected for comparison). Three of those four games started within one hour of each other, meaning that there would be overlapping light rail passenger demand. Other non-basketball events at Golden 1 Center will also occur, which could cause additional overlap with MLS soccer matches, though the timing of those events is not known. Thus, while it is possible/likely that some of these events could overlap, their frequency would be limited and would not dictate the need for additional light rail vehicles.

A more likely response to overlapping events will include greater emphasis on the Green Line for MLS soccer matches (including planned transfers to other stations that connect to the Blue and Gold lines), and the potential for special event bus service. At this time, a detailed operational assessment is not possible due to the uncertainty of how much ridership will occur (which may be dictated by the type of event, start time, and time of year), which LRT lines and stations will be used to a lesser/greater degree, and where LRT vehicles may be staged. Since most overlapping events will be held during evenings when light rail service is reduced (in terms of headways and number of cars per train), it is possible that there will be additional cars available to provide special event service. If LRT service is not expanded, LRT trains arriving at the 7<sup>th</sup> Street/Railyards Boulevard station may be full during overlapping events due to the demand for service in other parts of the network, and LRT trains may not have adequate capacity for MLS Stadium attendees. Additionally, transit headways may entice MLS attendees to walk to light rail stations farther away from the MLS Stadium, such as the Sacramento Valley Station or Alkali Flat/La Valentina station, which may shift service demands from the 7<sup>th</sup> Street/Railyards Boulevard station to other stations in the network. Therefore, there may be limitations to the service provided to the MLS Stadium due to demands for service on the system during overlapping events. It is noted that some urban areas with well-developed transit systems are currently accommodating simultaneous MLS and NBA events including Portland, Salt Lake City, and Oakland. It is anticipated that an update to the MLS Stadium Event TMP will be prepared in advance of the stadium's opening. By that time, details of Golden 1 Center operations (type and size of events, and transit ridership) will be known. Accordingly, the revised Event

TMP will address how an overlapping event could be handled from a LRT vehicle capacity, loading, and staging perspective.

A8-12 Figures 5 through 9 of the Event TMP show the planned LRT platform on the east side of 7th Street north of Railyards Boulevard. Because the TMP is intended to primarily address opening day / near-term operations, it purposefully does not show the future platform to be located on the west side of 7<sup>th</sup> Street, which would be constructed at a future date as part of the four-lane widening of 7<sup>th</sup> Street and double-tracking of the LRT line. These figures focus on access, parking, vehicle pick-up/drop-off, and traffic management in the immediate vicinity of the MLS Stadium. The comment's suggestion that more remote light rail stations be shown is noted. However, adding those stations would increase the overall map size, making it more challenging to see individual TMP components shown on these figures. Refer to Figure 4.12-7 for existing LRT stations including Alkali Flat/La Valentina and 7<sup>th</sup> Street/I Street. The planned Dos Rios Blue Line station is mentioned on page 4.12-139 of the Draft SEIR. In response to this comment, this new station is shown on the revised Planned Cumulative Roadway and Transit System Improvements exhibit on Figure 4.12-37, which is included in Chapter 2, Revisions to the Draft SEIR, of this document.

The comment requests that areas be identified for post-event queuing to take place at the 7<sup>th</sup> Street Green Line station. Since the station platform footprint and design has not yet been prepared, details regarding pedestrian queuing are not known at this time. As discussed in Response to Comment A8-4, the applicant and the City are coordinating with RT regarding the planning for the 7<sup>th</sup> Street/Railyards Boulevard light rail transit station. The design of this station will consider the need to store many pedestrians in a short amount of time to accommodate post-event surges in light rail ridership. Figure 9 of the Event TMP shows that the majority of attendees will be directed to the Pedestrian Plaza, which connects 7<sup>th</sup> Street and 8<sup>th</sup> Street, providing access to the planned light rail station. Additionally, pedestrians exiting the MLS Stadium on the south end would be able to walk along the north side of Railyards Boulevard to 7<sup>th</sup> Street to access light rail.

A8-13 Currently, bicycles and pedestrians are permitted to use the 7<sup>th</sup> Street UPRR undercrossing as a north-south connection point. Under cumulative conditions, as noted in the Draft SEIR on page 4.12-41, there would be no bicycle or pedestrian facilities on the 7<sup>th</sup> Street UPRR undercrossing when the 7<sup>th</sup> Street undercrossing is reconfigured to a four-lane roadway with a vehicle-only (inside) lane and a shared vehicle/LRT (outside) lane in each direction. The potential conversion of the 7<sup>th</sup> Street UPRR undercrossing to the configuration described on page 4.12-41 has been considered in the Draft SEIR under cumulative conditions because it may occur in the future. However, no decision to convert the street has been

made. Under cumulative conditions, north-south pedestrian and bicycle access would be provided on 6<sup>th</sup> Street to the west and 12<sup>th</sup> Street to the east. The City will coordinate with DRV to establish appropriate signage near the 7<sup>th</sup> Street UPRR undercrossing to direct pedestrians and bicycles to appropriate routes for both near-term and future conditions. Such provisions for signage will be noted on the tentative map. Double-tracking the light rail tracks on 7<sup>th</sup> Street is not an effect of the proposed projects; however, the RSPU would accommodate RT's plan for this change to the LRT network by setting aside adequate space to accommodate the improvement.

A8-14 The comment suggests that the walk distance and capacity of stations serving the Blue and Gold lines be documented. Page 4.12-23 of the Draft SEIR documents ridership and capacity of the Green Line, which would be the closest LRT line to the MLS Stadium. Figure 4.12-7 shows the nearest Gold and Blue line stations from the RSP Area. Page 4.12-94 notes that a transfer is required to access the Railyards Boulevard Green Line station from a Blue or Gold line train. Based on these conditions, page 4.12-116 indicates that some attendees may choose to walk to the Alkali Flat/La Valentina station to access the Blue Line. Others may choose to access the Gold Line at the 7<sup>th</sup> Street/I Street Station.

A8-15 The comments regarding the importance of avoiding disruption of RT light rail service are noted. All project construction with the potential to disrupt or otherwise affect RT service will be coordinated with RT in advance. Mitigation Measure 4.12-7 requires that prior to grading permits, project applicants in the RSP Area must submit a detailed Construction Traffic Management Plan (CTMP) that will be subject to review and approval by the City Department of Public Works in consultation with, among others, affected transit providers. A requirement of the CTMP would be inclusion of measures to "maintain safe and efficient access routes for emergency vehicles and transit." A copy of the CTMP is required to be provided to transit providers, as well as notification at least 30 days prior to commencement of construction that would partially or fully obstruct roadways. To the extent that such construction activities require "bus bridges," these measures would be required to be identified in the CTMP, and the incremental increase in cost to provide such services would be the responsibility of the constructing party.



Department of Toxic Substances Control



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Edmund G. Brown Jr.  
Governor

July 27, 2016

Via E-Mail Only

Scott Johnson, SRJohnson@cityofsacramento.org

COMMENTS ON CITY OF SACRAMENTO'S DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KAISER PERMANENTE MEDICAL CENTER, MAJOR LEAGUE SOCCER STADIUM & STORMWATER OUTFALL PROJECT

Dear Mr. Johnson:

Department of Toxic Substances Control (DTSC) has received and reviewed the Draft Subsequent Environmental Impact Report (SEIR) for the Sacramento Railyards Specific Plan Update (RSPU), medical center, stadium, and outfall project (SCH 2006032058). The project is located within The Railyards, where DTSC is providing lead regulatory oversight for the cleanup of contaminated soil and groundwater. The Draft SEIR was made available on June 9, 2016.

DTSC's review was focused on the sections related to the historical and ongoing remediation at the site, specifically, Section 4.8 Hazards and Hazard Materials. In general, the overall summary of the cleanup activities was accurate. However, there were errors regarding approval dates and schedules, and some clarifications are suggested regarding the cleanup status.

1

Comments:

1. **4.8.1 Environmental Setting, Soils and Groundwater Contamination (Page 4.8-3, Paragraph 3, Bullet 3).** In this section, the general remediation process and components are summarized. With respect to a Remedial Action Plan (RAP), it should be noted that the requirement of a Land Use Covenant (LUC) is project-specific and based on the proposed remedy. For other RAPs, where remediation is proposed to result in unrestricted land use, LUCs may not be required.

2

Mr. Johnson  
 July 27, 2016  
 Page 2 of 4

2. **4.8.1 Environmental Setting, Remediation Responsibilities, 2015 Land Use Covenant (Page 4.8-12).** While Accessor’s Parcel Numbers are presented, the property and associated study areas should be described for added reference. For comparison, the last sentence in the “Memorandum of Agreement” section states, “The 2015 LUC applies only to those parcels that have been remediated and certified (see Figure 4.8-4). These restrictions are discussed in more detail under Regulatory Setting.”

3

3. **4.8.1 Environmental Setting, Status of Remediation (Page 4.8-12 to 4.8-14).** It says, “DTSC approved the Five-Year Review, concluding that some of the remedial goals for constituents of concern should be changed (e.g. lead) but that the implemented remedies are still protective of human health and the environment, as supported by engineering and institutional controls mandated by the recently-approved LUC.” It would be more accurate to state, “DTSC approved the Five-Year Review, concluding that some of the remedial goals for constituents of concern should be changed (e.g. lead) but that the implemented remedies are still protective of human health and the environment, with adherence to engineering and institutional controls mandated by recorded LUCs.”

4

4. **4.8.1 Environmental Setting, Status of Remediation, Central Shops (Page 4.8-16).** It says, “In January 2013 the remedial action plan was approved by DTSC,” and “Certification of Remedial Action is anticipated from DTSC in 2016.” The dates are incorrect and should be modified. The Final Draft RAP was dated January 2013, and it was approved on July 3, 2013, resulting in the Final RAP that was dated July 2013. Certification for Central Shops soil is currently scheduled for 2017.

5

5. **4.8.1 Environmental Setting, Status of Remediation, Sacramento Station (Page 4.8-17).** It says, “DTSC certified regulatory closure of the site on May 27, 1994, and the LUC was recorded.” The date is incorrect and should be modified. Closure certification issued by Southern Pacific Transportation Company, not DTSC, on May 27, 1994. A LUC was recorded on May 19, 1994, and DTSC certified completion of the remedial activities on June 21, 1994. Furthermore, a new LUC needs to be recorded for City of Sacramento’s “Track Relocation” property, so that areas not included in the May 19, 1994 Sacramento Station LUC can be certified as having its remedy complete. Lastly, the section describes how the *Railyards Project Soil and Groundwater Management Plan* (SGMP) was used during construction of infrastructure; however, the SGMP was approved on December 15, 2015 after most of the work was completed. Similar plans that predate the SGMP were used for the following projects: Track Relocation, 6th Street, 5th Street and Railyards Boulevard, and Sacramento Valley Station – Phase 2.

6

Mr. Johnson  
 July 27, 2016  
 Page 3 of 4

- 6. **4.8.1 Environmental Setting, Status of Remediation, South Plume (Page 4.8-18).** The dates are incorrect and should be modified. As previously stated, the RAP was approved on July 3, 2013, not January 2013. Also, the Feasibility Study was approved on June 30, 2010, not July 2010.

7
- 7. **4.8.1 Environmental Setting, Status of Remediation, Lagoon Plume (Page 4.8-19).** For accuracy and consistency, references to “Lagoon Plume” should be modified to reflect the study area name as “Lagoon Groundwater.” Also, the section states that the Final Health Risk Assessment (HRA) was completed in 2014. To clarify, the document was dated 2014 and approved on January 30, 2015.

8
- 8. **4.8.1 Environmental Setting, Status of Remediation, Manufactured Gas Plant Plume (Page 4.8-20).** To clarify, DTSC does not currently define the Manufactured Gas Plant as separate soil and groundwater study areas.

9
- 9. **4.8.1 Environmental Setting, Status of Remediation, Project-Specific Components, KP Medical Center (Page 4.8-20).** This section describes how soil remediation is complete and groundwater remediation is ongoing at the location of the medical center. The section also describes the Final HRA for Lagoon Groundwater. DTSC would like to note that there are related HRAs for soil, including “*Final Health Risk Assessment for Lagoon Study Area Soils*” dated 1997 and “*Final Health Risk Assessment Report for Soil - Northern Shops, Car Shop Nine, and Central Corridor Study Areas*” dated 2000. These soil HRAs also indicated a potential risk associated with for future land use, and the risk was further evaluated during selection of the final soil remedy and when developing the restrictions in the 2015 LUC.

10
- 10. **4.8.1 Environmental Setting, Status of Remediation, Project-Specific Components, MLS Stadium (Page 4.8-21).** Please refer to Comment 9 regarding the related HRAs for soil.

11
- 11. **4.8.2 Regulatory Setting, Local, Restriction Governing the RSP Area (Page 4.8-28).** In Table 4.8-3, it should be mentioned that the “7th Street Corridor LUC” also has soil management restrictions, and the “2015 LUC” also requires vapor intrusion mitigation. DTSC notes that the “2015 LUC” is discussed in more detail in the subsequent section. Furthermore, please refer to Comment 5 regarding the need for a “Track Relocation LUC.”

12
- 12. **4.8.2 Regulatory Setting, Local, Railyards Project Soil and Groundwater Management Plan (Page 4.8-31 to 4.8-34).** It should more explicit in the beginning of the narrative that the SGMP and the Certified and Non-Certified Areas in the SGMP (referenced on Figure 4.8-5) are related to DRV’s property only. DRV is not mentioned until Page 4.8-33.

12

Mr. Johnson  
July 27, 2016  
Page 4 of 4

13. **4.8.3 Analysis, Impacts and Mitigation, Impacts and Mitigation Measures, Impact 4.8-1 (Page 4.8-43).** Please remove references to a Registered Environmental Assessor (REA). The REA program ceased as of July 1, 2012 with Senate Bill 1018.

13

14. **4.8.3 Analysis, Impacts and Mitigation, Impacts and Mitigation Measures, Impact 4.8-7 (Page 4.8-66 to 4.8-72).** While vapor intrusion mitigation measures are discussed in relation to the installation of utility lines, mitigation measures should also be discussed in relation to the construction of new buildings.

14

15. **4.8.3 Analysis, Impacts and Mitigation, Impacts and Mitigation Measures, Impact 4.8-9 (Page 4.8-74).** Regarding the potential adverse impacts to remedy for the Lagoon Groundwater and South Plume study area, in addition the proposed mitigation measure, DTSC would also want the dewatering pump rates and concentrations monitored.

15

16. Please make the necessary edits to the relevant sections of the SEIR to correspond with any changes made to address the comments above.

DTSC appreciates the opportunity to review and comment on the Draft SEIR to assure the document is complete and accurate. You may contact me at (916) 255-3601 or Ruth.Cayabyab@dtsc.ca.gov if you have any questions.

Sincerely,



Ruth Cayabyab  
Brownfields and Environmental Restoration Program

CC: Tom Buford, TBuford@cityofsacramento.org

**Letter A9 Response**      **Ruth Cayabyab, Department of Toxic Substances Control (DTSC)**  
**July 27, 2016**

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A9-1            It is noted that the reviewer identified some errors in approval dates and schedules, and the need for some clarifications regarding the information provided in Draft SEIR Section 4.8, Hazards and Hazardous Materials. Please see Responses to Comments A9-2 through A9-15.

A9-2            The comment suggests that the summary of remediation process and components clarify when a Land Use Covenant (LUC) is required. As a result, the following new footnote is added to the third bullet on page 4.8-3 of the Draft SEIR:

<sup>4</sup> The requirement of a LUC is project-specific and based on the proposed remedy. For other Remedial Action Plans where remediation is proposed to result in unrestricted land use, a LUC may not be required.

A9-3            The properties subject to the 2015 LUC are noted as being shown on Figure 4.8-4 as stated in the third paragraph on page 4.8-12 of the Draft SEIR. For clarity, the following reference is added to the end of the first paragraph on page 4.8-12:

See Section 4.8-2 Regulatory Setting for additional discussion on the 2015 LUC and Figure 4.8-4 for the portions of the RSP Area covered by the 2015 LUC.

A9-4            As requested in the comment, the first paragraph on page 4.8-14 of the Draft SEIR is revised for accuracy as follows:

~~DTSC approved the Five-Year Review, concluding that some of the remedial goals for constituents of concern should be changed (e.g. lead) but that the implemented remedies are still protective of human health and the environment, as supported by engineering and institutional controls mandated by the recently approved LUC.~~ the remedy is currently protective and will remain protective in the future, as development and reuse occurs, because remedy construction is complete, access is restricted where necessary by engineering controls, and LUCs will be recorded or updated. Soils in the Property were remediated to cleanup levels that, along with adherence to the restrictions in the LUCs, are protective of all populations for planned uses.<sup>7</sup>

A9-5            As requested in the comment, the first sentence of the fourth paragraph on page 4.8-16 of the Draft SEIR is revised to reflect correct dates as follows:

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<sup>7</sup> ERM-West, Inc., 2015. First Five-Year Review Report, Former SPTCo Sacramento Railyard, Sacramento California, June 1, 2015. Prepared for Union Pacific Railroad Company, p. 10-1.

The Final Draft Remedial Action Plan was approved on July 3, 2013.~~In January 2013 the remedial action plan was approved by DTSC.~~

As further requested in the comment, the second sentence of the last paragraph on page 4.8-16 of the Draft SEIR is revised to reflect correct dates as follows:

Certification for Central Shops soil is currently scheduled for 2017 ~~of Remedial Action is anticipated from DTSC in 2016.~~

The updated date for when the certification for the Central Shops is scheduled is also made on pages 4.8-39 and 4.8-68 as shown in Chapter 2, Revisions to the Draft SEIR.

A9-6 As requested in the comment, the fourth sentence of the second paragraph on page 4.8-17 of the Draft SEIR is revised to reflect correct dates as follows:

Closure and certification was issued by the Southern Pacific Transportation Company on May 27, 1994. A LUC was recorded on May 19, 1994.~~DTSC certified the regulatory closure of the site on May 27, 1994, and the LUC was recorded.~~

The comment also notes that a new LUC needs to be recorded for the City of Sacramento's Track Relocation property so that areas not included in the May 19, 1994 Sacramento Station LUC can be certified as having its remedy complete. This comment is noted and the following is added after the last sentence of the third paragraph on page 4.8-17 of the Draft SEIR:

A new LUC will be recorded for the areas that areas not included in the May 19, 1994 Sacramento Station LUC so the remedy can be certified as complete.

Lastly, the comment correctly notes that the 2015 SGMP was approved after the infrastructure noted was installed; therefore, the last sentence of the last paragraph on page 4.8-17 of the Draft SEIR is revised as follows:

Construction of these features was and is being completed in accordance with terms of the Sacramento Station Covenant and the Railyards Project Soil and Groundwater Management Plan (SGMP) and similar applicable plans that were developed for the Track Relocation, 6<sup>th</sup> Street, 5<sup>th</sup> Street and Railyards Boulevard and Sacramento Valley Station – Phase 2 project which were completed prior the 2015 SGMP.

A9-7 As requested by the comment, the first sentence of the third paragraph on page 4.8-19 of the Draft DEIR is revised to reflect correct dates as follows:

Groundwater under the Sacramento Station, which is part of the South Plume remediation area, is subject to remedial measures under the Central Shops

and South Plume Remedial Action Plan which was approved in ~~July~~ January 2013, and is currently being implemented.

As requested by the comment, the first sentence of the fourth paragraph on page 4.8-19 of the Draft DEIR is revised to reflect correct dates as follows:

Prior to the Central Shops and South Plume Remedial Action Plan, the Final Feasibility Study Report for the South Plume Study Area was approved on June 30, in July 2010.

- A9-8 As requested by the comment, reference in the Draft SEIR to the “Lagoon Plume” is revised to “Lagoon Groundwater” to be consistent with the study area name “Lagoon Groundwater Study Area”. Specifically, the header on page 4.8-19 following the fifth paragraph is revised to read:

**Lagoon Plume Groundwater**

The change in terminology is also made on pages 4.8-21, 4.8-47, 4.8-52, 4.8-54, 4.8-72, and 4.8-74 as shown in Chapter 2, Revisions to the Draft SEIR.

As requested by the comment, the first sentence of the last paragraph on page 4.8-19 of the Draft SEIR is revised to reflect correct dates as follows:

On January 30, 2015 in 2014, the Final Health Risk Assessment for the Lagoon Groundwater Study Area was approved ~~completed~~.

- A9-9 As requested in the comment, the fourth sentence in the second paragraph on page 4.8-20 of the Draft SEIR is revised for accuracy as follows:

As discussed above, the Remedial Investigation Report – Former Manufactured Gas Plant Study Area ~~for both soil and groundwater~~ was completed in 2015.

- A9-10 The comment notes that there are related Health Risk Assessments for soil at the proposed KP Medical Center portion of the RSP Area and that these documents indicate a potential risk associated with future land uses and that this risk was further evaluated during selection of the final soil remedy and in development of the restrictions in the 2015 LUC. This comment is noted that these additional Health Risk Assessments were evaluated during selection of the soil remedy and development of the 2015 LUC. As described under Impact 4.8-1 on page 4.8-41 of the Draft SEIR, development of the KP Medical Center site would be accomplished in compliance with the Environmental Restrictions of the 2015 LUC which would minimize the risk of exposure to contaminated soil.

Similar to development of proposed uses at the KP Medical Center site, development of the MLS Stadium would be accomplished in compliance with the Environmental Restrictions of the 2015 LUC which would minimize the risk of

exposure to contaminated soil as described under Impact 4.8-1 on page 4.8-42 of the Draft SEIR.

- A9-11 The comment suggests that information in Table 4.8-3 be revised to include mention of the soil management restrictions that are required under the 7<sup>th</sup> Street Corridor LUC. The information contained in Table 4.8-3 on page 4.8-28 of the Draft SEIR is to inform the reader of specific land use restrictions. Under Impact 4.8-1 on page 4.8-40 of the Draft SEIR a more detailed discussion for the 7<sup>th</sup> Street Corridor Covenant Environmental Restrictions is provided, including the requirement that a Soil Management Plan and Health and Safety Plan be approved by DTSC prior to soil disturbance activities. While the information in the table is not revised, additional text is added to the first paragraph on page 4.8-28 of the Draft SEIR to state where additional details for the LUCs can be found as follows:

**Table 4.8-3** lists the LUC within the RSP Area and Figure 4.8-4 identifies each areas covered by those restrictions. Further details for these LUCs are provided below and under Impact 4.8-1.

See also Response to Comment A9-6 for discussion of the Track Relocation LUC.

- A9-12 The comment suggests that reference to the SGMP being applicable to areas in the RSP Area owned by DRV is noted. The first sentence of the second paragraph on page 4.8-31 of the Draft SEIR is revised to read as follows:

Specifically, the SGMP is applicable to all development projects in areas within the RSP Area owned by DRV and relates to .....

- A9-13 As requested by the comment, Mitigation Measure 4.8-1 on page 4.8-43 of the Draft SEIR is revised to remove reference to a Registered Environmental Professional (REA) as follows:

*If unidentified or suspected contaminated soil or groundwater evidenced by stained soil, noxious odors, or other factors, is encountered during site preparation or construction activities work shall stop in the area of potential contamination, and the type and extent of contamination shall be identified by a ~~Registered Environmental Assessor (REA)~~ or qualified professional. The ~~REA~~ or qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations, and recommendations for appropriate handling and disposal. Site preparation or construction activities shall not recommence within the contaminated areas until remediation is complete and a “no further action” letter is obtained from the appropriate regulatory agency.*

The removal of the reference to an REA does not change the effectiveness of the mitigation measure to reduce this impact to less than significant because the mitigation measure refers to a qualified professional.

- A9-14 As is described on page 4.8-30 of the Draft SEIR, Article 4, section 4.05 of the 2015 State Land Use Covenant between DTSC and Downtown Railyard Venture, LLC, recorded against the majority of the RSP Area (Certified Areas in the RSP Area), requires that any “enclosed building or enclosed structure (including tunnels) or utility corridors” in vapor suspect areas address vapor mitigation to the satisfaction of DTSC as a requirement for proposed construction. These provisions are considered sufficiently protective to mitigate vapors into buildings and other such structures. Non-Certified Areas owned by DRV that are not covered under the 2015 LUC are anticipated to be covered by a LUC following DTSC certification of remediation (see discussions on pages 4.8-68 and 4.8-69 of the Draft SEIR). If required by DTSC, those LUCs would be anticipated to include vapor mitigation analysis for enclosed buildings and structures similar to the restrictions and requirements contained in the 2015 LUC described above. For the other areas within the RSP Area not owned by DRV, no occupied structures are proposed as part of the RSPU for the 7<sup>th</sup> Street Corridor or West Jibboom Street Property. Development of the portion of the Sacramento Station Study Area not owned by DRV would be developed in accordance with restrictions contained in the Sacramento Station Covenant. As stated on page 4.8-69, the Sacramento Station Covenant allows for industrial and commercial uses, and landscaped and paved areas without restriction. Therefore, because future LUCs would be approved by DTSC and would include vapor mitigation, if required, no additional mitigation is necessary.

Impact 4.8-7 in the Draft SEIR addresses the potential for vapor or contaminated groundwater to enter porous pipes. Mitigation Measure 4.8-7(a) is proposed to avoid contamination of porous pipes in such situations.

- A9-15 Impact 4.8-9 addresses the RSPU contribution to the cumulative impact of potential interference with remediation efforts. As discussed in Impact 4.8-4 on page 4.8-53 of the Draft SEIR, the 2015 LUC contains environmental restrictions that prohibit interference by RSPU construction of any ongoing groundwater remediation efforts, unless DTSC has provided written approval. In addition, written approval from DTSC is required for replacement, adjustment, and relocation of monitoring and extraction wells, vapor probes, and associated remediation systems. According to the SGMP (page 22), any extraction, treatment or discharge of groundwater requires an approved plan submitted to DTSC, the RWQCB, the property owners and Project Proponent. DTSC could require that dewatering pump rates and concentrations be monitored when approving such activities. Because a process is already in place to address the comment, no change to the Draft SEIR text is required.

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July 27, 2016

Scott Johnson, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Dear Mr. Johnson:

SACOG received a Notice of Availability for the Draft Subsequent Environmental Impact Report for the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium & Stormwater Outfall Project (SCH# 2006032058; Railyards project). Thank you for the opportunity to comment on this unique downtown redevelopment project as it relates to the Preferred Blueprint Scenario map and principles and the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. The MTP/SCS supports the Blueprint and proactively links land use, air quality, and transportation needs in a regional 20-year transportation plan.

**Proposed Project**

The Railyards project is comprised of approximately 6,000 to 10,000 new dwelling units and almost 19,000 to over 22,000 new employees. Residential development is planned at an average density of 100 units per acre at the low end of the housing unit range and 210 units per acre at the high end, with a maximum allowable density of up to 450 units per acre. Non-residential land uses include over 900,000 square feet of mixed uses, between 4.8 and 5.9 million square feet of employment uses (plus 1,100 hotel rooms and an MLS soccer stadium), and 30 acres of open space. The Railyards project includes five new major streets, a new boulevard, and several minor streets; two bridges allowing through traffic to pass over the realigned Union Pacific Railroad tracks; bicycle infrastructure ranging from Class 1 to Class 4 on most roads; two pedestrian tunnels; and sidewalks throughout. There are also a series of neighborhood parks and plazas included in the development, as well as the Riverfront, Museum, and Vista parks.

**Findings and Evaluation**

SACOG staff evaluated the proposed project as identified in the Draft Subsequent Environmental Impact Report for consistency with the Blueprint Preferred Scenario and growth principles. We evaluated the buildout of the proposed project and find it consistent with the region's Blueprint Principles and MTP/SCS. The combination of residential, retail, office, medical, public, and natural resource uses that comprise the

- Auburn
- Citrus Heights
- Colfax
- Davis
- El Dorado County
- Elk Grove
- Folsom
- Galt
- Isleton
- Lincoln
- Live Oak
- Loomis
- Marysville
- Placer County
- Placerville
- Rancho Cordova
- Rocklin
- Roseville
- Sacramento
- Sacramento County
- Sutter County
- West Sacramento
- Wheatland
- Winters
- Woodland
- Yolo County
- Yuba City
- Yuba County

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Mr. Scott Johnson  
July 27, 2016  
Page 2

Railyards District embody the Blueprint growth principles. The following are our findings and evaluation:

- The Blueprint study revealed the need to aggressively utilize existing redevelopment opportunities and to balance housing and employment in the downtown/midtown area. To achieve the travel benefits that come from locating jobs near housing, the MTP/SCS forecast includes approximately 45,000 new jobs and 23,000 new housing units in this area by 2036. As the largest redevelopment opportunity within the area, the Railyards Specific Plan Update brings much needed jobs and housing to make progress toward that future. Due to the existing jobs-rich conditions, we are supportive of the project's approach for allowing a range of housing units, up to a maximum of 10,000, to improve the area jobs-housing balance. We understand that large-scale projects such as this one need the flexibility of a capacity range as the site-specific details are developed as the project moves forward. We appreciate that the impact analysis includes this higher housing range and we believe that the existing jobs-rich character of the downtown area and the market indicate its strong economic viability. This is important because people who live downtown generate dramatically lower vehicle miles traveled per household (VMT/HH) than those who live in other parts of the region. SACOG modeling and observed data show that residents of locations like this project will walk, bike, or use transit at two to four times the rate of residents of typical suburban locations and generate less than one-half of the vehicle miles traveled (VMT).
- The Railyards project is located in an area that provides transportation choices, an important Blueprint Principle. The proposed project includes the existing Amtrak station, which is ideal for commuters heading to the bay area or the foothills and for travelers across the west coast. Additionally, the proposed north-south light rail extension along 7th Street would have a stop near the bike and pedestrian path crossing, south of South Park Street in the residential neighborhood. The proposed circulation plan would facilitate bicycling with the system of on-street and off-street bikeways. Good multi-modal street design will be important in providing safe access within the Railyards area for pedestrians and bicyclists. For a project of this size and in this location, it will be particularly important that the circulation plan facilitate safe and easy accessible options for all modes of transportation.
- Compact development and a variety of housing options are important to the Blueprint Planning Principles as a means of increasing quality of life and providing for the needs of all subsets of the population including seniors, young people, and other smaller households, as well as for lower-income households. The Railyards project clearly supports this principle by offering higher density attached housing products ranging from mid- and high rise residential buildings to mixed use developments with ground floor commercial uses. In addition to its location, the travel benefits of reduced VMT and increased walking, biking, and transit use noted above, are in part due to the higher density housing in the proposed plan.

Mr. Scott Johnson  
July 27, 2016  
Page 3

- The Railyards project supports the Blueprint Principle of conserving natural resources, because growth accommodated in the Railyards means less growth that needs to be accommodated at the urban edge. When applied in an urban setting, this principle also encourages the incorporation of public-use open spaces within development projects. The Railyards proposal includes approximately 30 acres of open space divided between a series of parks, public plazas, and riverwalks. This open space is particularly important as larger scale buildings are added to neighborhoods in terms of providing attractive, walkable public spaces that create a community.

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While the overall plan is consistent with the Blueprint growth principles, we strongly encourage the applicant and City to refine important details as the project moves through the various approvals required for construction. As noted throughout the DEIR the site is the premier urban infill site in the city, arguably the state or even country. The urban design details identified below are critical to the project's delivery of the multi-modal transportation and resulting air quality benefits envisioned for the site. Some of these issues below are related to the transition of the project area over time. We look forward to continuing our constructive partnership with the City and the applicant working on these issues as the project proceeds:

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- The initial proposed parking ratios are high, more suburban than urban in character. While the structured parking quantities are appropriate and desirable for an urban setting, the extensive temporary surface parking area could be a deterrent to full buildout of the proposed urban district. Similarly, the proposed parking for the Kaiser and soccer facilities is more indicative of suburban campuses than downtown centers.
- Within the Railyards, the proper location and treatment of parking garages will be critical to enhance the activated, pedestrian focus of successful urban streetscapes. Prioritizing active uses at the street and project's edges is important in order to connect the project to Downtown and the River District, drawing surrounding residents and employees into and around the area and vice versa.
- Some of the block sizes are long and inconsistent with the surrounding urban street pattern. Research shows that a finer-grained grid pattern (i.e. smaller blocks) improves circulation for all modes, from walkers to automobile drivers.

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Thank you for inviting SACOG's input on this important project.

Sincerely,



Mike McKeever  
Chief Executive Officer

**Letter A10 Response**      **Mike McKeever, Sacramento Area Council of Governments (SACOG)**  
July 27, 2016

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- A10-1      The comments regarding the Preferred Blueprint Scenario and the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), and the overview of the project description are noted.
- A10-2      The comment, including comments A10-3 through A10-7, is noted. The comment reflects SACOG’s determination that the proposed RSPU is consistent with the Regional Blueprint and the approved MTP/SCS. This conclusion is consistent with the City’s conclusions reflected in discussion on pages 3-34 through 3-36 of the Draft SEIR. In order to reflect SACOG’s conclusions of the proposed projects’ consistency with the Regional Blueprint and MTP/SCS, the following text is added following the last paragraph on page 3-34, the second paragraph on page 3-35, the last paragraph on page 3-35, and the third paragraph on page 3-36:
- In addition, SACOG evaluated the buildout of the RSPU and determined that the land use mix proposed in the RSPU would be consistent with the principles of the Regional Blueprint and the MTP/SCS. More specifically, SACOG’s evaluation determined that the proposed RSPU would use an existing site to balance housing and employment in the Central City, an area that provides transportation choices, would provide housing that would meet the needs of all subsets of the population, would provide travel benefits of reduced VMT and increased walking, biking, and transit use, and would conserve natural resources and provide public-use open spaces in an urban setting.<sup>25</sup>
- A10-3      The comment is noted. As is described on pages 1-9 and 1-10 of the Draft SEIR, “Subsequent actions related to the proposed RSPU will include Site Plan and Design Review for specific development and infrastructure project consistent with the RSPU, SPD and Railyards Design Guidelines.” Project specific actions will involve consideration of parking ratios, including temporary surface parking, location and treatment of parking structures, and pedestrian circulation in and around blocks, in relation to these regulatory documents. Please also see Responses to Comments A10-4 through A10-6.
- A10-4      The comment suggests that the initial parking ratios are high, and are more suburban versus urban. Figure 2-14 shows the illustrative temporary parking plan for special events. As is described on page 2-127, this parking would only be

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<sup>25</sup> Mike McKeever, Chief Executive Officer, Sacramento Area Council of Governments, Letter to Scott Johnson, July 27, 2016.

available during special events at the MLS Stadium or City events. As also noted on page 2-127, these lots would eventually be developed consistent with the RSPU with parking transitioning into structures. The temporary lots would not be detrimental to the full buildout of the plan as these parcels offer a greater return on investment when developed versus being used as temporary parking on an infrequent basis. Lastly, it is noted that the proposed supply of parking within the RSP Area and in adjacent parcels recognizes that some trips would be made by walking, bicycling, and transit, which is typical in urban settings but less common in suburban areas.

Phase 1 of KP Medical Center would provide approximately 1,700 parking spaces, with 1,500 structured parking spaces and 200 permanent surface parking spaces. Phase 2 will include an additional 1,500 structured parking spaces.

According to page 2-27, this parking demand was estimated based on the need for 3 spaces per bed (based on the entire 420 beds being built within Phase 1) and 3.5 spaces per thousand square feet of medical-office space (based on the 210,000 square feet of hospital support building in Phase 1 functioning as medical-office space). The provision of 3.5 spaces per thousand square feet of medical-office space translates into one space per 286 square feet, which is lower than typical suburban rates (e.g., City of Roseville) of one space per 150 square feet of medical-office space.

- A10-5 Page 4.12-49 of the Draft SEIR illustrates the planned location of public parking garages within the RSP Area. As noted in that discussion, additional garages would be constructed including residential podium parking, and garages on retail/office blocks. The vehicular access provisions into the public garages shown on page 4.12-49 reflect elevation differences (particularly near the UPRR over/underpasses, and an overall desire to situate garage driveways that minimize conflicts with bicyclists and pedestrians, but also do not adversely affect the flow of traffic on public streets. It is anticipated that parking garages within the RSP Area would be wrapped with activated uses including, but not limited to, storefronts, office lobbies, and residential access points to create an active streetscape.
- A10-6 The comment is noted. Section 4.D of the proposed Railyards Design Guidelines includes provisions that would require blocks larger than the standard block in the Central City grid to be designed to facilitate pedestrian flow and access. More specifically, the section related to large block massing states, “To more closely reflect the block pattern in the central city for massing of buildings, access to light, cross-block connections, and pedestrian walking comfort, buildings shall be limited to a maximum of 320’ frontage, with alleys or lanes used to break up the building mass.” Where blocks are larger than the Central City grid, alleys or lanes would provide circulation opportunities for pedestrians or other types of travel.

Environmental Management  
Department

Val F. Siebal, Director



County of Sacramento

July 27, 2016

Sent via Electronic Mail

Scott Johnson, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
Email: [SRJohnson@cityofsacramento.org](mailto:SRJohnson@cityofsacramento.org)

**SUBJECT: SACRAMENTO COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT COMMENTS REGARDING THE NOTICE OF AVAILABILITY-DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KAISER PERMANENTE MEDICAL CENTER, MAJOR LEAGUE SOCCER STADIUM & STORMWATER OUTFALL PROJECT**

Dear Mr. Johnson:

The Sacramento County Environmental Management Department (EMD) has reviewed the above Environmental Document for the proposed Railyards Specific Plan Update (RSPU), and, Kaiser Permanente Medical Center (KP Medical Center), Major League Soccer Stadium (MLS Stadium, or Stadium), and Stormwater Outfall projects (collectively, proposed projects). The entirety of the project is within the City of Sacramento, Sacramento County. The RSP Area is comprised of 9 Assessor's Parcel Numbers, including 002-0010-023, -044, -049, -052, -054, -056, -060, -062, and -063. EMD has been designated as the Sacramento region's Certified Unified Program Agency (CUPA) by the California Environmental Protection Agency (Cal EPA), the Local Enforcement Agency (LEA) for the California Department of Resources, Recycling and Recovery (Cal Recycle), and acts as the local regulatory agency for wells, onsite wastewater treatment systems, noise, and other environmental health related programs. EMD is providing comments for public health and environmental safety considerations that should be addressed in the Environmental Document.

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**HAZARDS AND HAZARDOUS MATERIALS**

The CUPA program comments focus on Hazardous Materials and Hazardous Waste related to the project as follows:

- 1) Hazardous Materials Handling and/or Storage: If the handling and/or storage of hazardous material equal to or greater than the minimum reportable quantities (55 gallons for liquids, 500 pounds for solids and 200 cubic feet (at standard temperature and pressure) for compressed gases) occurs at any laydown area along the project, separate hazardous materials permits may be required for each location. Permits are business and owner specific and may not be transferred to other owners or locations. Also, incorporate adequate protections for the public health and the environment and

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EMD COMMENT LETTER  
SACRAMENTO RAILYARDS PROJECT SEIR (P15-040 / SCH#: 2006032058)  
JULY 27, 2016  
Page 2 of 3

groundwater from risks or adverse effects associated with the storage of hazardous materials. Please address the handling and/or storage of hazardous materials.

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2) Hazardous Waste Generation: If hazardous waste is generated at any laydown area along the project, separate hazardous waste permits may be required for each location. Permits are business and owner specific and may not be transferred to other owners or locations. Since construction of the project is anticipated to last until 2020 the construction exemption outlined in Sacramento County Code (SCC) section 6.96.095 may not apply. Also, incorporate adequate protections for the public health and the environment and groundwater from risks or adverse effects associated with the generation of hazardous waste. Please address how the facility will ensure compliance with the Hazardous Waste Control Act, verify Hazardous Waste accumulation, labeling, container and tank management standards, and waste generator status, and respond to complaints of illegal disposal of hazardous waste. Please address the generation of hazardous waste.

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3) California Accidental Release Prevention (CalARP) Program: CalARP was adapted from the Federal accidental release program established by the Clean Air Act Section 112 (r) and modified to meet California's needs. The purpose of the CalARP Program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. This is accomplished by requiring businesses that handle more than a threshold quantity of a regulated substance listed in tables 1-3 of the California Code of Regulations, Title 19, Division 2, Chapter 4 to develop a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented by the business to reduce this accident potential. The regulation requires that a business estimate the offsite receptors that could be affected by a hypothetical release of the regulated substance. Offsite receptors include residences, institutions (e.g. schools, hospitals, prisons), industrial, commercial and office buildings, parks or recreational areas inhabited or occupied by the public at any time where members of the public could be exposed to toxic concentrations, radiant heat, or overpressure, as a result of an accidental release. The point of identifying public receptors is to locate those places where there are likely to be, at least some of the time, members of the public whose health could be harmed by short-term exposure to an accidental release.

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The City of Sacramento – Sacramento River Water Treatment Plant, located at 301 Water Street, adjoins the north border of the project site and is a Cal ARP regulated facility. The proximity of this facility to the project site and the CalARP regulated chemicals they handle should be addressed.

If you have any questions or concerns regarding the CUPA's comments, please contact Jeni VanDusen at (916) 875-8418 or [VanDusenJ@saccounty.net](mailto:VanDusenJ@saccounty.net)

The Site Assessment and Mitigation program comments focus on soil contamination as follows:

1) EMD requests that it be added to the appropriate regulatory agency notification list for any additional unknown contamination discovered during development, assessment, and remediation activities.

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**Advisory Note:** The California Department of Toxic Substances Control (DTSC) serves as the lead regulatory agency for the project site. EMD does not serve in a regulatory capacity for the existing site cleanup efforts.

If you have any questions or concerns regarding the Site Assessment and Mitigation program comments, please contact Charley Langer at (916) 875-8474 or [LangerC@saccounty.net](mailto:LangerC@saccounty.net)

EMD COMMENT LETTER  
SACRAMENTO RAILYARDS PROJECT SEIR (P15-040 / SCH#: 2006032058)  
JULY 27, 2016  
Page 3 of 3

The Onsite Wastewater Treatment System (OWTS) program comment focuses on potential existing septic tanks due to the Project areas historic use as follows:

- 1) Any septic systems that are discovered at the site must be identified and destroyed under a permit from EMD. 6

If you have any questions or concerns regarding the OWTS comments, please contact Jack Bellan at (916) 876-7560 or [BellanJ@saccounty.net](mailto:BellanJ@saccounty.net)

**GROUNDWATER**

The Well program comments focus on concerns about the impact of the development on groundwater, as follows:

- 1) All new wells must be constructed under EMD's permitting process and meet EMD well construction standards. Wells include but are not limited to monitoring wells, piezometers, environmental and/or geotechnical exploratory soil borings. EMD standards are more restrictive than the minimum state standards in order to protect Sacramento County's groundwater supply. 7
- 2) Please address project well(s) that will penetrate more than one aquifer and how water quality will be maintained throughout the multi water bearing zones. 8
- 3) All wells both active and abandoned located throughout the Project boundaries need to be identified and reported to EMD for tracking. In order to protect the groundwater from potential surface contamination, wells not intended for future use need to be destroyed under a permit from EMD prior to any grading activities. 9

**Advisory Note:** The California Department of Toxic Substances Control (DTSC) serves as the lead regulatory agency for the project site. EMD does not serve in a regulatory capacity for the contaminated groundwater sites.

Thank you again for the opportunity to provide comments on the proposed adoption of the draft Subsequent Environmental Impact Report for the Sacramento Railyards Project. If you have any questions, please feel free to contact me at (916) 876-7277 or at [hunleyc@saccounty.net](mailto:hunleyc@saccounty.net)

Sincerely,



Christopher Hunley, REHS  
Environmental Compliance Division  
Sacramento County Environmental Management Department

**Letter A11 Response**      **Christopher Hunley, Sacramento County Environmental Management Department**  
 July 27, 2016

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A11-1      The comment is noted that the Sacramento County Environmental Management Department (EMD) provided comments for public health and environmental safety considerations that should be addressed in the Draft SEIR. See Responses to Comments A11-2 through A11-9.

A11-2      The comment is noted that the handling and storage of hazardous materials is subject to the regulatory requirements managed through the CUPA program. As discussed on page 4.8-60 of the Draft SEIR, the use, transportation, storage and disposal of hazardous substances in the RSP Area will be required to comply with the requirements of the Unified Program. In order to provide additional information on the Unified Program the first paragraph on page 4.8-27 of the Draft SEIR is revised as follows:

The Hazardous Materials Division of the Sacramento County Environmental Management Department is the designated Certified Unified Program Agency (CUPA) for the City of Sacramento and Sacramento County and is responsible for implementing six statewide environmental programs for Sacramento County. The CUPA program streamlines and provides consistent regulatory activities including inspections, permitting, and enforcement for the following specific environmental and emergency response areas including:

In addition, the second paragraph on page 4.8-60 of the Draft SEIR is revised as follows:

By ensuring that businesses in or adjacent to the RSP Area (which are within the City and, therefore, subject to City regulations) comply with the Unified Program, which provides consistent regulatory activities including inspections, permitting, and enforcement, the City would reduce impacts associated with the potential for accidental release of hazardous substances associated with construction activities and occupancy of uses under the RSPU. ...

Further, as discussed under Impact 4.8-5, the Draft SEIR acknowledges that development of the proposed project would be accomplished in compliance with applicable federal, State and local regulations governing the use, storage and transportation of hazardous materials in order to reduce the risk to human health and the environment. Specifically, as stated on page 4.8-60 and 4.8-61 of the Draft SEIR, “Compliance with applicable federal and State laws and regulations that are administered and enforced by the CUPA and Sacramento Fire

Department standards (the local agency that implements applicable hazardous substances-related sections of the Uniform Fire Code and Uniform Building Code), and federal and State transportation regulations would reduce impacts associated with the routine use, storage, and transportation of hazardous substances in the RSP Area to a **less-than-significant** level.”

A11-3 See Response to Comment A11-2 for discussion of the requirement for the proposed project to comply with applicable federal, State and local regulations governing the use, storage and transportation of hazardous materials in order to reduce the risk to human health and the environment. The handling of hazardous waste during construction specifically associated with contaminated soils and debris is addressed under Impact 4.8-1 which states on page 4.8-43 of the Draft SEIR under Mitigation Measures 4.8-1 that “The handling, storage, transportation and disposal of any contaminated soil would be accomplished with applicable federal, State and local laws.”

In addition, under Impact 4.8-5 on page 4.8-61 of the Draft SEIR the range of the type of chemical compounds and hazardous materials that could be used at the proposed KP Medical Center is characterized. The exact types and volumes would be determined based on buildout of that use. Regardless, any hazardous materials specific to the medical center use would be managed in accordance with federal, State and local regulations, including regulatory controls specific to acute care facilities.

A11-4 The comment provides information on the California Accidental Release Prevention (CalARP) Program. It notes that the CalARP Program requires businesses that handle certain types and quantities to develop a Risk Management Plan to reduce to potential for accidental releases and implement measures in the event of a release to minimize risk. The comment further suggests that because the adjacent Sacramento River Water Treatment is a CalARP regulated facility that the proximity of this facility and the regulated chemicals they handle should be addressed in this Draft SEIR.

While the Water Treatment Plant adjacent to the RSP Area uses regulated chemicals, development of the proposed project would not change the risk of accidental release over that which currently exists. The California Supreme Court recently found that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.” In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369, the Supreme Court explained that an agency is only required to analyze the potential impact of such hazards on future residents if the project would exacerbate those existing environmental hazards or conditions. CEQA analysis is therefore concerned with a project’s impact on the environment, rather than with the environment’s impact

on a project and its users or residents. Therefore, because the projects would not change the operation of the Water Treatment Plant, including the use of hazardous materials, the City is not required to consider the effects of bringing a new population in close proximity to the existing Water Treatment Plant. Furthermore, it is assumed that hazardous materials used, stored, and transported to and from the Water Treatment Plant is done so in accordance with all applicable federal, State and local regulations and inspections, permitting and enforcement is managed through the CUPA, so that it would not create an undue risk for occupants of the RSP Area.

- A11-5 As noted in the comment, DTSC serves as the lead regulatory agency for the regulation of site remediation. DTSC is not a lead agency for the RSPU Draft SEIR. Therefore, EMD would need to request of DTSC to be put on the notification list for any additional unknown contaminants discovered during development, assessment, and remediation activities.
- A11-6 No septic systems are currently in use within the RSP Area. As indicated in the comment, it is possible that septic systems could have been used at some time in the past. Given the extent of excavation that has occurred during site remediation, any septic systems that were present have likely already been removed. However, if any previously undiscovered septic systems are identified during project construction, they would be handled consistent with applicable regulatory requirements, including necessary permits.
- A11-7 The comment requests that any new wells be constructed under EMD's permitting process and that they meet EMD well construction standards. As indicated in Response to Comment A11-5, DTSC is the lead regulatory agency for the RSP Area. All groundwater monitoring wells have been installed consistent with DTSC regulations and approvals for the remediation process, as would any new wells associated with site remediation. No potable water wells will be installed within the RSP Area. Construction dewatering wells, if any, and any new wells, including monitoring wells, would be installed consistent with EMD well construction standards, as applicable.
- A11-8 See Response to Comment A11-7. Impact 4.8-7 on pages 4.8-66 through 4.8-72 of the Draft SEIR evaluates the potential for future occupants to be associated with health risks associated with contaminated groundwater. As discussed, porous utility lines could be infiltrated by contaminated groundwater or volatile contaminants in soil vapor that could contaminate the water flowing through the pipes. Mitigation Measure 4.8-7 would reduce this risk to a less-than-significant level because it would ensure all appropriate measures are taken to minimize contaminated groundwater from reaching water, sewer or stormwater drainage pipes. It should also be noted that no water supply wells are proposed to be

installed in the RSP Area to serve proposed project uses. Water will be supplied from existing City of Sacramento sources as described in Chapter 4.13 Utilities.

A11-9

Please see Response to Comment A11-7. All groundwater extraction and monitoring wells have been installed and monitored and results will continue to be reported to EMD. There are no existing or proposed potable groundwater wells in the RSP Area. The comment is noted that groundwater and monitoring wells are subject to EMD permit requirements.

It is also noted that DTSC serves as the lead regulatory agency for the project site and that EMD does not serve in a regulatory capacity for the contaminated groundwater sites.



STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Edmund G. Brown Jr.  
Governor

Ken Alex  
Director

July 26, 2016

Scott Johnson  
City of Sacramento  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95816

Subject: Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall  
Subsequent EIR  
SCH#: 2006032058

Dear Scott Johnson:

The State Clearinghouse submitted the above named Subsequent EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 25, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

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**Letter A12**     **Scott Morgan, Governor's Office of Planning and Research**  
**Response**     **(OPR)**  
                     July 26, 2016

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A12-1            The comment is noted. The comment acknowledges that the City complied with CEQA requirements for State Clearinghouse review of draft environmental documents. According to the attached State Clearinghouse Data Base Document Details Report, the Draft SEIR was distributed for review to the following State agencies: Resources Agency, Department of Fish and Wildlife Region 2, Office of Historic Preservation, Department of Parks and Recreation, Central Valley Flood Protection Board, Department of Water Resources Recycling and Recovery, California Highway Patrol, Caltrans District 3 S, Regional Water Quality Control Board Region 5 (Sacramento), Department of Toxic Substances Control, Native American Heritage Commission, Public Utilities Commission, and the State Lands Commission. The letters attached to the comment letter from the Governor's Office of Planning and Research are included in this Final SEIR as Letters A3, A4, and A5. Responses to each of the comments follow the letters in this document.

# UNITE HERE



1796 Tribute Road, Suite 200 • Sacramento, California 95815  
Telephone (916) 564-4949 • FAX (916) 564-4950

July 26, 2016

Scott Johnson, Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811

Dear Mr. Johnson:

Thank you for the opportunity to comment on the Draft Subsequent EIR for the Railyards Specific Plan Update, KP Medical Center, MLS Stadium, and Stormwater Outfall (“Project”). UNITE HERE Local 49 is the hotel, food service, and casino workers’ union in the greater Sacramento region. Our members live and work in Sacramento and the surrounding communities and are affected both positively and negatively by the results of development in Sacramento. As such, we have an interest in promoting responsible, sustainable development.

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In particular, working people throughout the world—including our members in Sacramento, in other parts of California, and throughout North America—are increasingly affected by the results of climate change, and at risk of the potentially catastrophic results that may be in store should we not dramatically reduce our greenhouse gas emissions. Local 49 hopes the City of Sacramento will lead the way in solving this problem, not exacerbate it.

Unfortunately, the EIR does not adequately study the impacts of the Project on greenhouse gas emissions and global climate change. Based on a misapplication of CEQA Guidelines Section 15183.5(b) and of the Sacramento Climate Action Plan, it erroneously concludes that the Project’s impact on climate change would be less than significant without mitigation. As a result, it includes no mitigation measures to reduce greenhouse gas emissions. Given the increased awareness and concern regarding climate change in California and throughout the world, and the increasing urgency of doing something about it, it is alarming that a project of this magnitude in Sacramento would include no required mitigation measures related to greenhouse gas emissions. Furthermore, the EIR’s argument that the Project as currently described is consistent with the Sacramento Climate Action Plan is factually and analytically incorrect, as explained below.

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CEQA Guidelines Section 15183.5(b) is intended to allow the City to use the Climate Action Plan (CAP) to analyze the cumulative impact of the Projects’ impact on

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climate change. If the Project is consistent with the CAP, the EIR can conclude that its incremental contribution to the cumulative effect on climate change is not cumulatively considerable. As such, rather than identifying a significance threshold based on a quantity of greenhouse gas emissions (i.e., metric tons of CO<sub>2</sub> equivalent) and determining whether or not the Project exceeds the threshold, the EIR considers whether or not the Project conforms with a six-item checklist drawn from the CAP. As the EIR notes, this is a procedure that is used to streamline the analysis in lieu of conducting a full project-specific analysis of climate change impacts by quantifying greenhouse gas emissions.

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The first problem with this analysis is that the Sacramento Climate Action Plan itself, which was adopted in 2012, is no longer in effect, and therefore cannot qualify as a “plan for the reduction of greenhouse gas emissions” pursuant to Section 15183.5(b). When Sacramento’s 2035 General Plan was adopted in 2015, the CAP was repealed and replaced by the 2035 General Plan.<sup>1</sup> The General Plan incorporates some of the actions and measures of the 2012 CAP, but not all of them. Some of the concrete, quantifiable CAP actions are replaced in the General Plan by vague policies with either no equivalent implementation plan or a looser requirement than what was included in the CAP.<sup>2</sup>

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For example, CAP Action 1.1.1, “Require new development within the City to demonstrate that it would reduce vehicle miles traveled (VMT)/capita by 35 percent compared to the statewide average VMT/capita based on project density, diversity, design, destination accessibility, and distance to transit” is not incorporated into the General Plan or replaced with any equivalent requirement. CAP Action 5.1.1 includes requiring CalGreen Tier 1 standards for new construction and existing residential construction. The General Plan does not incorporate these requirements. In recommending adoption of the General Plan, the City claimed that these measures are “implemented through the building permit process.”<sup>3</sup> In fact, there is no CalGreen Tier 1 requirement in the City’s building code. (Rather, the Planning and Development Code includes a density and height bonus for voluntary adherence to CalGreen Tier 1 construction standards.) Furthermore, the General Plan does not incorporate the GHG emissions inventory, forecasts, and targets of the CAP, which means it does not qualify as a “plan for the reduction of greenhouse gas emissions” under Section 15183.5(b), although it purports to qualify as such a plan.<sup>4</sup> As such, it cannot be used to streamline this EIR’s climate change impact analysis.

The second problem with the CAP checklist analysis is that, contrary to the EIR, the proposed Project does not meet all of the requirements of the checklist. In fact, it fails to conform to at least five of the six items, as explained below.

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<sup>1</sup> Sacramento City Council Resolution 2015-0061, adopted March 3, 2015.

<sup>2</sup> City of Sacramento, “Climate Action Plan and 2035 General Plan Correlation Table,” March 3, 2015.

<sup>3</sup> *Ibid.*

<sup>4</sup> City of Sacramento, *2035 General Plan*, Introduction, pages 1-7 to 1-8.

1. The first item on the checklist concerns whether the Project is consistent with the General Plan’s land use designations, floor-area ratio (FAR), and density standards. The 2035 General Plan designates the Railyards for Urban Center High land uses. The Railyards Specific Plan Update proposes to change most of the site to the Central Business District land use designation, and the proposed zoning of the RSPU includes density and FAR standards that are inconsistent with the existing Urban Center High standards. Therefore the Project is not consistent with this item of the CAP checklist. Nothing prohibits the City from amending the General Plan land use designations for the site, but a project that proposes to do so is not eligible for streamlined climate change analysis under Section 15183.5(b) using the CAP checklist. Rather, it requires its own project-specific climate change impact analysis.

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2. The second item on the CAP checklist is implementation of traffic calming measures. The EIR states that the Project will not implement traffic-calming measures, but claims, without justification, that this checklist item does not apply to the Project. This checklist item might not apply to a project that did not involve the construction of any public roads or streets, but that is clearly not the case with the RSPU. The EIR attempts to argue that the requirement does not apply by claiming that the Central Business District “is not a part of the City where installation of traffic calming measures is encouraged,” but nothing in the General Plan discourages the implementation of traffic-calming measures in the CBD or Urban Center High land use districts.<sup>5</sup> The CAP checklist itself notes that “Examples of traffic calming measures include, but are not limited to: curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers.” Some of these measures, such as speed tables, may not be appropriate for the CBD, but others are common in central business districts in other cities. The General Plan circulation diagram anticipates a variety of street types in the Railyards area, including arterials, major collectors, and minor collectors.<sup>6</sup> The General Plan specifically notes that major collectors may have medians, which are themselves a potential traffic calming measure cited by the CAP checklist. There is also no reason to conclude that some of the other potential traffic calming measures would not be compatible with the CBD in general or the Railyards in particular. Again, the City is not required to include traffic calming measures in the RSPU, but failure to do so precludes the Project from streamlined climate change analysis under Section 15183.5(b) and the CAP checklist.

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3 and 4. The third and fourth items of the CAP checklist concern consistency with the City’s Pedestrian Master Plan and Bikeways Master Plan. Although the EIR lists various features of the Project that relate to bicycle and pedestrian access, there is no complete evaluation of whether the Project is consistent with all of the goals, programs, or policies of either plan. The EIR notes consistency with three of the goals of the Pedestrian Master Plan, but fails to note that the Pedestrian Master Plan establishes

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<sup>5</sup> City of Sacramento, *2035 General Plan*, Mobility Element.

<sup>6</sup> *Id.*, Figure M4A, page 2-203.

thirteen goals,<sup>7</sup> and makes no mention of the other ten. The EIR also implies that there is no need for a detailed evaluation of the Project’s consistency with the Bikeways Master Plan because “The City’s Bicycle Master Plan has been in effect for 20 years” and “A 2016 Bicycle Master Plan is anticipated to include updates to update the Plan to be consistent with Streets and Highways Code standards in order to qualify for grant funding.” The Bikeway Master Plan was adopted by the City in 1995, but was updated in 2010.<sup>8</sup> It is not as old or outdated as the EIR implies. More to the point, the fact that an updated Bicycle Master Plan is being prepared does not exempt the EIR from the application of this checklist item using the current Bikeways Master Plan.



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The reason it is important for the EIR to comprehensively evaluate whether or not the Project is consistent with the two plans is that, under Section 15183.5(b), “An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project.” Many of the goals and policies of the Pedestrian Master Plan and Bikeways Master Plan are not mandatory or enforceable on all projects. If the EIR does not incorporate mitigation measures to ensure that the Project is consistent with these goals and policies, the Project is not eligible for streamlined climate change analysis under Section 15183.5(b).

5. The fifth item on the CAP checklist concerns generation of at least 15% of the Project’s energy needs with on-site renewable energy generation. The EIR acknowledges that the Project would not meet this standard, and relies on an alternate standard included in the General Plan, which was not allowed under the 2012 Climate Action Plan.<sup>9</sup> The General Plan calls for the City to “Require that residential projects of 10 or more units, commercial projects greater than 25,000 square feet, or industrial projects greater than 100,000 square feet include on-site renewable energy systems (e.g., photovoltaic systems) that would generate at least a minimum of 15% of the project’s total energy demand on-site, or an equivalent energy savings from energy efficiency improvements that exceed minimum code requirements.”<sup>10</sup> The CAP checklist specifies that the minimum code requirements in question are those established by Title 24, Part 6, of the California Code of Regulations (the California Energy Code).



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In order to argue that the Project would exceed these standards, the EIR relies on the assertion that the 2016 standards (which will go into effect in January 2017) substantially exceed the 2013 standards (which are currently in effect) and on speculation

<sup>7</sup> City of Sacramento, *Pedestrian Master Plan*, September 2006.

<sup>8</sup> County of Sacramento and City of Sacramento, *The 2010 Sacramento City/County Bikeway Master Plan*.

<sup>9</sup> City of Sacramento, “Climate Action Plan and 2035 General Plan Correlation Table,” March 3, 2015.

<sup>10</sup> City of Sacramento, *2035 General Plan*, Part 4 – General Plan Implementation and Administration, Table 4-2, page 4-15.

that the 2019 standards will substantially exceed the 2016 standards. Such speculation does not constitute a required mitigation measure that would qualify the Project for the streamlined climate change analysis. Furthermore, mere compliance with the standards that will apply or may apply in the future does not make the Project consistent with the General Plan policy in question. As noted above, the energy efficiency standard that projects may meet in lieu of 15% on-site renewable energy generation is “equivalent energy savings from energy efficiency improvements that exceed minimum code requirements.” That is, projects should be 15% more energy efficient than Title 24, Part 6 would ordinarily require. These requirements apply at the time a project receives building permits. In simple terms, in order to make up for the absence of 15% on-site energy generation, a building should use 15% less energy than it would ordinarily be allowed to use, according to the standards that apply when it is built.

The CAP checklist and its associated FAQ document purport to define what it means to “exceed minimum code requirements” as exceeding the 2013 Title 24 standards by 10% (for residential projects) or 5% (for commercial projects), by virtue of the fact that the 2013 standards already exceed standards that were in effect when the 2012 CAP was adopted.<sup>11</sup> But the General Plan, not the CAP checklist, is the document that the City considers to be a “plan for the reduction of greenhouse gas emissions” under Section 15183.5(b). The CAP checklist is a tool for evaluating a project’s consistency with the relevant policies of the General Plan, and has no legal force to the extent it is inconsistent with the General Plan. The General Plan does not contemplate “equivalent energy savings from energy efficiency improvements that exceed” *the requirements as they existed in 2012*, but rather whatever “minimum code requirements” are in effect at the time a project is approved or built.<sup>12</sup>

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<sup>11</sup> City of Sacramento Community Development Department, “Frequently Asked Questions about the CAP Consistency Review Checklist,” June 19, 2015.

<sup>12</sup> Even if this provision of the General Plan only called for exceeding by 15% the standards that were in effect in 2012, the EIR does not demonstrate that the Project would meet even this lower standard. The EIR provides no evidence that the 2016 or 2019 standards would be sufficiently stringent to ensure this level of energy efficiency. Citing an FAQ document for the 2016 standards, the EIR claims that “Residences built to the 2016 Title 24 standards (that take effect January 1, 2017) would use about 28 percent less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards.” However, this statement in the FAQ document applies specifically to single-family homes: “Single family homes built to the 2016 standards will use about 28 percent less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards.” Neither the FAQ document nor the EIR provide any specific information about the degree to which the 2016 standards exceed the 2013 standards with respect to commercial or multi-family residential development, which will account for most of the development under the RSPU.

In order to be consistent with the clear intent of this General Plan policy, the Project should include mandatory mitigation measures to ensure that each individual project within the Railyards Specific Plan either incorporate on-site generation of 15% of its energy needs, or exceed by 15% whatever Title 24 standards are in effect at the time they receive their project-specific building permits. This would provide energy savings sufficient to make up for the fact that the buildings do not incorporate 15% on-site renewable energy generation. If such mandatory mitigation measures are not attached to the Project, the Project is not consistent with item 5 of the CAP checklist or the underlying General Plan policy, and it therefore does not qualify for streamlining of climate change impact analysis.

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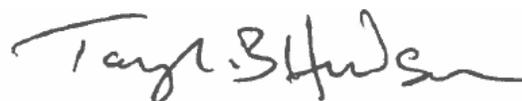
In summary, the Project is not eligible for streamlining under CEQA Guidelines Section 15183.5(b) for two primary reasons: (1) the City of Sacramento does not have a plan for the reduction of greenhouse gas emissions that qualifies under Section 15183.5(b), and (2) even if the 2035 General Plan qualified as such a plan, which it purports to do, the Project is not consistent with at least five of the primary measures identified by the General Plan to reduce greenhouse gas emissions, which are summarized in the CAP checklist.

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As currently proposed, the Project would miss a crucial opportunity to make Sacramento a more sustainable City. As a uniquely large urban infill site adjacent to downtown Sacramento, it is the single best opportunity to make a major step toward sustainability. If mandatory mitigation measures sufficient to make the Project consistent with the CAP checklist, such as those suggested above, were incorporated into the Project, the Project would be vastly more sustainable than what is currently proposed. This would be a significant improvement for our members and for everyone else facing the mounting consequences of climate change. Alternatively, the City could undertake a project-specific climate change impact analysis of the Project and identify appropriate mitigation measures on that basis. Such mitigation measures may result in a more sustainable project than compliance with the CAP checklist, or a less sustainable project. As a matter of CEQA compliance, the City must do one or the other, as the analysis presented so far is inadequate and noncompliant with the CEQA Guidelines. We hope the City will take the path that results in the greatest level of sustainability for this project.

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Sincerely,



Ty Hudson  
Research Analyst

**Letter O1      Ty Hudson, Unite Here Local 49**  
**Response      July 26, 2016**

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- O1-1            The comment regarding the commenter’s organization, UNITE HERE Local 49, is noted. Regarding the City’s leadership in reducing greenhouse gas emissions, and the proposed projects’ conformance, please see Responses to Comments O1-2 through O1-10.
- O1-2            A climate action plan is a comprehensive strategy to reduce greenhouse gas emissions. The Sacramento Climate Action Plan (CAP) was adopted by the City Council on February 14, 2012. The 2035 General Plan, adopted on March 3, 2015, integrates actions and measures from the CAP into its overall policy framework. This integrated approach allows the 2035 General Plan to be recognized as a “Plan for the Reduction of Greenhouse Gas Emissions” (as provided in CEQA Guidelines section 15183.5). The CAP strategies, measures, and actions that reduce greenhouse gas (GHG) emissions have been incorporated into appropriate elements of the 2035 General Plan. The 2035 General Plan also includes descriptions of climate change risks, and policies, measures, and actions through the General Plan Elements to address adaptation to climate change impacts.<sup>26</sup>
- The City adopted its CAP with the primary objective to reduce greenhouse gas (GHG) emissions throughout the community and prepare for climate change. The City’s CAP identifies strategies to guide the development and implementation of locally-focused GHG reduction measures and quantifies the associated emissions reductions. The CAP also identifies actions and policies the City has already implemented as part of its existing general plan that result in GHG efficiency or GHG emission reductions. In addition, it includes adaptation measures to improve the City’s ability to address the potential impacts that climate change may have on the city and its residents.
- The 2012 CAP was designed to reduce community-wide emissions 15 percent below 2005 levels by the year 2020, and to set the City on a course to achieve a long-term emissions reduction goal of 83 percent below the 2005 levels by the year 2050. The 2020 target can also be expressed as a 28 percent reduction below projected 2020 “business as usual” GHG emission levels, which takes into account emission reductions in both existing and new development assumed in

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<sup>26</sup> City of Sacramento, 2015 (March 3). City Council Staff Report – 2035 General Plan Adoption, Key Changes in the 2035 General Plan Table, pg. 7 of 233.

the 2030 General Plan. The CAP fulfilled the criteria identified in the above implementation measure, and was integrated into the General Plan.<sup>27</sup>

The City's currently adopted general plan (2035 General Plan) integrated and updated the comprehensive, community-wide GHG emissions reduction strategy contained in the 2012 CAP and serves as the City's CAP. The General Plan is updated every five years, and City staff conducts annual progress reporting on General Plan implementation. The General Plan includes Policy ER 6.1.5 to achieve a GHG emissions reduction target of 15 percent below 2005 levels by the year 2020. The 2035 General Plan also recommends longer-term goals for GHG reductions of 49 percent below 2005 levels by the year 2035 and 83 percent below 2005 levels by the year 2050.

The City's GHG emissions inventory and projections were updated as part of the CAP adoption to reflect the 2035 General Plan growth projections and updates to the transportation modeling. The GHG emissions projections account for the land use pattern and demographic assumptions contained in the 2035 General Plan.

The 2035 General Plan contains a comprehensive list of the specific policies and programs that constitute the proposed GHG emissions reduction strategies. These policies and programs contain GHG emissions reduction measures that apply to both existing and new development.<sup>28</sup>

The integration of the City's CAP into the 2035 General Plan and the utilization of General Plan policies to address GHG emissions and related effects on climate changes satisfies CEQA Guidelines Section 15183.5. Policies and Implementation Programs through the Land Use and Mobility elements promote reductions in VMT through mix and density of land uses, walkable neighborhood design, bicycle facilities and infrastructure, public transportation facilities and infrastructure.<sup>29</sup> Implementation of the applicable General Plan policies presented in the 2035 General Plan pertaining to the reduction of GHG emissions would allow individual projects to develop within the Railyards consistent with the efforts outlined in the City's CAP and thereby the adopted 2035 General Plan, which would be consistent with the directives of AB 32, the Global Warming Solutions Act of 2006.

- O1-3            The Draft SEIR utilized the CAP Consistency Review Checklist as part of its analysis. The CAP Consistency Review Checklist has been established as a tool to be used for new development projects subject to CEQA to determine if the

<sup>27</sup> City of Sacramento, 2014. Sacramento 2035 General Plan Background Report. Public Review Draft, August 2014. p. 6-119.

<sup>28</sup> City of Sacramento, 2015. City of Sacramento 2035 General Plan Master Environmental Impact Report (SCH No. 2012122006). Certified March 3, 2015. Section 4.14, pp. 4.14-2 – 4.14-8.

<sup>29</sup> City of Sacramento, 2015. City of Sacramento 2035 General Plan Master Environmental Impact Report (SCH No. 2012122006). Certified March 3, 2015. p. 4.14-3.

project is consistent with the City's goals and policies for addressing climate change and reducing GHG emissions. Please also see Response to Comment O1-2.

O1-4 The integration of the 2012 CAP into the 2035 General Plan did not eliminate the quantifiable actions or undermine the integrity of the City's policy and regulatory structure to qualify as a plan for the reduction of greenhouse gas emissions pursuant to State CEQA Guidelines section 15183.5(b). Based upon the information presented below, as well as information provided in Responses to Comments O1-2 through O1-3, reliance on CEQA Guidelines section 15183.5(b) is appropriate.

As part of the adoption of the 2035 General Plan, the CAP strategies, measures, and actions that reduce greenhouse gas emissions were incorporated into appropriate elements of the 2035 General Plan. The SACOG MTP/SCS supports a multi-disciplinary approach to reducing VMT, stating it is impossible to attribute declines in VMT per capita to specific policies or factors. However, factors that contribute to VMT reduction include improvements in accessibility, mix of land uses, jobs/housing balance, and transit service and walkability.<sup>30</sup> The following 2035 GP policies correlate to the SACOG MTP/SCS principles:

- *LU 1.1.1 Regional Leadership. The City shall be the regional leader in sustainable development and encourage compact, higher-density development that conserves land resources, protects habitat, supports transit, reduces vehicle trips, improves air quality, conserves energy and water, and diversifies Sacramento's housing stock. (RDR)*
- *LU 5.1.2 Centers Served by Transit. The City shall promote the development of commercial mixed-use centers that are located on existing or planned transit stops in order to facilitate and take advantage of transit service, reduce vehicle trips, and enhance community access. (RDR)*
- *LU 5.4.1 Incorporating Housing and Employment Uses. The City shall promote the introduction of housing and employment uses in the city's existing regional commercial centers as a means of enhancing retail viability, establishing pedestrian-oriented shopping districts, creating more attractive buildings and public spaces, supporting transit viability, and reducing vehicle trips. (RDR)*
- *LU 1.2.3 Project Streamlining for Sustainability. The City shall review SACOG's Metropolitan Transportation Plan, including the Sustainable*

<sup>30</sup> Sacramento Area Council of Governments. 2016. 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy. Chapter 5B, Vehicle Miles Traveled and Roadway Congestion Trends and Performance. p. 85. February 18, 2016.

*Communities Strategy or Alternative Planning Strategy, for projects that may benefit from CEQA streamlining (e.g., full exemption, Sustainable Communities Environmental Assessment, or traffic mitigation) as provided by State law. (RDR)*

- *M 1.2.1 Multimodal Choices. The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions. (MPSP/SO)*
- *M 1.2.4 Multimodal Access. The City shall facilitate the provision of multimodal access to activity centers such as commercial centers and corridors, employment centers, transit stops/stations, airports, schools, parks, recreation areas, medical centers, and tourist attractions. (MPSP/SO)*
- *ER 6.1.7 Greenhouse Gas Reduction in New Development. The City shall reduce greenhouse gas emissions from new development by discouraging auto-dependent sprawl and dependence on the private automobile; promoting water conservation and recycling; promoting development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; improving the jobs/housing ratio in each community; and other methods of reducing emissions. (RDR)*

These various policies are designed to promote an overall reduction in citywide VMT. Development within the proposed project area, identified as a Center Corridor Community in the SACOG MTP/SCS, would, by meeting the goals identified above, assist in the City meeting its goals of reducing GHG emissions consistent with the requirements of AB 32.

When creating the MTP/SCS, SACOG made every effort to meet and surpass the goals outlined by both these laws. SB 375 is an implementation measure of AB 32, and creates specific targets that each region throughout California must try to meet. AB 32, on the other hand, does not direct SACOG to achieve any GHG emission reduction but instead sets statewide goals. However, the MTP/SCS were developed to not only achieve the goals of SB 375, but create an efficient land use plan and robust transportation network that would meet AB 32 goals and further reduce our impact on climate change.<sup>31</sup> The City's CAP is consistent with the SACOG MTP/SCS.

<sup>31</sup> Sacramento Area Council of Governments. 2016. 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy. Chapter 7, Environmental Sustainability. p. 170. February 18, 2016.

Under the 2035 General Plan, policy U 2.1.10 Water Conservation Standards states the City shall achieve a 20 percent reduction in per-capita water use by 2020 consistent with the State's 20x2020 Water Conservation Plan. The current Green Building Code requirements, that projects are subject to, provide equivalent or more effective water efficiency requirements than those of the CALGreen Tier 1 Water Efficiency Standards at the time of the CAP adoption. With the general requirements of the CALGreen Building Code being enforced through the City's Building Permit process, the water conservation goals identified in the CAP Action 5.1.1 and current 2035 GP Policy U 2.1.10 are being achieved.

The 2035 General Plan incorporated the GHG reduction strategy of the 2012 CAP, which demonstrates the project's compliance mechanism for achieving the City's adopted GHG reduction target of 15 percent below 2005 emissions by 2020. The City's projected emissions without, and with the GHG reduction actions, are presented relative to the 2020 GHG reduction target and 2035 and 2050 goals in the 2035 General Plan MEIR Exhibit 4.14-1. The General Plan would meet (and exceed) the 2020 target with a 248,249 MT CO<sub>2</sub>e/year surplus.

The 2035 General Plan is consistent with the directives of AB 32, the Global Warming Solutions Act of 2006, which requires the state to reduce GHG emissions to 1990 levels by 2020, or approximately 15 percent below 2005 GHG emissions levels by 2020. In its Proposed Update to the AB 32 Climate Change Scoping Plan, ARB recommends establishing a mid-term emissions limit that aligns with the State's long-term goal of an emissions limit 80 percent below 1990 levels by 2050. ARB has not yet specified this mid-term emissions limit or an expectation for local governments to achieve mid- or long-term GHG reductions, but has indicated the intention to plan for GHG emissions reductions beyond 2020. The City has also begun to create a framework for GHG emissions reductions through 2035 and has conservatively estimated the GHG reduction potential of policies and programs in the General Plan.<sup>32</sup>

O1-5 In its 2035 General Plan, the City has identified a number of subareas that provide the opportunity to accommodate substantial growth in the future. The RSP Area is designated a Center, which includes areas that are expected to develop for commercial and employment uses (without housing) and/or mixed-use projects that integrate housing with retail, office, community facilities and other uses.

The current Railyards site has unique zoning designations. The RCMU (Residential/Commercial Mixed Use), ORMU (Office/Residential Use), and

<sup>32</sup> City of Sacramento, 2015. *City of Sacramento 2035 General Plan Master Environmental Impact Report* (SCH No. 2012122006). Certified March 3, 2015. p. 4.14-11.

RMU (Residential Mixed Use) zones are found only in the Railyards area. The unique zones were established in the 2007 Specific Plan to provide the flexibility and allow a variety of uses planned in the area.

Since the approval of the Sacramento Railyards project, the Planning and Development Code has been adopted and provides for more flexibility within zones used citywide. Rezoning as proposed under the RSPU would allow the use of zoning designations found elsewhere in the downtown area which are compatible with the urban nature envisioned for future development in this core area of the Central City. The zones proposed for consideration include the Central Business District (C-3 SPD) zone, Hospital (H SPD) zone, General Commercial (C-2 SPD), Limited Commercial (C-1 SPD), and the High Rise Residential (R-5 SPD) zone. There would be no change for the zoning of the rail lines which is Transportation Corridor (TC SPD) or the City-owned Sacramento Valley Station which is Heavy Industrial (M-2 SPD).

As a result, it is proposed that a majority of the Railyards site be designated as Central Business District, consistent with the proposed Central Business District (C-3 SPD) zoning. A portion of the RSP Area would be designated Urban Center High. The Sacramento Valley Station and UPRR rail lines would continue to be designated as Public/Quasi-Public. Vista Park and portions of the Riverfront area would continue to be designated as Parks and Recreation. The easternmost portion of the site between 10th and 12th Street is proposed to be designated as Employment Center Low Rise to correspond to the proposed General Commercial (C-2 SPD) zoning, to match the development standards of the adjoining parcel which is in the River District, and to ensure this block serves as an appropriate buffer with the adjacent Alkali Flat and Mansion Flats neighborhoods.

The existing zoning designations within the RSP area are similar to the proposed C-3 SPD Zone. The proposed rezone to C-3 would eliminate the special zoning within the RSP Area, and would provide for easier use of the Site Plan and Design Review process as established in the Planning and Development Code. The existing plan area allows for unlimited heights, up to 12,000 residential units, an optional area for a sports complex, and mixed uses. The current proposal allows for some unlimited heights, 6,000 – 10,000 residential units, a soccer stadium, hospital, and mixed uses. While some ratios have changed, these land uses are generally consistent.

- O1-6 The comment addresses CAP Consistency Checklist question #2 which asks whether the RSPU would “incorporate traffic calming measures (CAP Action 2.1.1).” The text of the Draft SEIR (pages 4.7-17, -20, -22, and -25) notes that the majority of the project would be designated Central Business District. Chapter 2, Changes to the Draft SEIR, revises text regarding the proposed projects’

incorporation of traffic calming measures and the proposed RSPU would establish the framework for the extension of a new road network through the RSP Area, and many of the features of that road network would incorporate traffic calming measures. Applicable traffic calming measures that are proposed to be part of the RSPU circulation system include, but are not limited to, neighborhood signs, warning signs, stop signs, striping, bicycle lanes (including buffered bicycle lanes on 6<sup>th</sup> Street), bot dots with reflective markers, enhanced crosswalks, and bulb-outs, etc. These types of measures are included elsewhere within the Central Business District.

The paragraph under CAP Consistency Checklist Question 2, on Draft SEIR (pages 4.7-17, -20, -22, and -25) is revised to read:

The RSPU would be located in the Central Business District, and the transportation network would directly connect to the city's downtown grid, which is not a part of the City where installation of traffic calming measures is encouraged. Consequently, this criterion would not apply to the proposed RSPU, and traffic calming measures are not proposed. The proposed RSPU circulation system would include such features as neighborhood signs, warning signs, stop signs, striping, bicycle lanes (including buffered bicycle lanes on 6<sup>th</sup> Street), bot dots with reflective markers, enhanced sidewalks and crosswalks, curb extensions (bulb-outs), on street parking, planters with street trees, and other features that would calm traffic and enhance non-automotive modes of travel. These features would be consistent with the traffic calming actions called for in the Climate Action Plan.

- O1-7 Compliance with the CAP Consistency Review Checklist includes documentation of how the project would incorporate pedestrian facilities and connections to public transportation consistent with the City's Pedestrian Master Plan (Item 3) and how the project would incorporate bicycle facilities consistent with the City's Bikeway Master Plan, and meet or exceed minimum standards for bicycle facilities in the Zoning Code and CALGreen.

Within the RSP Area, the existing 5th and 6th Streets and Railyards Boulevard contain upgraded pedestrian facilities. As described in the Draft SEIR, pedestrian features of the proposed RSPU would include narrow street widths, street trees, broad sidewalks, and enhanced crosswalks. Additional pedestrian related improvements in conjunction with the traffic calming measures mentioned above in the Response to Comment O1-6, would further improve the pedestrian facilities consistent with the CAP Consistency Review Checklist Item 3.

The Draft SEIR discusses that the existing 2011 Bikeway Master Plan has been in effect for 20 years. It doesn't make any conclusions based upon the age of the document other than to further discuss that a 2016 Bicycle Master Plan is anticipated to update the Plan to be consistent with the Streets and Highway

Code standards. The 2016 Bicycle Master Plan was adopted by the City Council on August 16, 2016.<sup>33</sup>

The SEIR further goes on to describe the RSPU bicycle network and the key changes from the 2007 RSP. The proposed bicycle network facilities would be consistent with the 2011 Bikeway Master Plan and the 2016 Bicycle Master Plan, and would meet the requirements of the Planning and Development Code and CALGreen.

More specifically, the recently adopted 2016 Bicycle Master Plan identifies a preferred bicycle network through the RSP Area. The preferred network includes Class II bicycle lanes on most of the major streets in the RSP Area, with the exception of a Class I path on 7<sup>th</sup> Street between Railyards Boulevard and F Street. As is explained in the Draft SEIR, the project proposes to provide enhanced bicycle facilities including a Class IV buffered lane on 6<sup>th</sup> Street between Railyards Boulevard and H Street, but would eliminate bicycle travel on 7<sup>th</sup> Street between Camille Lane and F Street, as well as eliminate a planned connection on 10<sup>th</sup> Street between D Street and Railyards Boulevard. In both cases, the proposals to eliminate facilities were based on engineering studies that demonstrated their lack of engineering feasibility. In addition, east-west connectivity through the Railyards would be enhanced by connecting the planned North 12<sup>th</sup> Street cycle track to the Sacramento River bicycle trail. On balance, the City has determined that the proposed RSPU would meet the following articulated objectives of the 2016 Bicycle Master Plan: (1) fill gaps in the existing bicycle network, (2) provide new buffered bike lanes, (3) add new bike/pedestrian paths to provide a more complete system along the Sacramento and American Rivers, and (4) establish a more complete Low Stress Bicycle Network.<sup>34</sup>

- O1-8 The CAP Consistency Review Checklist identifies that CAP compliance can be achieved through alternative energy savings by exceeding the energy efficiency standards of Title 24, Part 6 of the California Building Code, such as building to CALGreen Tier 1 energy standards. (Residential projects shall exceed the 2013 Title 24 energy efficiency by a minimum of 10 percent and commercial projects shall exceed 2013 Title 24 energy efficiency by a minimum of 5 percent).

The SEIR based its discussion on information from the California Energy Commission, 2016 Building Energy Efficiency Standards Frequently Asked Questions.<sup>35</sup> This information confirms the State's plan for achieving a goal of

<sup>33</sup> City of Sacramento, *Bicycle Master Plan*, July 2016.

<sup>34</sup> City of Sacramento, *Bicycle Master Plan*, July 2016, p. 43.

<sup>35</sup> California Energy Commission, *2016 Building Energy Efficiency Standards Frequently Asked Questions*, Accessed: [http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016\\_Building\\_Energy\\_Efficiency\\_Standards\\_FAQ.pdf](http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016_Building_Energy_Efficiency_Standards_FAQ.pdf). August 19, 2016.

zero net energy (ZNE) use. As described in the Draft SEIR, as it is developed over time, some of the RSPU would be constructed pursuant to the 2016 standards and the majority would be constructed pursuant to the 2019 (or later) standards. Based on this information, the City reasonably concluded that compliance with the increasing efficiency standards of Title 24 (as established by the State of California with the goal of ZNE for residential units by 2020 and commercial units by 2030) would result in the RSPU meeting, and likely exceeding, the City's CAP efficiency standards. Because the schedule and content of the energy efficiency standard updates are considered reasonably foreseeable based on information provided by the California Energy Commission, these conclusions are not considered speculative.

O1-9 Please see Responses to Comments O1-2 through O1-8.

O1-10 The comment is noted. As described within the comment itself, the Proposed Project would be a large infill development adjacent to downtown Sacramento and a multitude of alternative transportation connections. As the major source of GHG emissions in the City is the result of motor vehicle operations followed by energy consumption in buildings,<sup>36</sup> the development of the RSP Area would provide the opportunity to reduce per capita VMT by providing a broad mix of uses within the downtown area with a multitude of transit options. Additionally, as a result of reasonably foreseeable and increasingly stringent energy efficiency standards enforced through the State Building Code (Title 24), combined with the incremental increase in SMUD's renewable energy portfolio, new development within the RSP Area would reduce incremental GHG emissions related to energy use, which would meet the goals and intent of the City's 2035 General Plan, including its Climate Action Plan policies, as well as AB 32 and related state legislative and executive directives. Please also see Responses to Comments O1-1 through O1-9.

<sup>36</sup> City of Sacramento, 2015. City of Sacramento 2035 General Plan Master Environmental Impact Report (SCH No. 2012122006). Certified March 3, 2015. p. 4.14-2.

27 July 2016

Scott Johnson  
Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811



Subject: Comments on Specific Plan Update  
KP Medical Center, MLS Stadium, & Stormwater Outfall  
P15-040 | SCH No. 2006032058  
Draft Subsequent Environmental Impact Report  
Railyards Project, Sacramento, California

Dear Mr. Johnson:

On behalf of Union Pacific Railroad Company (UPRR), ERM-West Inc. (ERM) has prepared this letter to provide written comments on the *Specific Plan Update KP Medical Center, MLS Stadium, & Stormwater Outfall Draft Subsequent Environmental Impact Report* for the Railyards project in Sacramento, California. UPRR has generated these comments to clarify items that are not consistent with the record for the cleanup project regulated by California Department of Toxic Substances Control (DTSC). While portions of this Environmental Impact Report quote information produced by ERM for UPRR, UPRR was not involved in the generation of this document and has not performed an exhaustive review to ensure that all statements contained in this document are accurate.

**Comment 1:** Figure 4.8.1 is titled *Railyards Soil Investigation and Cleanup Areas and Planning District Boundaries*. A dashed line is included to outline some areas but the intent of this line is not indicated on the legend. UPRR notes that the areas outlined with dashed lines do not align with the boundaries established for the Study Areas as regulated by DTSC. This figure also includes locations for railroad tracks that are not current.

**Comment 2:** Page 4.8-15 states that the "Sims Metal Site" is part of the Lagoon Study Area. This is not accurate. The former SPTCo Sacramento Railyard and the Sims Metals site have no overlap and are regulated by DTSC under separate enforceable agreements.

1

2

**Comment 3:** Page 4.8-33 refers to the “excluded triangle” as a non-certified area. This is an informal term used for the triangular portion of the Lagoon Soil Study Area Northwest Corner, which is not included in the future Vista Park area. The entire Lagoon Soil Study Area Northwest Corner is not currently certified and should be included in this section in place of the triangular area. UPRR also notes that cleanup of the triangle area was initiated in July 2016 and is expected to be completed in fall 2016.

3

**Comment 4:** Page 4.4-48 states that Kyle Wyatt performed certain duties as an employee of ERM. Kyle Wyatt is employed by the California State Railroad Museum and has never worked for ERM.

4

Please feel free to contact me at (916) 924-9378 if you have any questions.

Sincerely,



Brian Magee  
*Program Director*



Benjamin Leslie-Bole  
*Partner*

BDM/BLB/0121289.06.0010

cc: *electronic submittals*  
Mr. James Levy, Union Pacific Railroad Company  
Mr. Lauren Mancuso, Union Pacific Railroad Company

**Letter O2 Response**      **Brian Magee/Benjamin Leslie-Bole, ERM (Union Pacific Railroad)**  
**July 27, 2016**

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- O2-1      Figure 4.8-1 on page 4.8-5 of the Draft SEIR is revised as requested in the comment and is included at the end of Chapter 2, Revisions to the Draft SEIR.
- O2-2      The comment notes that the reference in the Draft SEIR to the Sims Metal site being part of the Lagoon Study Area is not accurate and that the Sims Metal site and the former Southern Pacific Transportation Company Railyard are regulated by DTSC under separate enforceable agreements. As described on page 4.8-15 of the Draft SEIR, a portion of the Sims Metal site is located in the eastern portion of the RSP Area but it is not covered under the 2015 LUC and the Sims Metal site is undergoing a separate remediation process with DTSC. As further discussed under Impact 4.8-1 on page 4.8-39 of the Draft SEIR, because remediation has not been completed in this area (the portion of the Sims Metal site in the RSP Area) and a LUC has not been recorded, any development of the site would be subject to the requirements of an approved Soil and Groundwater Management Plan (SGMP).
- O2-3      The comment is noted that the use of the term “excluded triangle” to describe a portion of Lagoon Soil Study Area corner east of Vista Park is an informal term. Therefore, the first sentence of the first paragraph on page 4.8-33 is revised as follows:
- Development in Non-Certified Areas (such as the Central Shops Study Area and the ~~excluded triangle east of Vista Park (in portion of~~ the northwest corner of the Lagoon Study Area east of Vista Park) can only commence after the project proponent (defined in the SGMP as the entity that would be primarily responsible for construction of a development project) obtains written approval from DRV, the property owner (defined in the SGMP as a public or private entity that owns all or portions of the RSP Area where projects are to be developed) and DTSC of an addendum to the SGMP (Project Addendum, described in detail below).
- O2-4      The Draft SEIR erroneously refers to Kyle Wyatt as an employee of ERM. As a result, the third sentence of the third paragraph on page 4.4-48 is revised as follows:
- Since at least 2000, Kyle Wyatt has served as ~~has served the dual role as ERM West archaeological monitor for the project, and~~ curator at the California State Railroad Museum.

In addition, Footnote 55 on page 4.4-48 of the Draft SEIR is revised as follows:

- <sup>55</sup> Wyatt, Kyle, ~~ERM West~~ California State Railroad Museum Archaeological Monitor, Personal communication with R. Scott Baxter, ESA, December 3, 2015.



July 27, 2016

Scott Johnson, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811-0218  
SRJohnson@cityofsacramento.org

Subject: Draft Subsequent EIR (DSEIR) for the Sacramento Railyards Specific Plan Update (P15-040)

Dear Mr. Johnson:

Thank you for the opportunity to comment on the subject DSEIR. We are pleased that this project is moving forward rapidly with its plans for a major Kaiser Permanente Medical Center and a stadium for the Sacramento Republic FC. Both Kaiser Permanente and the Sacramento Republic are enthusiastic supporters of bicycling and encourage their employees and customers to use bicycling for everyday transportation.

1

We heartedly support the Stadium Bicycle Plan shown in Figure 2-41; it is quite robust in depicting proposed points of bicycle access to the stadium site and bicycle parking locations (including short-term, long-term, and valet for large events).

For the EIR analysis, the proposed project will have a significant adverse impact on bicycling if it would “fail to adequately provide for access by bicycle.” The Sacramento General Plan includes 2 policies that expand on what is adequate access by bicycle:

**M 5.1.2 Appropriate Bikeway Facilities.** The City shall provide bikeway facilities that are appropriate to the street classifications and type, number of lanes, traffic volume, and speed on all rights-of-way.

**M 5.1.3 Continuous Bikeway Network.** The City shall provide a continuous bikeway network consisting of bike-friendly facilities connecting residential neighborhoods with key destinations and activity centers (e.g., transit facilities, shopping areas, education institutions, employment centers).

What constitutes “bike-friendly facilities” varies by type of roadway and traffic characteristics. For example, bikeways on major streets with high traffic volumes and high traffic speeds require more protection for bicyclists to be considered bike-friendly (i.e. safe and comfortable for all ages and abilities of bicyclists). Mekuria et al. (2012) have defined what are considered to be bike-friendly facilities for various roadway types and traffic characteristics. Bike-friendly facilities are those that avoid roadways of high-traffic stress or those that protect bicyclists from high-traffic stress.

2

Figure 2-15 of the DSEIR shows the proposed Bike Plan for the Specific Plan area. The plan shows 4 types of bicycle facilities: Class 1 off-street bikeways, Class 2 painted bike lanes next to vehicle lanes, Class 3 roadways shared with vehicles, and Class 4 bike lanes protected by painted or physical barriers to prevent intrusion of vehicles.

The proposed Bike Plan fails to provide a bike-friendly connection between the future I Street/Railyards Boulevard bridge (at the west end of the project) and the Stadium at the east end, thus causing a significant adverse impact of the project. The Bike Plan shows Class 2 bike lanes along Railyards Boulevard between these destinations.

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However, Class 2 bike lanes on this street cannot be considered a bike-friendly, low-traffic-stress bikeway, because this roadway will be a high-volume, high-speed arterial through the project area, particularly at “the heavily traveled 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Street intersections” (p 4.12-42).

To mitigate this significant impact, we request that a true bike-friendly, low-traffic-stress bikeway be placed along the future South Park Street, along the northern edge of the project site, classified as a “major street” on the proposed project’s Circulation Plan (Figure 2-12). South Park Street is a particularly important route for a bike-friendly bikeway because it could connect from the 7<sup>th</sup> St and South Park Street light-rail station to the future Kaiser Permanente Medical Center for Kaiser employees and customers. Furthermore, it could provide a convenient connection from the future I Street bridge to the Stadium, thus allowing all types of bicyclists (including young, old, and families) to travel comfortably from West Sacramento residential areas to events at the Stadium.

We believe that this future roadway offers the best potential opportunity for a bike-friendly connection between the east and west ends of the project site, depending on its traffic characteristics and roadway cross-section. If traffic volumes along South Park Street are moderate (e.g. < 10,000 ADT) and speeds are <30 mph, Class 2 painted bike lanes (at least 6’ wide) can provide bike-friendly conditions. If traffic volumes and speeds are greater, however, Class 1 (off-street bikeway) or Class 4 (buffered or protected bike lane) will be needed to ensure all ages and abilities of bicyclists can feel safe and comfortable. At the west-end of South Park Street, a Class 1 or Class 4 connection needs to be made between Bercut Street and the future I Street bridge.

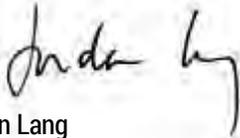
Other than the failure to provide a bike-friendly east-west connection, the proposed Bike Plan appears to provide a fairly thorough network of bike-friendly facilities to key destinations and activity centers in the project area.

We request an opportunity to meet with the project applicant and the City’s Active Transportation Program Specialist to explore a bike-friendly design for the South Park Street alignment.

SABA works to ensure that bicycling is safe, convenient, and desirable for everyday transportation. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

Thank you for considering our comments.

Sincerely,



Jordan Lang  
Project Analyst

CCs: Paul Philley, SMAQMD (pphilley@airquality.org )  
Jennifer Donlon Wyant, Sacramento Active Transportation Program Specialist (jwyant@cityofsacramento.org)

Citation: Mekuria, Maaza, Peter Furth, and Hilary Nixon. *Low-stress bicycling and network connectivity*. Mineta Transportation Institute, San Jose State University. May 2012. Report 11-19.



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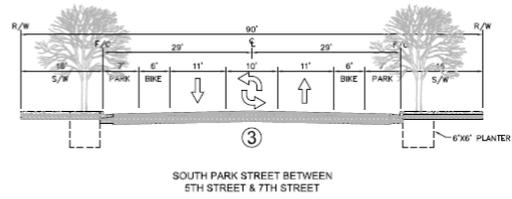
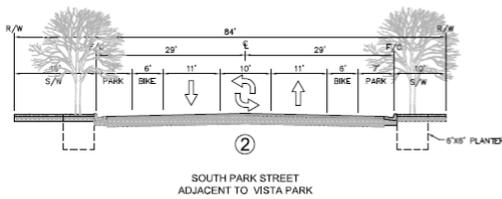
**Letter O3 Response**      **Jordan Lang, Sacramento Area Bicycle Advocates (SABA)**  
**July 27, 2016**

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- O3-1            The comment provides support for the MLS Stadium shown on Figure 2-41 in the Draft SEIR.
- O3-2            The comment reiterates the significance criteria used in the Draft SEIR for determining impacts to bicycle facilities, and provides information about features that constitutes “bike-friendly facilities.” The comment reiterates the types of bicycle facilities that are anticipated in the RSP Area.
- O3-3            Downtown Railyard Venture, LLC, has been meeting with the Sacramento Area Bicycle Advocates (SABA) as well as other community groups and stakeholders to collaborate on both the bike-friendly and walking friendly design of the Railyards. The City agrees with SABA that future South Park Road will be an important bike route. The City’s preferred bicycle network includes a Class 2 bicycle lane on Railyards Boulevard from the new I Street bridge easterly to 7<sup>th</sup> Street, ultimately connecting to 12<sup>th</sup> Street. On August 16, 2016, the Sacramento City Council formally approved the City of Sacramento *2016 Bicycle Master Plan*. As proposed, the RSPU is consistent with the 2016 Bicycle Master Plan, including the designation of bicycle routes and lanes through the RSP Area. Further, the transportation analysis presented in the Draft SEIR supports the conclusion that impacts to bicycles would be less than significant given the incorporation of appropriate bicycle routes through the RSP Area commiserate with the anticipated traffic volumes on the roadways.

The traffic volumes for South Park Street under the Cumulative + RSPU Project condition would be 4,300-7,400 vehicles per day between Bercut Drive and 5<sup>th</sup> Street, as shown in Figure 4.12-43 of the Draft SEIR. According to Figure 4.12-14, South Park Street between Bercut Drive and 7<sup>th</sup> Street is projected to carry between 4,300 and 7,400 ADT under cumulative plus RSPU conditions. While posted speed limits on this street are not known, it is likely given the area’s urban nature to be posted at 30 mph or less. According to Figure 2-15, Class 2 bike lanes would be constructed on South Park Street, providing 6-foot-wide bike lanes. This design would be consistent with the recently approved *2016 Bikeway Master Plan*, specifically policy M 4.2.2 Pedestrian and Bicycle-Friendly Streets: “In areas with high levels of pedestrian activity (e.g., employment centers, residential areas, mixed-use areas, schools), the City shall ensure that all street projects support pedestrian and bicycle travel. Improvements may include narrow lanes, target speeds less than 35 miles per hour, sidewalk widths consistent with the Pedestrian Master Plan, street trees, high-visibility pedestrian crossings, and bikeways (e.g. Class II and Class III bike lanes, bicycle boulevards, separated bicycle lanes and/or parallel multi- use pathways).”

South Park Road's westerly terminus would connect to a Class 1 bike trail along Bercut Drive, while its easterly terminus would connect to the Pedestrian Plaza. So, based on the anticipated function of South Park Street, the provision of Class 2 bike lanes would meet the intent of this comment of providing a low-stress bikeway.



O3-4 The commenter requests to meet with the project applicant and the City's Active Transportation Program Specialist. The comment is noted and will be conveyed to the City Council for its consideration.



P.O. Box 1526 • Sacramento, CA • 95812-1526 • (916) 444-0022 • office@ecosacramento.net • http://www.ecosacramento.net/

Wednesday, July 27, 2016

Scott Johnson, Associate Planner  
Department of Community Development  
Planning and Environmental Review Division  
827 7th Street, Room 225, Sacramento, CA 95814

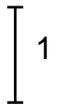
**SUBJECT: Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, & Stormwater Outfall Subsequent Environmental Impact Report**

Dear Mr. Johnson:

These are comments from the Environmental Council of Sacramento (ECOS), with dozens of individual members and organizational members in the tens of thousands. ECOS has a history of over 4 decades of advocacy to limit sprawl, preserve agriculture, habitat and open space, and improve the quality of life while supporting growth with a vibrant and equitable economy.

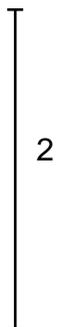
**Alternatives to the Proposed Projects**

The glaring deficiency in this SEIR is the lack of an Increased Density/Intensity Alternative.

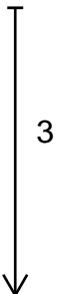


**Land Use, Transportation, Air Quality, Climate Change**

ECOS believes that the requested zoning should include a **minimum** as well as a **maximum** number of housing units. Virtually all of the mitigations for Transportation, Air Quality and Climate change involve the enrichment of alternatives to automobile travel to, from and within the project. Other than automobile travel, all the other modes of transportation benefit from higher densities and more residential development, irrespective of the correction of any jobs/housing mismatch. Furthermore, the expensive infrastructure improvements necessitated by the project will not be as efficient at the proposed densities as they would at increased densities.



The addition of the Kaiser Permanente Medical Center (KP) provides ample basis on which to create plans for all-income housing development that would be synchronized with the creation of jobs in the project. Projects of this nature often favor early scheduling of commercial development, followed later, much later or never, by commensurate housing development. This pattern fosters the creation of undesirable patterns of housing, transportation, land speculation and delayed creation of public amenities that collectively depress the success of the integrated and holistic downtown desired by the City and by ECOS. An employer like KP includes one of the widest ranges of salaries imaginable, from low-skilled to some of the highest-skilled in



society today. Of all the ways to bring a wide variety of income levels to the project, this has to be one of the most effective. This is an opportunity that should not be squandered by timidity.

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At its current capacity for growth, RT is struggling to figure out how to keep up with the proposed growth in the region. Much of this struggle is exacerbated by the relatively timid densities being proposed, including this project. As is often proposed as part of other projects in the region, ECOS would like to see the development of an aggressive Transportation Services District as part of this project. We believe that a fee assessment on a dwelling unit equivalent basis would provide support to RT, or a private shuttle provider, as well as support the functions of the Transportation Management Association.

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A further boon to the mode share for RT for trips to, from and within the project would result from a program to make every ticket sold for an event at large venues in the project (e.g., the soccer stadium, major events in public spaces at the Railroad Museum, etc.) also serve as a day pass for unlimited rides on RT. We understand this is being considered by the Golden 1 Center and should also be a part of this project.

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**To this end the following mitigation steps are presented:**

1. Establish a minimum residential density, say 75% of zoned maximum density, for buildout of the residential and mixed use zones
2. Require project phasing that requires timely construction of housing units in conjunction with construction of employment producing development
3. Require establishment of a fee assessment on a dwelling unit equivalent basis to provide enhanced transit support as recommended above
4. Require that agreements are in place prior to building permit approval that enable all tickets sold at large venues within the project area to be used as transit day passes.

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**Growth-inducing Effects**

For this project, ECOS has no qualms about inducing growth in the vicinity of the project. In fact, the more growth induced near the project, the better. We believe the developers and the City agree with us. All the more reason why there should be a robust Increased Density/Intensity Alternative.

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**Conclusion**

The efficacy of an Increased Density/Intensity Alternative should not be underestimated. A vast array of desirable outcomes accompanies higher densities than are proposed by the project, a location already zoned for the highest densities in the City, but one that could be painfully underutilized by the project as proposed. Smart growth is most successfully enabled when the residential and transportation infrastructure development occur prior to the successive stages of build-out, and thereby structure and guide them. Without this, we will suffer from substantial pressure to put these essential features in parts of the City that are not currently zoned for them, further weakening the excellent General Plan.

11

Sincerely,



Alex Kelter MD, Co-Chair  
Land Use Committee  
Environmental Council of Sacramento (ECOS)

**Letter O4**      **Alex Kelter, Environmental Council of Sacramento (ECOS)**  
**Response**      **July 27, 2016**

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O4-1                      As is stated on Draft SEIR page 6-1, “An EIR must describe a range of alternatives to the proposed projects that might feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The feasibility of an alternative is determined by the lead agency based on a variety of factors including, but not limited to, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and site accessibility and control (State CEQA Guidelines section 15126.6(f)(1)).” The comment asserts that the Draft SEIR is deficient in that it lacks an alternative described in the comment as “Increased Density/Intensity Alternative.” The comment provides no explanation of which, if any, impacts this suggested alternative would mitigate. It is the City’s presumption that the commenter believes that an alternative that increases the density and intensity of development within the Railyards would reduce effects by absorbing development that would otherwise occur in locations further from the central core than the RSP Area. Based on this presumption, the following is a general discussion of why this alternative was not included in the Draft SEIR.

The Draft SEIR includes examination of the proposed RSPU plus three other alternatives that make up a reasonable range of potentially feasible alternatives. Among those alternatives include increased density and intensity of different types of development within the RSP Area. As an example, not including the No Project/No Development Alternative, the alternatives include (1) a range of residential development between 3,600 and 12,500 units, with the proposed RSPU providing a range of 6,000 to 10,000 units, (2) a range of retail development that ranges from 308,562 sf to 1,384,000 sf, with the proposed RSPU providing 514,270 sf, and (3) a range of non-medical office between 2,314,216 sf and 3,857,027 sf, with the proposed RSPU providing a range of 2,757,027 to 3,857,027. Thus, the range of alternatives includes alternatives with greater densities and intensities of certain types of land uses.

Within any given lot in the RSP Area, densities that are in the higher or lower portions of the allowable density range could be proposed. As discussed on page 2-28 of the Draft SEIR, “The proposed RSPU would establish land use designations that would provide considerable flexibility to allow future uses to respond to market conditions, both in terms of use and intensity. The land use designations proposed for the RSPU would allow the same uses, densities, and intensities that were evaluated for the 2007 RSP, among many possible permutations. This SEIR does not analyze every possible permutation of land uses that would be allowed under the proposed RSPU land use designations.

Instead, based on an illustrative concept reflective of the applicant's current expectation of future development, an EIR analysis scenario was developed that assumed a specific mix and amount of uses. The SEIR addresses the effects of this SEIR analysis scenario. Total levels of development were distributed on a parcel-by-parcel basis." As is further noted in the Draft SEIR, if the future level of development were to exceed that evaluated in the Draft SEIR, the land use designations would accommodate such increased density and/or intensity, but the City "would be required to undertake supplemental analysis pursuant to CEQA to consider whether additional or exacerbated environmental impacts would occur." However, the proposed RSPU would include areas that have a General Plan designation of CBD and C-3 SPD zoning, which has minimum/maximum residential densities (61 to 450 du/na) if a residential project is constructed in those zones. This designation has the most intense density requirements within the City of Sacramento. Furthermore, if a commercial/mixed use building is constructed, there will be a minimum floor area ratio of 3.0 in the CBD. Since this would require a building to be multiple stories to comply, there will be many opportunities to provide dense residential development if the market supports it. Upper floors of mixed use buildings have traditionally been used more for residential, office, and hotel uses and usually are not sought after by retail and commercial service uses which prefer highly visible and active ground floor locations.

Table 2-2 shows the mix of uses that were assumed under the SEIR analysis scenario. An alternative that includes higher densities and intensities for all uses in the RSPU (residential, office, retail, flexible mixed use, hospital and medical office, stadium, etc.) would tend to increase the magnitude of impacts described in the Draft SEIR, including levels of congestion, air pollutant emissions, water demand, wastewater generation, etc. The City's 2035 General Plan provides for approximately 23,000 units to be developed within the Central City, with only up to 10,000 of those units in the RSP Area. Thus, it is possible that additional development in the RSP Area would simply absorb development that would otherwise occur in the Central City. Concentration of Central City development exclusively in the RSP Area would tend to exacerbate the effects of development in the downtown area rather than spreading such development around the Central City grid and fully utilizing the capacity of its transportation and infrastructure systems. The extent to which increased density and/or intensity in the RSP Area would reduce effects of other development in the region is currently unknown and would be speculative to evaluate in this SEIR. Evaluating the effects of increased density/intensity in the RSP Area on environmental conditions elsewhere in the region would require speculating about how development would be redistributed within the region. Further, the presumption that additional development capacity in the RSP Area would result in less development in the periphery of the region is built upon the assumption that people who purchase homes, or operate businesses elsewhere in the region do so because of a lack of

capacity within the Central City. There is no evidence in the record to support such an assumption. Pursuant to State CEQA Guidelines section 15145, “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” As such, the evaluation of such effects of an increased density/intensity alternative would be speculative and not appropriately included in the Draft SEIR.

For the reasons provided above, the City did not include an Increased Density/Intensity Alternative in the Draft SEIR.

O4-2 The comment expresses a preference that the RSPU zoning include a minimum number of residential units. This comment is noted. The RSPU identifies certain blocks where the zoning, R-5 SPD, will require high density residential housing. The R-5 SPD zoning is located across from Vista Park and adjacent to areas designated for residential uses in the River District Specific Plan.

The City’s 2035 General Plan (and the City’s zoning ordinance) provides for minimum and maximum densities for all land use designations that would be implemented through the proposed RSPU. The proposed zoning for the RSPU also identifies minimum and maximum densities. The minimum and maximum densities would be regulated through the proposed Railyards Special Planning District (SPD). As an example, within the Central Business District land use designation, residential densities are required to range from a minimum of 61 units per acre to a maximum of 450 units per acre. Similarly, in the CBD designation non-residential densities must range from a minimum FAR of 3.0 to a maximum FAR of 15.0.

Further, the RSPU is consistent with the SACOG Blueprint growth principles and MTP/SCS. See Comment Letter A10.

O4-3 The comment suggests “synchronized” development of employment-generating and housing uses within the RSP Area. The proposed RSPU land use designations and zoning provide substantial flexibility which is intended to allow for the development of future uses based on demand. The comment is noted.

O4-4 There is currently no proposal to create a Transportation Services District as proposed in the comment. As stated on page 4.12-214 of the Draft SEIR, impacts on transit would be less than significant, so no mitigation for transit impacts is needed.

Nonetheless, it should be noted that, as discussed in Response to Comment A8-1, the RSPU Finance Plan would include an allocation of funds from development fees to support the cost of constructing the RT 7<sup>th</sup>/Railyards LRT station. Further, pursuant to Mitigation Measure 4.12-1(a)(ii), all development projects within the

proposed RSPU would pay the applicable fee for the I-5 Subregional Corridor Mitigation Program (SCMP) prior to issuance of building permits. These fees would be used for projects that would reduce future traffic flows on I-5 through downtown Sacramento, including potentially non-automotive travel such as enhanced transit facilities and/or services. In addition, the proposed project would create substantial expansions of the bicycle and pedestrian circulation systems in a portion of the Central City where none currently exist. Please also see Response to Comment O4-2 for a discussion of densities proposed under the RSPU.

- O4-5 As discussed in Response to Comment O4-4, the proposed RSPU would have a less-than-significant impact on transit, so no mitigation is required. The Draft Event Transportation Management Plan (ETMP) included as Appendix J.2 of the Draft SEIR states the following regarding transit service for large events at the proposed MLS Stadium: “Details relating to light rail transit operations would be worked out as the MLS Stadium opening approaches. Decisions relating to number of additional trains, number of cars per train, train loading/unloading, fare payment, pedestrian wayfinding to transit, etc. would require detailed follow-up meetings with City, RT, and MLS Stadium operator staff.” At this point in time, the use of Stadium tickets to pay for rides on RT has not been discussed.
- O4-6 Please see Response to Comment O4-2.
- O4-7 Please see Response to Comment O4-3.
- O4-8 Please see Response to Comment O4-4.
- O4-9 Please see Response to Comment O4-5.
- O4-10 The comment is noted. Please see Response to Comment O4-1.
- O4-11 Please see Response to Comment O4-1.

Scott Johnson

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To: Scott Johnson  
Subject: FW: Stadium Project

From: Nancy Fitzpatrick [mailto:perryfitz@aol.com]  
Sent: Wednesday, June 15, 2016 10:10 AM  
To: Planning  
Cc: warren@cityofsacramento.org; Mayor of the City of Sacramento, Kevin Johnson  
Subject: Stadium Project

I reviewed the environmental impact report regarding the stadium project scheduled for the railyard and did not see a sound wall scheduled for the 160 corridor split from I80 to downtown 12th Street and Richard's Blvd. Admittedly, I didn't read the entire report and am hoping that I simply missed it. I heard on the news that something like 7,000 additional cars were expected on game nights alone. Not to mention the traffic to and from the new Kaiser facility and the new housing resident's vehicles. The traffic jams addressed were from the freeways, and Richard's Blvd. and 12th and 16th Streets were mentioned, but nowhere did it specifically address 160, which is a natural recourse for drivers. It helps to avoid traffic on the main freeway, especially at the usual back up spots, and will take them right to Richard's Blvd. My backyard abuts this freeway and the noise is already unbearable. Add more traffic to that and my yard will be completely unusable. I have lived here for 38 years and when I bought the property the only "noisy" time was during morning and evening commute. Now it is constant noise, the speed limit was increased to 65, and new homes, facilities, sports arenas/stadiums are being built. I wonder why no one realizes how this traffic and noise impacts my community. I would have liked to attend the meeting tonight at the downtown library, but cannot so I am sending this email to voice my concerns. This really should have been addressed during the Arena project as well, but again was overlooked. I would like to know if a sound wall will be considered. Thank you for your consideration.

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Nancy Fitzpatrick  
166 Globe Ave  
Sacramento, CA 95815  
(916) 925-2386  
[PerryFitz@aol.com](mailto:PerryFitz@aol.com)

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**Letter I-1      Nancy Fitzpatrick**  
**Response        June 15, 2016**

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- I1-1                The comment asks whether SR 160 was studied for traffic impacts. The traffic impacts of each proposed project were analyzed for the SR 160 freeway segments between Northgate Boulevard and Leisure Lane/Canterbury Road for all scenarios. Under baseline conditions, the RSPU would add about 5:00 AM peak hour trips on westbound SR 160 and 470 PM peak hour trips on eastbound SR 160. Under baseline conditions, the MLS Stadium would add 2,280 vehicles during the pre-event peak hour on westbound SR 160, which would represent a three percent increase over the existing AM peak hour volume on this segment. Please refer to Tables 4.12-5, 4.12-14, 4.12-24, 4.12-32, and 4.12-47 for LOS results. As shown in Table 4.12-14, several segments of SR 160 would experience reductions in LOS under baseline plus RSPU conditions. However, operations would continue at an acceptable LOS E or better condition. The terminus of SR 160, the Richards Boulevard/12<sup>th</sup> Street/16<sup>th</sup> Street intersection was also analyzed for all scenarios.
- I1-2                Based on the cumulative traffic analysis presented in the Draft SEIR, a soundwall is not warranted along SR 160 to reduce noise levels.

City of  
**SACRAMENTO**  
 Community Development

**RAILYARDS SPECIFIC PLAN UPDATE,  
 KP MEDICAL CENTER, MLS SOCCER STADIUM, AND STORM WATER OUTFALL (P15-040)  
 DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) NOTICE OF AVAILABILITY  
 COMMENT FORM**

Please provide the following information to identify the author of comments received. Thank you.

Name: Jack Sales

Email: jesales@surrewest.net

Address: 5978 Woodbriar Way Citrus Heights

Organization: Member of IDA, IESNA, SOAS, ECOS, SARRSAS

I would like to receive future environmental notices regarding the project via email.

Please provide us with your written comments by **July 27, 2016**. Comments on the Draft SEIR may be sent to:

City of Sacramento  
 Community Development Department  
 300 Richards Blvd, Third Floor  
 Sacramento, CA 95811

Attn: Scott Johnson, Associate Planner (Email: [SRJohnson@cityofsacramento.org](mailto:SRJohnson@cityofsacramento.org))  
 Tom Buford, Senior Planner (Email: [TBuford@cityofsacramento.org](mailto:TBuford@cityofsacramento.org))

You may attach additional pages to this form and/or you may submit your written comments separately. Written comments on the Draft SEIR and will be included and responded to in the Final SEIR.

cumulative spillover light on to the river  
in excess of 0.1 lux (0.01 fc) should be considered  
a "taking of listed juvenile salmonids."

Reference - "Exposure to any light above 0.1 lux  
causes the fry to stop swimming downstream and  
seek cover in low-velocity waters near shore  
(Tabor et al 2004)

The Columbia River Crossing Biological Assessment  
also noted Tabor et al (2004) and his work  
on the Cedar River WA.

OVER

the CRCBA notes (with corrections)  
That is light levels as low as 0.22 lux (which is  
actually 0.022 fc) may delay migration or  
increase predation on juvenile salmonids.

1  
(cont.)

Because of the cumulative impact in  
all the project area the levels must be  
fully addressed.

Before any decisions are made —

The city must establish existing  
ambient light levels on the river.  
Levels must be established from confluence  
of the American River and the Tower  
bridge.

2

In addition the color of light is important  
lighting on the project should not exceed  
a cct of over 3000k.

3

Because of the ~~the~~ cumulative impacts of  
outdoor lighting, consideration of  
lighting through the project to its  
easter border and beyond.

4

**Letter I2**      **Jack Sales**  
**Response**      **June 30, 2016**

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I2-1                      The comment states that spillover of light onto the Sacramento River should be considered a taking of listed juvenile salmonids because light above certain levels causes fry to stop swimming downstream, potentially delaying migration, and increasing predation risk (citing a study on the effects of light intensity on sockeye salmon fry migratory behavior and predation).<sup>37</sup> The comment also states that the City should establish existing light levels on the river, that the color of light is important, and that impacts associated with artificial light should be considered.

Impact 4.3-8 in the Draft SEIR (see pages 4.3-65 through 4.3-68) analyzes potentially significant impacts to migratory fish movements that could result from the development of the RSP Area. Specifically, page 4.3-66 states that the proposed RSP would cause an increase in nighttime light sources which could spillover from the proposed RSP Area onto the Sacramento River and potentially alter behavior of fish such that movements are delayed, disrupted, or subject to increase predation (including shoreline angler access). The impact discussion characterizes existing light levels, stating that the Sacramento riverfront area is already developed with commercial uses and transportation infrastructure that increase ambient light conditions, including the I Street Bridge, the elevated section of I-5, Old Town Sacramento, and Tower Bridge. Further, the Draft SEIR concludes that this would be a potentially significant impact without mitigation.

The Draft SEIR includes Mitigation Measure 4.3-8 (RSPU, KPMC, SO; see page 4.3-68), which requires the applicant to reduce spillover lighting from the proposed project onto the Sacramento River by implementing structural barriers, outdoor lighting (west of I-5) with minimum wattage required for a particular use, directing lighting to prevent stray light spillover, and shielding lights on elevated standards (which would include the parking structure, as appropriate) to reduce direct light exposure.

I2-2                      The comment states that the City should establish existing light levels on the river. As stated above, Impact 4.3-8 in the Draft SEIR (see page 4.3-66) characterizes existing light levels, stating that the Sacramento riverfront area is already developed with commercial uses and transportation infrastructure that increase ambient light conditions, including the I Street Bridge, the elevated section of I-5, Old Town Sacramento, and Tower Bridge.

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<sup>37</sup> Tabor, R., Brown, G, and Luiting, V. 2004. The Effect of Light Intensity on Sockeye Salmon Fry Migratory Behavior and Predation by Cottids in the Cedar River, Washington. *North American Journal of Fisheries Management*. Volume 24, 2004, Issue 1.

I2-3 The comment regarding the importance of the color of lighting is noted. According to the Lighting Research Center, the Correlated Color Temperature (CCT) “is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. However, opposite to the temperature scale, lamps with a CCT rating below 3200 K are usually considered "warm" sources, while those with a CCT above 4000 K are usually considered "cool" in appearance.”<sup>38</sup> The comment includes no indication of the commenters concerns about how color of light causes environmental effects, and no evidence that light colors with CCT greater than 3000 K would have adverse environmental effects. No further response is required or possible.

I2-4 The comment regarding light effects throughout the RSP Area is noted. Draft SEIR Impact 4.1-3 acknowledges that new development can result in increases to ambient nighttime lighting and spillover light that can affect nearby uses. It further explains that lighting issues are considerations that are typically addressed by the City through its Site Plan and Design Review permit process, and that all future development in the RSP Area would be subject to this review process. Specifically, the analysis concludes that construction of new buildings that could reach as high as 25 to 30 stories (300 to 360 feet) in the East End District, as well as the proposed MLS Stadium, could result in light spillover onto adjacent residential properties in Alkali Flat and the Water Street residences. As a matter of comparison, the analysis reflects that the effects described for the proposed RSPU would be similar to those described for the 2007 RSP, although somewhat exacerbated by the effects of the light associated with the proposed Stadium in the East End District. This impact is considered potentially significant.

The Draft SEIR describes that implementation of Mitigation Measures 4.1-3(a) and (b) would reduce potential lighting impacts to surrounding areas through appropriate site design and configuration. Review and approval of the proposed lighting plan through the City’s Site Plan and Design Review process would ensure that the potential that spillover lighting would be reduced and potential to create light pollution disturbances to adjacent uses minimized. However, the Draft SEIR analysis concludes that notwithstanding the implementation of these measures, the development of the Stadium on a site that is currently vacant and dark would result in a substantial change in the existing environment. This impact associated with the proposed MLS Stadium would remain significant and unavoidable.

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<sup>38</sup> Lighting Research Center. Available: <http://www.lrc.rpi.edu/education/learning/terminology/cct.asp>. Accessed July 31, 2016.



**Letter I3**      **Douglas Nowak**  
**Response**     June 30, 2016

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I3-1                The comment requests that the City send future environmental notices regarding the project via email to the email address provided. The commenter will be added to the notification list for the project.

From: [jesales@surewest.net](mailto:jesales@surewest.net)  
To: [Scott Johnson](#)  
Subject: Railyards Comments (SCH#: 2006032058)  
Date: Wednesday, July 27, 2016 4:44:34 PM

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Scott Johnson, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services

Comments regarding - SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE,  
KP MEDICAL CENTER, MLS STADIUM &  
STORMWATER OUTFALL PROJECT (P15-040)  
(SCH#: 2006032058)

These comments should be applied to all outdoor lighting aspects of this project.

I make note of some specific areas.

KP Medical Center 6/7 levels parking structure  
COMMENT -

Because the new plan includes a 7 story parking garage west of the KP Medical Center consideration should be given to spill light on the river proper and the columitive light level impacts. This parking structure is located about 1000ft from the center of the river. Spill light from this 6/7 stories structure could increase light levels in the area towards and in the river that could exceed the 0.1 lux level associated with increased predation of outmigrating juvenile salmon. The level of 0.1 lux is based on work by Roger Tabor USFWS in which he states that the maximum light level on the river of (0.01ft) or 0.1 lux "should be considered prudent" . This is in reference to "Listed" Salmon.

Restriction should be placed on the top and lower levels as follows, 1) CCT <30000K for all lighting, 2)Spill light from the lighting in and above the garage be = 0.0 lux, 3)All lighting should be adaptive in luminance levels.

Section 4.5 Energy Demand and Conservation  
COMMENT -

A General Issue of Concern that is touched on in Section 4.5 Energy Demand and Conservation Page 4.5-22 relates to MKS Stadium but applies to all lighting especially all outdoor lighting.

It is stated under a MKS Stadium heading which includes the following, "maximizing use of shade structures and wind resources on the site, use of

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LED and sensor lighting and potential use of solar panels for on-site energy generation."

Use of LED Lighting which exceeds 3,000S color temperature can have a significant negative impact on the environment and health. Because outmigrating salmon fry and smolt may have increased sensitivity to blue light, high color temperature LEDs may have a significant impact in response to the ambient (now spill) light.

Outdoor light with high blue content has been shown to cause more light pollution due to Rayleigh scattering.

The Rayleigh scattering phenomenon causes shorter wavelength violet and blue light will scatter more than the longer wavelengths.

In addition LED lighting fixtures which use high color temperature emitters such as 5000s cause more glare.

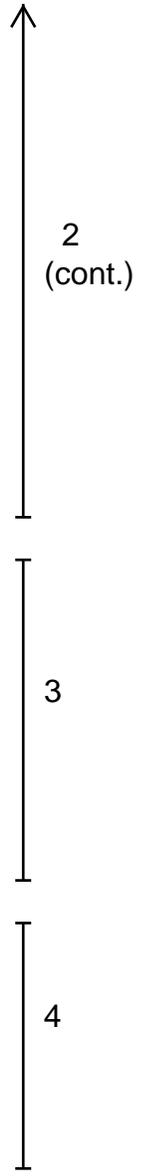
ALL Outdoor lighting in this project including municipal lighting should be restricted to 3000K or less.

Outdoor Lighting of all types should be especially restrictive in the Riverfront District and West End District so as to not impact riverine habitat. While the document notes "impact would be potentially significant" it should be noted and included that the threshold for impacts on migratory fish species is as low as 0.1 lux.

Even reflected light could be a problem and should be considered. A proposal to light the underside of bridges near the river could be a problem. The Jibboom St. bridge is only 420 feet from the center of the river and any I-5 bridges only about 750ft away. Artistic lighting especially Blue or Green could impact migratory fish species (endangered Sacramento River winter-run Chinook salmon; threatened Central Valley spring-run Chinook salmon).

Regards

Jack Sales  
5978 Woodbriar Way  
Citrus Heights, California 95621



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**Letter I4      Jack Sales**  
**Response      July 27, 2016**

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I4-1            The comment states that consideration of spillover of light onto the Sacramento River should be considered because light above certain levels has the potential to increase predation of out-migrating juvenile salmon. The comment also states that restrictions should be placed on the top and lower levels of the parking structure proposed at the KP Medical Center.

As stated in Response to Comment I2-1, Impact 4.3-8 in the Draft SEIR (see pages 4.3-65 through 4.3-68) analyzes potentially significant impacts to migratory fish movements that may result from the development of the RSP Area. Specifically, page 4.3-66 states that the proposed RSP would cause an increase in nighttime light sources which could spillover from the proposed RSP Area onto the Sacramento River and potentially alter behavior of fish such that movements are delayed, disrupted, or subject to increase predation (including shoreline angler access). The impact discussion characterizes existing light levels, stating that the Sacramento riverfront area is already developed with commercial uses and transportation infrastructure that increase ambient light conditions, including the I Street Bridge, the elevated section of I-5, Old Town Sacramento, and Tower Bridge. Further, the Draft SEIR concludes that this would be a potentially significant impact without mitigation.

The Draft SEIR includes Mitigation Measure 4.3-8 (RSPU, KPMC, SO; see page 4.3-68), which requires the applicant to reduce spillover lighting from the proposed project onto the Sacramento River by implementing structural barriers, outdoor lighting (west of I-5) with minimum wattage required for a particular use, directing lighting to prevent stray light spillover, and shielding lights on elevated standards (which would include the parking structure, as appropriate) to reduce direct light exposure. This mitigation measure places restrictions on lighting, reducing lighting spillover onto the Sacramento River, and reducing the impact to a less-than-significant level.

The comment also cites a study by Roger Tabor (USFWS)<sup>39</sup> and states light level in the area towards the river could exceed 0.1 lux, a level associated with increased predation of out-migrating juvenile salmon. The study referenced in the comment evaluated effects of light intensity on sockeye salmon fry migratory behavior and predation. While sockeye salmon are listed under the Endangered Species Act, this species of salmon is not present in the Sacramento River.

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<sup>39</sup> Full citation was not provided; however, based on previous comments, it is believed that the commenter is citing: Tabor, R., Brown, G, and Luiting, V. 2004. The Effect of Light Intensity on Sockeye Salmon Fry Migratory Behavior and Predation by Cottids in the Cedar River, Washington. *North American Journal of Fisheries Management*. Volume 24, 2004, Issue 1.

Further, Tabor et al. (2004)<sup>40</sup> suggested the value of 0.1 lux as a management goal, not a threshold for increased predation. It is also important to note that Tabor et al. (2004) acknowledged other studies (Ginetz and Larkin 1976) found contrasting results; predation decreased with light intensity increasing from 0.5 to 3.0 lux. Additionally, the authors of this study recommend shielding to reduce direct light. As noted above, in order to reduce direct light exposure, Mitigation Measure 4.3-8 (RSPU, KPMC, SO; see page 4.3-68) requires the applicant to reduce spillover lighting from the proposed project onto the Sacramento River by implementing structural barriers, outdoor lighting (west of I-5) with minimum wattage required for a particular use, directing lighting to prevent stray light spillover, and shielding lights on elevated standards (which would include the parking structure, as appropriate). This mitigation measure places restrictions on lighting, reducing lighting spillover onto the Sacramento River, and reducing the impact to a less-than-significant level.

I4-2 The comment regarding the importance of the color of lighting is noted. The comment states that lighting that exceeds 3000 K color can have a significant effect on the environment but includes no indication about how color of light causes environmental effects, and no evidence that light colors with CCT greater than 3000 K would have adverse environmental effects. No further response is required or possible.

The comment also states that out-migrating salmon fry may have increased sensitivity to blue light and that high temperature LEDs may have significant impacts in response to the ambient (now spill) light. The comment is speculative and provides no evidence that out-migrating salmon fry actually have increased sensitivity to these light colors and/or temperatures.

As stated in Response to Comment I4-1 above, the Draft SEIR includes Mitigation Measure 4.3-8 (RSPU, KPMC, SO; see page 4.3-68) to reduce direct light exposure. This measure requires the applicant to reduce spillover lighting from the proposed project onto the Sacramento River by implementing structural barriers, outdoor lighting (west of I-5) with minimum wattage required for a particular use, directing lighting to prevent stray light spillover, and shielding lights on elevated standards (which would include the parking structure, as appropriate). This mitigation measure places restrictions on lighting, reducing lighting spillover onto the Sacramento River, and reducing the impact to a less-than-significant level.

I4-3 The comment states that all outdoor lighting should be restricted to 3000K or less and that the threshold for impacts on migratory fish species is as low as 0.1 lux.

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<sup>40</sup> Tabor, R., Brown, G, and Luiting, V. 2004. The Effect of Light Intensity on Sockeye Salmon Fry Migratory Behavior and Predation by Cottids in the Cedar River, Washington. *North American Journal of Fisheries Management*. Volume 24, 2004, Issue 1.

Regarding outdoor lighting being restricted to 3000K or less, see Response to Comments I2-3 and I2-4. Regarding a threshold for light as low as 0.1 lux, Tabor et al. (2004)<sup>41</sup> suggested this value as a management goal, not a threshold. Additionally, the authors of this study recommend shielding to reduce direct light. As noted above, Mitigation Measure 4.3-8 (RSPU, KPMC, SO; see page 4.3-68) requires the applicant to reduce spillover lighting from the proposed project onto the Sacramento River by implementing structural barriers, outdoor lighting (west of I-5) with minimum wattage required for a particular use, directing lighting to prevent stray light spillover, and shielding lights on elevated standards (which would include the parking structure, as appropriate). This mitigation measure places restrictions on lighting, reducing lighting spillover onto the Sacramento River, and reducing the impact to a less-than-significant level.

- I4-4 The comment states that reflected light, including light under bridges, could be a problem and should be considered. The Tabor et al. (2004) study cited by the commenter states that reflected lighting has probably has weak effects over a large area. The comment also states that artistic lighting, especially blue or green, could impact migratory fish species (endangered Sacramento River winter-run Chinook salmon; threatened Central Valley spring-run Chinook salmon); however, the commenter provides no basis for this statement. No further response is required or possible.

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<sup>41</sup> Tabor, R., Brown, G, and Luiting, V. 2004. The Effect of Light Intensity on Sockeye Salmon Fry Migratory Behavior and Predation by Cottids in the Cedar River, Washington. *North American Journal of Fisheries Management*. Volume 24, 2004, Issue 1.

# CHAPTER 4

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## Mitigation Monitoring Plan

### 4.1 Introduction

Public Resources Code section 21081.6 and section 15097 of the California Environmental Quality Act (CEQA) Guidelines require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a mitigated negative declaration or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan (MMP) for the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, and Stormwater Outfall projects. The intent of the MMP is to track and successfully implement the mitigation measures identified within the Draft Subsequent Environmental Impact Report (SEIR) for this project.

### 4.2 Mitigation Measures

The mitigation measures are taken from the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, and Stormwater Outfall Draft SEIR and are assigned the same number as in the Draft SEIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

### 4.3 MMP Components

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

**Impact:** This column summarizes the impact stated in the Draft SEIR.

**Mitigation Measure:** All mitigation measures that were identified in the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium, and Stormwater Outfall Draft SEIR are presented, as revised in the Final SEIR, and numbered accordingly.

**Action(s):** For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

**Component:** This column identifies the relevant component of the proposed projects to which the mitigation measure applies. The mitigation measure may apply to the entire RSPU (Railyards Specific Plan Update) including its project-specific components, or individually to the KPMC (KP Medical Center), MLS (MLS Stadium), or SO (Stormwater Outfall). More than one project component may be identified.

**Implementing Party:** This item identifies the entity that will undertake the required action.

**Timing:** Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

**Monitoring Party:** The City of Sacramento is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Other agencies, such as the Sacramento Metropolitan Air Quality Management District, may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

**TABLE 4-1  
SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
<b>4.1 Aesthetics, Light, and Glare</b>						
4.1-1: The implementation of the RSPU, including the potential development of large-floor plate and high-rise buildings in the RSP Area east of I-5, could alter public views.	<b>4.1-1</b> <i>Within Lot 46, the maximum street-wall height for structures facing 7<sup>th</sup> Street shall be 35 feet in height.</i>	Incorporate street-wall height requirements into design for structures facing 7 <sup>th</sup> Street	RSPU	Project applicant	Prior to approval of site plan and design review	City of Sacramento Community Development Department
4.1-2: The potential development of high-rise buildings adjacent to the riverfront could conflict with the character of the riverfront between Old Sacramento and the Jibboom Street Bridge.	<b>4.1-2</b> <i>For development within the allowable footprints on Lot 35, the following base height, bulk and massing requirements shall be added to the RSPU Design Guidelines and enforced through the SPD and the City's Site Plan and Design Review permit process:</i>  <ul style="list-style-type: none"> <li>On the southern development lot, any portion of a building within 80 feet of the required setback from the riverbank shall be no greater than 35 feet in height.</li> </ul>	Incorporate requirements for base height, bulk and massing for Lot 35, as described in Mitigation Measure 4.1-2.	RSPU	Project applicant	Prior to approval of site plan and design review	City of Sacramento Community Development Department
4.1-3: The proposed projects could create substantial new sources of light.	<b>4.1-3(a)</b>	Identify light fixtures to be used on Construction Plans and demonstrate that the fixtures minimize spill over.	RSPU, MLS	Project applicant	Prior to approval of site plan and design review for applicable projects	City of Sacramento Community Development Department
	<i>i. East of 6th Street, all exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas. Light structures for surface parking areas, vehicular access ways, and walkways shall not exceed a height of 25 feet. Monument lighting and night-lit signage is prohibited on building facades that face existing residential neighborhoods.</i>					
	<i>ii. Prior to issuance of a Site Plan and Design Review Permit for each specific development project, the applicant shall submit a lighting plan to the Development Services Department for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects.</i>	Prepare and submit lighting plan to the City of Sacramento Development Services Department	RSPU, MLS	Project applicant	Prior to approval of site plan and design review of each applicable development project	City of Sacramento Community Development Department
	<i>iii. Landscape illumination and exterior sign lighting shall follow the City Code.</i>	Demonstrate that lighting plan complies with City Code	RSPU, MLS	Project applicant	Prior to approval of site plan and design review of each applicable development project	City of Sacramento Community Development Department
	<b>4.1-3(b)</b>	Identify light fixtures to be used on Construction Plans and demonstrate that the fixtures minimize spill over.	MLS	Project applicant	Prior to approval of site plan and design review	City of Sacramento Community Development Department
	<i>i. The project applicant shall require construction contractors to ensure that all lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the Stadium project site boundaries that is improved with light-sensitive uses.</i>					
	<i>ii. Prior to issuance of a building permit, the project applicant shall submit to the Community Development Department a signage and lighting design plan for the Stadium which establishes lighting design standards and guidelines. The lighting design plan shall, at a minimum:</i>  <ul style="list-style-type: none"> <li>Require exterior lighting included within the Stadium to incorporate fixtures and light sources that focus light on-site to minimize spillover light;</li> </ul>	Prepare and submit signage and lighting design plan to the City of Sacramento Community Development Department, consistent with the requirements described in Mitigation Measure 4.1-3(b).	MLS	Project applicant	Prior to issuance of building permit	City of Sacramento Community Development Department

RSPU = Railyards Specific Plan Update; KP MC = Kaiser Permanente Medical Center; MLS = Major League Soccer Stadium; SO = Stormwater Outfall

**TABLE 4-1  
SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Action(s)</b>	<b>Component</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
	<ul style="list-style-type: none"> <li>- <i>Ensure that project lighting shall not cause more than two foot-candles of lighting intensity or direct glare from the light source at any residential property. This would preclude substantial spillover light from bright lighting sources; and</i></li> <li>- <i>Require that for exterior LED lighting, all light emitting diodes used within the integral electronic display shall have a horizontal beam spread of maximum 165 degrees wide and 65 degrees vertically, and shall be oriented downwards to the plaza/street, rather than upwards.</i></li> </ul>					
	iii. <i>Prior to issuance of a building permit for the Stadium signage displays, the project applicant shall retain a lighting design expert who shall develop plans and specifications for the proposed lighting displays, establish maximum luminance levels for the displays, and install and test the displays to insure compliance with all City lighting regulations and these mitigation measures.</i>	Design and test lighting and signage to comply with City Code	MLS	Project applicant	Prior to issuance of building permit	City of Sacramento Community Development Department
	iv. <i>The project applicant shall comply with City Code Section 8.072.010, which establishes regulations regarding the use of searchlights.</i>	Comply with City Code Section 8.072.010 regarding use of searchlights	MLS	Project applicant	During events/operation	City of Sacramento Community Development Department
4.1-4: The proposed projects could create a new source of glare.	<b>4.1-4</b> <i>Highly reflective mirrored glass walls shall not be used as a primary building material (no more than 35 percent) for building facades adjacent to major roadways. Instead, low emission (Low-E) glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.</i>	Include low emission (Low-E) glass specifications on Construction Plans.	RSPU	Project applicant	Prior to site plan and design review	City of Sacramento Community Development Department
4.1-6: The proposed projects could cause an introduction of building height and mass that conflicts with the character of the Sacramento River riverfront between Old Sacramento and Discovery Park.	<b>4.1-6</b> <i>Implement Mitigation Measure 4.1-2.</i>	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2
4.1-8: The proposed projects could contribute to cumulative sources of glare.	<b>4.1-8</b> <i>Implement Mitigation Measure 4.1-4.</i>	See Mitigation Measure 4.1-8	See Mitigation Measure 4.1-8	See Mitigation Measure 4.1-8	See Mitigation Measure 4.1-8	See Mitigation Measure 4.1-8
<b>4.2 Air Quality</b>						
4.2-2: Construction of the Proposed Project would result in short-term emissions of NOx, PM10 and PM2.5.	<b>4.2-2(a)</b> <i>City approval of any grading or improvement plans shall include the following SMAQMD Basic Construction Emission Control Practices:</i> <ul style="list-style-type: none"> <li>• <i>All exposed surfaces shall be watered two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.</i></li> <li>• <i>Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered.</i></li> </ul>	Include construction site and equipment specifications identified in Mitigation Measure 4.2-2(a) on Grading and Construction Plans.	RSPU, KPMC, MLS, SO	Project applicant	Prior to issuance of demolition or grading permit	City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)

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SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> <li>Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</li> <li>Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>All roadways, driveways, sidewalks, parking lots shall be paved as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.</li> <li>Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determine to be running in proper condition before it is operated.</li> </ul>					
	<p><b>4.2-2(b)</b> City approval of any grading or improvement plans shall include the following SMAQMD Enhanced Exhaust Control Practices:</p> <ul style="list-style-type: none"> <li>Provide a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the Proposed Project to the City and the SMAQMD. The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. The construction contractor shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment. The inventory shall be updated and submitted monthly throughout the duration of the Proposed Project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.</li> <li>Provide a plan in conjunction with the equipment inventory, approved by the SMAQMD, demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.</li> </ul>	<p>Include construction equipment specifications listed in Mitigation Measure 4.2-2(b) on Grading and Construction Plans.</p>	<p>RSPU, KPMC, MLS, SO</p>	<p>Project applicant</p>	<p>Prior to issuance of demolition permit or grading permit</p>	<p>City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)</p>

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	<ul style="list-style-type: none"> <li>Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40% 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 the City 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 measure shall supersede other SMAQMD or state rules or regulations.</li> <li>If at the time of granting of each building permit, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the SMAQMD prior to construction will be necessary to make this determination.</li> </ul>					
	<p><b>4.2-2(c)</b> City approval of any grading or improvement plans shall include the following SMAQMD Fugitive Dust Control Practices:</p> <ul style="list-style-type: none"> <li>Water exposed soil with adequate frequency for continued moist soil.</li> <li>Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 mph.</li> <li>Install wind breaks (e.g., plant trees, solid fencing) on windward side(s) of construction areas.</li> <li>Plant vegetative ground cover (fast-germinating native grass seed) in disturbed areas as soon as possible. Water appropriately until vegetation is established.</li> <li>Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.</li> <li>Treat site accesses to a distance of 100 feet from the paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the District shall also be visible to ensure compliance.</li> </ul>	Include SMAQMD Fugitive Dust Control Practices on grading or improvement plans as described in Mitigation Measure 4.2-2(c).	RSPU, KPMC, MLS, SO	Project applicant	Prior to approval of grading or improvement plans	City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)
	<p><b>4.2-2(d)</b> The project applicants shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NOx that exceed SMAQMD's daily emission threshold of 85 lbs/day. Fees shall be paid to SMAQMD based upon the previously agreed upon Railyards Specific Plan fee of \$2,603 per acre developed.</p>	Provide proof of payment of SMAQMD fees to the City of Sacramento Community Development Department. Amount of payment shall be directly correlated to acreage of development per project proposed.	RSPU	Project applicant	Prior to issuance of grading or building permit for each development project	City of Sacramento Community Development Department, Sacramento Metropolitan Air Quality Management District (SMAQMD)

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4.2-7: Implementation of the proposed projects could alter wind speed at ground level (pedestrian level).	<p><b>4.2-7</b> <i>The following measures are recommended to assure that future buildings developed in the RSP Area do not cause hazardous wind conditions for pedestrians in areas of substantial public use:</i></p> <p>1) <i>New buildings with heights of more than 85-feet shall be evaluated by a qualified wind expert to determine the potential to cause a new wind hazard or aggravate an existing wind hazard for pedestrians in areas of substantial public use. Based on a review of wind conditions, other development in the vicinity, and the project design, the evaluator may have sufficient evidence to form a professional opinion about the potential for the project to cause a hazardous wind environment. If sufficient evidence is available to conclude that no wind hazards will be created, no further mitigation is required. If sufficient evidence to establish safe pedestrian conditions is not available, the City shall require wind-tunnel testing to provide the evidence that a wind hazard would not result in public areas.</i></p> <p>2) <i>If required wind tunnel testing identifies wind hazards, the qualified wind expert shall work with the City and/or project proponent to develop corrective measures such as building design changes, protective structures, or landscaping modifications to help reduce pedestrian-level wind speeds to acceptable levels. The City shall require implementation of such corrective measures as a condition of the building permit.</i></p>	For buildings that meet the criteria described in Mitigation Measure 4.2-7, retain a qualified wind expert to evaluate potential wind hazards, as described in Mitigation Measure 4.2-7(1).	RSPU, KPMC	Project applicant	Prior to issuance of a building permit	City of Sacramento Community Development Department
		For wind hazards identified in wind hazard testing, incorporate corrective measures developed in consultation with qualified wind expert and the City of Sacramento Community Development Department, into building designs and construction plans, as described in Mitigation Measure 4.2-7(2).	RSPU, KPMC	Project applicant	Prior to issuance of a building permit	City of Sacramento Community Development Department.
4.2-8: The proposed projects could contribute to cumulative increases in short-term (construction) emissions.	<p><b>4.2-8</b> <i>Implement Mitigation Measures 4.2-2(a) through 4.2-2(d).</i></p>	See Mitigation Measures 4.2-2(a) through 4.2-2(d).	See Mitigation Measures 4.2-2(a) through 4.2-2(d).	See Mitigation Measures 4.2-2(a) through 4.2-2(d).	See Mitigation Measures 4.2-2(a) through 4.2-2(d).	See Mitigation Measures 4.2-2(a) through 4.2-2(d).
<b>4.3 Biological Resources</b>						
4.3-2: Development of the proposed projects could result in the loss of potential nesting habitat for Swainson's hawk, white-tailed kite, purple martin, and other sensitive and/or protected bird species.	<p><b>4.3-2(a)</b> <i>The project applicant shall conduct any tree removal activities required for project construction outside of the migratory bird and raptor breeding season (February 1 through August 31) where feasible. For any construction activities that will occur between February 1 and August 31, the applicant shall conduct preconstruction surveys in suitable nesting habitat within 500 feet of the construction area for nesting raptors and migratory birds. Surveys shall be conducted by a qualified biologist. In addition, all trees slated for removal during the nesting season shall be surveyed by a qualified biologist no more than 48-hours before removal to ensure that no nesting birds are occupying the tree. For Swainson's hawk nesting habitat, surveys shall be conducted in accordance with the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley).</i></p> <p><i>If active nests are found during the survey, the applicant shall implement appropriate mitigation measures to ensure that the species will not be adversely affected, which will include establishing a no-work buffer zone as, approved by CDFW, around the active nest.</i></p>	<p>Conduct nesting surveys prior to tree removal.</p> <p>Conduct any tree removal and construction activities according to the protocol described in Mitigation Measure 4.3-2(a).</p> <p>Include tree removal timing and/or tree protection requirements on Grading and Construction Plans</p>	RSPU, KPMC, MLS, SO	Project applicant	Between February 1 and August 31, conduct surveys no more than 48-hours before tree removal	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)

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<b>Impact</b>	<b>Mitigation Measure</b>	<b>Action(s)</b>	<b>Component</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
	<i>Measures may include, but would not be limited to:</i>					
	(1) <i>Maintaining a 500-foot buffer around each active raptor nest. No construction activities shall be permitted within this buffer. For migratory birds, a no-work buffer zone shall be established, approved by CDFW, around the active nest. The no-work buffer may vary depending on species and site specific conditions as approved by CDFW.</i>	Establish 500-foot buffer around active raptor nests.	RSPU, KPMC, MLS, SO	Project applicant	Establish buffer no more than 48-hours before tree removal; leave buffer in place through construction of each applicable development project	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)
	(2) <i>Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on an individual basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall immediately inform the construction manager. The construction manager shall stop construction activities within the buffer until the nest is no longer active.</i>	Monitor nesting activity within the 500-foot buffer	RSPU, KPMC, MLS, SO	Project applicant	Monitor active nests through construction of each applicable development project	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)
	<b>4.3-2(b)</b> <i>If three years of consecutive surveys of the suitable habitat (i.e., weep holes) within the I Street Bridge viaduct, I-5 elevated structure within the RSP Area, or the proposed new I Street Bridge over the Sacramento River do not indicate purple martins use of the area as breeding habitat, then no further mitigation is required. The following mitigation shall only be required if purple martin have been documented nesting in the suitable habitat (i.e., weep holes) within the I Street Bridge viaduct, or the I 5 elevated structure within the RSP Area, or the proposed new I Street Bridge for at least one of three previous years prior to development within 500 feet of aforementioned areas.</i>	Determine presence/absence of purple martins within identified geography.	RSPU	Project applicant	Prior to site plan and design review for individual projects	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)
	<i>Prior to construction within 500 feet of an active purple martin colony (active within the past three years), the applicant shall retain a qualified biologist to prepare and then shall implement a Purple Martin Monitoring and Management Plan (PMMMP), to the satisfaction of the City. The PMMMP shall be enforced by the City in areas of suitable habitat (i.e., weep holes) within 500 feet of the I Street Bridge viaduct, or the elevated structure of Interstate 5 within the RSP Area. The PMMMP shall identify land use and building design requirements, landscape design and maintenance requirements, and management actions for the protection, enhancement, creation, and/or replacement of purple martin habitat within the RSP Area. Performance of the PMMMP shall be based on land use, and building design standards, landscape design, and maintenance criteria, and management actions that benefit purple martin. The PMMMP shall be tailored to the status and nesting locations of purple martins onsite at the time of plan creation, and will include at minimum the criteria below, or equivalent measures to conserve, protect, and restore purple martin habitat.</i>	Retain a qualified biologist to prepare and implement a Purple Martin Monitoring and Management Plan (PMMMP) as described in Mitigation Measure 4.3-2(b), if necessary. Follow recommendations of the PMMMP.	RSPU	Project applicant	Prior to site plan and design review for individual projects	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)

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	<ul style="list-style-type: none"> <li>• <b>Land Use and Building Design Criteria:</b> <ul style="list-style-type: none"> <li>– Prohibit buildings that obstruct flight path to and from nest sites within 120 feet of nesting locations.</li> <li>– Maintain a minimum of 21 feet of vertical space beneath weep holes</li> <li>– Maintain 230 feet of perching wire within 200 feet of the colony</li> </ul> </li> <li>• <b>Landscape Design and Maintenance Requirements:</b> <ul style="list-style-type: none"> <li>– Prohibit trees taller than nest height within 330 feet of nest sites</li> <li>– Limit tree plantings within 500 feet of the site to those that produce suitable nesting material (pine species). Areas beneath trees shall not be landscaped, and litter material left in place for next material use by birds</li> <li>– Ensure suitable nesting material is available for martin use. If no nest material is available for martins, place nesting material (straw, pine needles, etc.) within area for use by purple martin during the breeding bird season</li> <li>– Prohibit planting of ornamental fruit bearing trees within 500 feet of purple martin nests, including the colonization of weedy fruit-bearing trees such as privet</li> </ul> </li> <li>• <b>Management Actions:</b> <ul style="list-style-type: none"> <li>– Install, or cause to be installed, and/or maintain to ensure good working order, nest guards on weep holes where purple martin are known to nest, subject to approval from the facility's owner</li> </ul> </li> </ul>	Design buildings and landscaping to meet the setback requirements, provision of perching wire, and nesting material as described.	RSPU	Project applicant	Prior to site plan and design review	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)
		Install and/or maintain nest guards	RSPU	Project applicant	Prior to site plan and design review through nest abandonment	City of Sacramento Community Development Department, California Department of Fish and Wildlife (CDFW)
4.3-3: The proposed projects could result in impacts to special-status fish species and degradation of designated critical habitat.	<p><b>4.3-3</b> To avoid, minimize, or compensate for potential impacts to protected and sensitive riverine species and critical habitat, and prevent impacts to special-status fish species the following actions shall be undertaken by the project applicant:</p> <p>a) Unless prior approval is granted by NMFS, USFWS, and/or CDFW, (as applicable) in-water work shall be restricted to the August 1 to October 31 period to avoid/minimize construction impacts to special-status fish species.</p> <p>b) Project-related impacts to riverine (e.g., valley-foothill) riparian vegetation shall be minimized by replacing lost vegetation onsite at a minimum ratio of 1:1, along the Sacramento River, if feasible. Mitigation and/or restoration plans for all habitats that require revegetation, habitat creation, restoration, and enhancement shall be approved by the regulatory agencies, as applicable, and shall include construction specifications; irrigation schedules; planting palettes (showing container stock/box plantings, cutting specifications, and seed mixes); monitoring, maintenance, and remediation schedules; and success criteria, assurances and contingency measures. Revegetation specifications, species composition and density shall be developed by an experienced</p>	Conduct in-water work between August 1 and October 31	SO	Project applicant	Prior to issuance of building permit	City of Sacramento Community Development Department, NMFS, USFWS, and CDFW
		Replace vegetation at 1:1 ratio at a minimum. Document restoration activities. Monitor restoration sites for three to five years.	SO	Project applicant	Restoration immediately following construction completion; monitoring for three to five years post-restoration	City of Sacramento Community Development Department, NMFS, USFWS, and CDFW

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	<p><i>restoration ecologist. The restoration sites shall be evaluated to ensure that required revegetation has been performed in areas where temporary construction has been completed. A report documenting restoration efforts shall be submitted by the applicant to the City and applicable regulatory agencies. If necessary, remedial revegetation should occur during the same rainy season that the remedial recommendation is made. Restoration sites shall be monitored by qualified restoration ecologists for three to five years, or until success criteria are achieved. Restoration plans shall be included in the final construction documents. Grading and revegetation activities shall comply with applicable regulations and mitigation measures identified in this EIR pertaining to dust, air emissions, noise, water quality and other potential environmental effects. Alternatively, if approved by regulatory agencies, the applicant may purchase mitigation credits from approved mitigation banks. Final mitigation ratios and locations are to be established in consultation with the regulatory agencies prior to riverbed disturbing activities and detailed mitigation requirements will be identified in the final regulatory agency permits.</i></p>					
	<p>c) <i>To the extent feasible, the project applicant shall plant riparian vegetation and install biotechnical features, such as brush piles, logs, and root wads, to replace habitat impacted by construction of the outfall structure. These structures shall compensate for potential impacts associated with increased predation around the new structure. Specific measures shall include elements that contribute to nearshore cover in the immediate vicinity of the structure to increase the potential for juvenile fish while discouraging occupancy of the same structures by predaceous species. The precise amount and relative value of affected riparian and cover habitat would be determined during project-level analysis of proposed activities.</i></p>	Plant riparian vegetation and install biotechnical features.	SO	Project applicant	Immediately following construction completion	City of Sacramento Community Development Department, NMFS, USFWS, and CDFW
	<p>d) <i>Mitigation of riverine habitat would occur through creation, restoration, enhancement, and/or preservation of this habitat type within an approved off-site location and/or mitigation bank at a ratio to be established in consultation with the regulatory agencies. Mitigation banking would involve using mitigation credits from mitigation banks approved by the regulatory agencies. Final mitigation ratios and locations are to be established in consultation with the regulatory agencies prior to riverbed disturbing activities and detailed mitigation requirements will be identified in the final regulatory agency permits.</i></p>	Enhance riverine habitat or purchase mitigation credits.	SO	Project applicant	Prior to riverbed disturbing activities	City of Sacramento Community Development Department, NMFS, USFWS, and CDFW
	<p>e) <i>The cofferdam sheetpiles at the outfall structure construction site shall be installed using a vibratory hammer where possible to minimize underwater sound pressure levels to the greatest extent feasible and associated effects to sensitive fish species. If impact pile driving is required, sound pressure levels shall be managed (through operational controls) to achieve single-strike sound levels less than 206 dB peak (dBpeak) and 183 dB sound exposure level (dBSEL) measured at a distance of 10 meters. Additionally, pile driving shall only be conducted during daytime hours</i></p>	Use vibratory hammer during construction. Consult with NMFS, USFWS, and CDFW to determine disturbance minimization measures.	SO	Project applicant	Establish measures prior to regulatory permit issuance; during insertion of piles	City of Sacramento Community Development Department, NMFS, USFWS, and CDFW

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	<p><i>(allowing for regular periods of no impact) and shall commence at low-energy levels and slowly build to impact force (allowing for fish to move away from the construction site).</i></p> <p><i>The project applicant shall also consult with NMFS, USFWS, and CDFW (as part of obtaining permit approvals, e.g., FESA Section 7 and Fish and Game Code Section 1600) to determine necessary impact minimization actions, which may include surveying the outfall site to determine fish presence prior to installation. The project applicant shall implement any additional measures developed through the FESA Section 7 and Fish and Game Code Section 1600 permit processes, to ensure that impacts are avoided and/or minimized.</i></p>					
	<p>f) <i>To reduce the potential for fish stranding or minimize the potential for harm during cofferdam dewatering activities, the project applicant or its contractor shall implement a fish rescue plan. Prior to the closure of the cofferdam in the Sacramento River, seining by a qualified fisheries biologist will be conducted within the cofferdam using a small-mesh seine to direct and move fish out of the cofferdam area. Upon completion of seining, the entrance to the cofferdam will be blocked with a net to prevent fish from entering the cofferdam isolation area before the cofferdam is completed. Once the cofferdam is completed and the area within the cofferdam is closed and isolated, additional seining will be conducted within the cofferdam to remove any remaining fish. Once most of the fish have been removed from the isolated area, portable pumps with intakes equipped with 1.75 mm mesh screen shall be used to dewater to a depth of 1.5-2 feet. A qualified biologist shall implement further fish rescue operations using electrofishing and dip nets. All fish that are captured will be placed in clean 5-gallon buckets and/or coolers filled with Sacramento River water, transported downstream of the construction area, and released back into suitable habitat in the Sacramento River with minimal handling. After all fish have been removed using multiple seine passes, electrofishing, and dip nets (as necessary), portable pumps with screens (see above) will be used for final dewatering. NMFS, USFWS, and CDFW shall be notified at least 48 hours prior to the fish rescue.</i></p>	<p>Develop and implement a fish rescue plan.</p>	<p>SO</p>	<p>Project applicant</p>	<p>Establish plan prior to regulatory permit issuance</p>	<p>City of Sacramento Community Development Department, NMFS, USFWS, and CDFW</p>
<p>4.3-4: Development of the proposed projects could result in removal of habitat for the Valley Elderberry Longhorn Beetle.</p>	<p><b>4.3-4</b></p> <p>(1) <i>Prior to construction within the RSP Area, the site shall be surveyed for the presence of the valley elderberry longhorn beetle and its elderberry host plant by a qualified biologist in accordance with USFWS protocols. If elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level occur on or adjacent to the project site, or are otherwise located where they may be directly or indirectly affected by the proposed project, minimization and compensation measures, which include transplanting existing shrubs and planting replacement habitat (conservation plantings), are required (see below). Surveys are valid for a period of two years. Elderberry plants with no stems measuring</i></p>	<p>Retain a qualified biologist who shall conduct preconstruction surveys for elderberry shrubs.</p>	<p>RSPU</p>	<p>Project applicant</p>	<p>Prior to ground disturbance such as grading and excavation activities</p>	<p>City of Sacramento Community Development Department</p>

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	<p><i>1.0 inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with all stems measuring 1.0 inch or less in diameter at ground level.</i></p> <p>(2) <i>For shrubs with stems measuring 1.0 inch or greater, the City shall ensure that elderberry shrubs within 100 feet of proposed development be protected and/or compensated for in accordance with the "U.S. Fish and Wildlife Services" (USFWS) Conservation Guidelines for the Valley Elderberry Longhorn Beetle and the Programmatic Formal Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle Within the Jurisdiction of the Sacramento Field Office."</i></p>	<p>Protect shrubs within 100 feet of construction activities; compensate for removed shrubs.</p>	RSPU	Project applicant	Prior to issuance of building permit	City of Sacramento Community Development Department and USFWS
4.3-6: Development of the proposed projects could result in impacts to bat species.	<p><b>4.3-6</b> <i>Minimize potential adverse effects to bat species.</i></p> <p><i>Vegetation removal, including tree removal, shall be conducted between September 16 and January 31, to the extent feasible, to minimize the potential loss of bat maternity roosts.</i></p> <p><i>The applicant shall conduct pre-construction surveys for roost sites prior to construction activities within 100 feet of the I-5, I Street Bridge, and riparian habitat along the Sacramento River during the bat pupping season (April 1 through July 31). This survey shall be conducted by a wildlife biologist qualified to identify bat species. If no bats are roosting, then no further mitigation is required.</i></p> <p><i>If a bat maternity roost is identified, buffers around the roost site shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other project activities.</i></p>	<p>Retain a qualified biologist to conduct preconstruction surveys and prepare a report; provide the report to the City of Sacramento Community Development Department.</p> <p>Provide buffer around bat maternity roosts, if applicable.</p>	RSPU, SO	Project applicant	Prior to issuance of grading permit or tree removal permit; provide buffer through completion of construction or abandonment of the roosts	City of Sacramento Community Development Department
4.3-7: Development of the proposed projects could result in net reduction of sensitive habitats including protected wetland habitat as defined in Section 404 of the Clean Water Act, riparian vegetation, and state jurisdictional waters/wetlands.	<p><b>4.3-7</b> <i>If the applicant shall prepare a wetland and riparian mitigation plan that ensures no net loss of waters of the U.S. and riparian vegetation. The wetland and riparian mitigation plan shall be based on a wetland delineation verified by USACE. This measure may be implemented through the 404 permit and Streambed Alteration Agreement process. The plan shall include the following:</i></p> <p>1) <i>The project proponent shall compensate for the loss of wetland and riparian habitat through a combination of restoration/enhancement, and the purchase of mitigation credits at an approved mitigation bank. The ratio of compensation shall be determined in consultation with USACE and California Department of Fish and Wildlife (CDFW), as part of the 404 permit and Streambed Alteration Agreement process, but shall not be less than 1:1.</i></p>	<p>Prepare a wetland and riparian mitigation plan.</p> <p>Provide restoration/enhancement of habitat or purchase mitigation credits.</p>	SO	Project applicant	Concurrent with 404 permit process and Streambed Alteration Agreement process	City of Sacramento Community Development Department, USACE, and CDFW
			SO	Project applicant	Concurrent with 404 permit process and Streambed Alteration Agreement process	City of Sacramento Community Development Department, USACE, and CDFW

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**TABLE 4-1  
SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Action(s)</b>	<b>Component</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
	2) <i>Prior to any construction activities on the site, a protective fence shall be erected around the boundaries of areas that would be disturbed by construction. This fence shall remain in place until all construction activity in the immediate area is completed. No activity shall be permitted within the protected areas except for those expressly permitted by USACE and/or CDFW.</i>	Install protective fencing.	SO	Project applicant	Prior to and during construction on individual applicable development sites	City of Sacramento Community Development Department, USACE, and CDFW
	3) <i>Water quality in the Sacramento River shall be protected using erosion control techniques during construction including, but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats, during construction.</i>	Implement erosion control measures including adding measures to construction plans.	SO	Project applicant	During construction activities in-water and adjacent to the Sacramento River	City of Sacramento Community Development Department, USACE, and CDFW
4.3-8: Development of the proposed projects could result in isolation or interruption of contiguous habitat which would interfere substantially with the movement of resident or migratory fish or wildlife species, migratory corridors, or impede the use of native wildlife nursery sites.	<b>4.3-8</b> <i>The applicant shall reduce spillover lighting from the proposed project onto the Sacramento River by implementing the following:</i>  <i>The applicant shall place structural barriers to screen automobile headlights that are directed perpendicular to the river shall be screened along the western project edge. This may be accomplished through the placement of a 3-4 foot vegetated hedge or other structural methods that would not additionally hinder wildlife movement through riverine riparian vegetation.</i>  <i>Outdoor lighting within the RSP Area west of I-5 shall be of the minimum wattage required for the particular use and shall be directed to the specific location intended for illumination (e.g., roads, walkways, or recreation fields) to prevent stray light spillover onto sensitive riverine habitat.</i>  <i>All fixtures on elevated light standards within the RSP Area west of I-5, such as in parking lots or along roadways, shall be shielded to reduce direct exposure to the Sacramento River.</i>	Implement spillover light and minimization measures through screening and screening. Use minimum wattage required.	RSPU, KPMC, SO	Project applicant	During site plan and design review	City of Sacramento Community Development Department
4.3-9: Development of the proposed projects could conflict with local policies protecting trees.	<b>4.3-9</b> <i>All tree removal within the RSP Area shall comply with the current City of Sacramento tree protection ordinance. The applicant shall implement mitigation measures to protect retained trees, and replace for the loss of tree resources (tree protection, and replacement measures shall be determined in consultation with the City).</i>	Conduct tree removal activities in accordance with City tree protection ordinance.	RSPU, KPMC, MLS, SO	Project applicant	During site plan and design review and in compliance with tree protection ordinance requirements	City of Sacramento Community Development Department
4.3-11: Implementation of the proposed projects, in combination with other cumulative development, could/would contribute to the cumulative harm to, or loss of nesting habitat, for Swainson's hawk, white-tailed kite, purple martin, and other sensitive and/or protected bird species.	<b>4.3-11</b> <i>Implement Mitigation Measures 4.3-2(a) and 4.3-2(b)</i>	See Mitigation Measure 4.3-2(a) and Mitigation Measure 4.3-2(b).	See Mitigation Measure 4.3-2(a) and Mitigation Measure 4.3-2(b).	See Mitigation Measure 4.3-2(a) and Mitigation Measure 4.3-2(b).	See Mitigation Measure 4.3-2(a) and Mitigation Measure 4.3-2(b).	See Mitigation Measure 4.3-2(a) and Mitigation Measure 4.3-2(b).

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4.3-12: Implementation of the proposed projects, in combination with other cumulative development, could/would contribute to cumulative impacts to special-status fish species and degradation of designated critical habitat.	<b>4.3-12</b> <i>Implement Mitigation Measures 4.3-2(a) through 4.3-2(f)</i>	See Mitigation Measure 4.3-2(a) through Mitigation Measure 4.3-2(f).	See Mitigation Measure 4.3-2(a) through Mitigation Measure 4.3-2(f).	See Mitigation Measure 4.3-2(a) through Mitigation Measure 4.3-2(f).	See Mitigation Measure 4.3-2(a) through Mitigation Measure 4.3-2(f).	See Mitigation Measure 4.3-2(a) through Mitigation Measure 4.3-2(f).
4.3-13: Implementation of the proposed project, in combination with other cumulative development, could/would contribute to the cumulative loss of habitat for the Valley Elderberry Longhorn Beetle.	<b>4.3-13</b> <i>Implement Mitigation Measure 4.3-4</i>	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.	See Mitigation Measure 4.3-4.
4.3-15: Implementation of the proposed projects, in combination with other cumulative development, could/would contribute to the cumulative loss of habitat, or impacts to for bat species.	<b>4.3-15</b> <i>Implement Mitigation Measure 4.3-6</i>	See Mitigation Measure 4.3-6.	See Mitigation Measure 4.3-6	See Mitigation Measure 4.3-6	See Mitigation Measure 4.3-6	See Mitigation Measure 4.3-6
4.3-16: Implementation of the proposed projects, in combination with other cumulative development, could/would contribute to the cumulative loss of sensitive habitats including protected wetland habitat as defined in Section 404 of the Clean Water Act, riparian vegetation, and state jurisdictional waters/wetlands.	<b>4.3-16</b> <i>Implement Mitigation Measure 4.3-7</i>	See Mitigation Measure 4.3-7.	See Mitigation Measure 4.3-7	See Mitigation Measure 4.3-7	See Mitigation Measure 4.3-7	See Mitigation Measure 4.3-7
4.3-17: Implementation of the proposed projects, in combination with other cumulative development, could/would contribute to the cumulative isolation or interruption of contiguous habitat which would interfere substantially with the movement of resident or migratory fish or wildlife species, migratory corridors, or impede the use of native wildlife nursery sites.	<b>4.3-17</b> <i>Implement Mitigation Measure 4.3-8</i>	See Mitigation Measure 4.3-8.	See Mitigation Measure 4.3-8	See Mitigation Measure 4.3-8	See Mitigation Measure 4.3-8	See Mitigation Measure 4.3-8
<b>4.4 Cultural Resources</b>						
4.4-1: The proposed projects could cause a substantial adverse change in the significance of an archaeological resource, including human remains.	<b>4.4-1(a)</b> <i>i. Prior to any ground-disturbing activity in Archaeologically Sensitive Areas (ASAs), a focused Archaeological Testing Plan (ATP) shall be prepared and implemented to determine the presence/absence of archaeological resources and to assess their eligibility to the CRHR. The ATP shall be reviewed and approved by the Preservation Director prior to implementation. An example outline of the ATP is included in Appendix E of this Draft SEIR.</i>	Retain a qualified archaeologist to prepare and implement an Archaeological Testing Plan (ATP).	RSPU (ASAs only)	Project applicant	Prior to ground disturbance such as grading and excavation activities for individual applicable development projects	City of Sacramento Community Development Department
		Prepare an Archaeological Mitigation Plan, if necessary.	RSPU (ASAs only)	Project applicant	Prior to ground disturbance such as grading and excavation activities for individual applicable development projects	City of Sacramento Community Development Department

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	<p>iii. <i>Based upon the results of test excavations, it may be necessary to conduct archaeological monitoring in some areas. In these areas, an Archaeological Monitoring Plan shall be prepared and implemented to ensure appropriate identification and treatment of anticipated archaeological resources, if any are discovered during grading or construction activities. At a minimum, the Monitoring Plan shall include provisions to result in the cessation of activities upon discovery, evaluation of such resources for historic significance, and if the resource is significant, appropriate treatment based on recommendations of a qualified archaeologist. Appropriate treatment shall include protection of the resource from further damage, and one of the following, as appropriate: (1) preservation in place; (2) return of the resource to the most likely descendent (MLD) (if determined to be of Native American origin), (3) curation in an appropriate location or facility, and/or (4) recordation. The City Preservation Director shall approve the Archaeological Monitoring Plan prior to implementation. An example outline of an Archaeological Monitoring Plan is included in Appendix E of this Draft SEIR.</i></p>	Prepare and implement an Archaeological Monitoring Plan.	RSPU (ASAs only)	Project applicant	During excavation and grading activities	City of Sacramento Community Development Department
	<p>iv. <i>Prior to construction activities, an archaeologist will lead an in-field tailgate training session for project construction crews on the kinds and types of resources that may be present, and give plans for actions of work stoppage to occur should archeological features be encountered.</i></p>	Retain a qualified archaeologist to conduct archaeological resources pre-construction training.	RSPU (ASAs only)	Project applicant	Immediately prior to ground-disturbing activities (grading or excavation) for individual applicable development projects	City of Sacramento Community Development Department
	<p><b>4.4-1(b)</b> <i>Within the current footprint of the northern levee embankment, prior to ground-disturbing activities that are anticipated to extend below the level of North B Street (e.g., excavation below the base of the extant levee embankment), an Archaeological Monitoring Plan shall be prepared and implemented to ensure appropriate identification and treatment of anticipated archaeological resources, if any are discovered during grading or construction activities. In the event of inadvertent discovery of a potential archaeological resource or human remains, Mitigation Measure 4.4-1(c) will be implemented.</i></p>	Retain a qualified archaeologist to prepare and implement an Archaeological Monitoring Plan for the area within the footprint of the northern levee embankment.	RSPU (footprint of the northern levee embankment only)	Project applicant	Prepare plan prior to ground-disturbing activities (grading or excavation) that are anticipated to extend below the level of North B Street; implement plan during ground-disturbing activities	City of Sacramento Community Development Department
	<p><b>4.4-1(c)</b> <i>In the event that unanticipated archaeological resources or human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and human remains shall be required. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered.</i></p> <p>i. <i>If a monitoring archaeologist or a member of the construction team believes that an archaeological resource has inadvertently been uncovered, all work adjacent to the discovery shall cease, and an SOI qualified archaeologist immediately notified. Appropriate steps shall be taken, as directed by the archaeologist, to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with Federal and State Law.</i></p>	Cease work if a discovery is made. Conduct field investigation. Recover data and record resources on appropriate DPR forms, as appropriate.	RSPU, KPMC, MLS, SO	Project applicant	During ground-disturbing activities for individual applicable development projects	City of Sacramento Community Development Department

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	<p><i>At a minimum the area will be secured to a distance of 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel shall not be permitted to traverse the discovery site. The archaeologist shall conduct a field investigation and assess the significance of the find. Impacts to cultural resources shall be lessened to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and consistent with the Secretary of the Interior's Standards for Archaeological Documentation. All identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the North Central Information Center.</i></p> <p>ii. <i>If human remains are discovered at the project construction site during any phase of construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. If the remains are determined to be Chinese, or any other ethnic group, the appropriate local organization affiliated with that group shall be contacted and all reasonable effort shall be made to identify the remains and determine and contact the most likely descendant. The approved mitigation shall be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</i></p> <p><i>If the remains are of Native American origin, the landowner or the landowner's representative shall contact the Native American Heritage Commission to identify the Most Likely Descendant. That individual shall be asked to make a recommendation to the landowner for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.983.</i></p> <p><i>If the Most Likely Descendant fails to make a recommendation or the landowner or his or her authorized representative rejects the recommendation of the descendant, and if mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner, then the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</i></p>	<p>Cease work and notify the County Coroner. Follow protocol for further notification including to the NAHC, if applicable. Contact the Native American Heritage Commission to identify the Most Likely Descendant, if applicable.</p>	RSPU, KPMC, MLS, SO	Project applicant	During ground-disturbing activities for individual applicable development projects	City of Sacramento Community Development Department

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	<p><b>4.4-1(d)</b>  <i>The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (CSLC) (PRC Section 6313[a]). In the case of an inadvertent discovery of a submerged shipwreck or related artifacts, all work must cease in the immediate vicinity of the find and the lead agency's archaeological resource staff will be notified immediately in order to initiate consultation with the CSLC staff within two business days of such discovery.</i></p> <p><i>PRC Section 6313 (c) states any submerged historic resource remaining in state waters for more than 50 years will be presumed to be archaeologically or historically significant. If the lead agency's archaeologist, in consultation with the CSLC staff, determines that a historical resource may be present, the lead agency will retain the services of a qualified maritime archeological consultant. The maritime archeological consultant will recommend whether the discovery is an historical/archeological resource that retains sufficient integrity and is of potential historical or scientific significance. The maritime archeological consultant also will recommend as to what action, if any, is warranted. Based on this information, and consultation with the CSLC, implementation of additional measures may be required.</i></p> <p><i>Measures shall include preservation in situ of the historical resource, implementation of a data recovery program, or other such action that preserves the cultural value of the resource. The maritime archeological consultant will submit a Final Cultural Resources Technical Report to the lead agency, NCIC, and the CSLC staff. This report will include an evaluation of the historical significance, with a description of the archeological and historical research methods employed in any archeological data recovery program undertaken.</i></p>	In the event of an inadvertent discovery of a submerged shipwreck or related artifacts, cease work and consult with the CSLC staff to determine significance. Follow actions prescribed by maritime archaeological consultant.	SO	Project applicant	During in-water construction	City of Sacramento Community Development Department, California State Lands Commission
4.4-2: The proposed projects could cause a substantial adverse change to the Central Shops Historic District, or the Water Tower.	<p><b>4.4-2(a)</b>  <i>Consistent with Section 17.604 and other sections of Title 17 of the City's Planning &amp; Development Code, and in coordination and consultation with the Preservation Director and the Preservation Commission, and adopted by the City Council, a Historic District Plan that is specifically focused on the Historic District in the Central Shops shall be prepared. Any development within the Historic District shall comply with the standards and criteria identified in the plan. The Historic District Plan shall include, at a minimum, the following components:</i></p> <ol style="list-style-type: none"> <li><i>1. Statement of the goals for review of development projects within the Historic District;</i></li> <li><i>2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;</i></li> <li><i>3. A statement of findings, including the following:</i> <ol style="list-style-type: none"> <li><i>a. The historical or pre-historical period to which the area is significant.</i></li> <li><i>b. The predominant periods or styles of the structures or features therein.</i></li> </ol> </li> </ol>	Prepare a Historic District Plan consistent with the requirements of the City's Planning and Development Code.	RSPU Central Shops District	Project applicant	Prior to issuance of building permit in the Central Shops District	City of Sacramento Community Development Department, City of Sacramento Preservation Director, City of Sacramento Preservation Commission

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	<p>c. <i>The significant features and characteristics of such periods or styles, as represented in the Historic District and incorporating the findings of the historic district designation completed by the City in 2007, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape, hardscape and site features and fixtures.</i></p> <p>d. <i>A statement, consistent with Title 17, Sacramento Register of Historic and Cultural Resources, of this chapter, of the standards and criteria to be used in determining the appropriateness of any development project involving a landmark, contributing resource or noncontributing resource within the Historic District.</i></p>					
	<p><b>4.4-2(b)</b> <i>A copy of the full Southern Pacific Company Sacramento Shops HAER document (HAER CA303) shall be completed, and filed with the City's Preservation Office and Center for Sacramento History, including the historic narrative, architectural drawings, and photographs, and archive quality copies disseminated to the appropriate state, regional, and local repositories.</i></p>	Prepare and file the full Southern Pacific Company Sacramento Shops HAER document.	RSPU Central Shops District	Project applicant	Prior to issuance of building permit in the Central Shops District	City of Sacramento Community Development Department, City of Sacramento Preservation Office, and Center for Sacramento History.
4.4-3: The proposed projects could cause a substantial adverse change to the Central Shops Historic District, or Water Tower, by new construction surrounding and affecting the contributing resources and the significant features and characteristics of the district.	<p><b>4.4-3</b> <i>Any proposed new project within the Central Shops Historic District (including new construction on Lot 22) shall be designed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the standards for rehabilitation and new construction within a historic district. Standards 9 and 10 for Rehabilitation state that:</i></p> <p>9. <i>New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.</i></p> <p>10. <i>New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.</i></p> <p><i>The RSPU Design Guidelines and policies shall be consistent with these standards. In addition to compliance with the above, with the proposed adopted Historic District plan, and with the Design Guidelines established as part of the proposed RSPU, the project developer shall ensure that any new project involving the design of a new building shall not have a significant impact on the Historic District's contributing resources or its features and characteristics. The City of Sacramento Historic Preservation Director, or the Commission, as appropriate per Preservation Development Project Site Plan &amp; Design Review requirements of Title 17 of the City Code, shall review any proposed project's site plan and design to ensure its compatibility with the SOI Standards and the adopted Historic District plan.</i></p>	Design buildings to comply with SOI standards. Conduct appropriate consultation with the City of Sacramento Preservation Director for any new projects to ensure that new projects protect the integrity of the historic property.	RSPU Central Shops and Transition Zone	Project applicant	During site plan and design review	City of Sacramento Community Development Department
		Design new buildings to not have a significant impact on the Historic District's contributing resources or its features and characteristics.	RSPU Central Shops and Transition Zone	Project applicant	During site plan and design review	City of Sacramento Community Development Department

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4.4-7: Construction of the proposed projects could damage and/or destroy paleontological resources.	<b>4.4-7</b> <i>If discovery is made of items of paleontological interest, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City. Any inadvertent discovery of paleontological resources during construction shall be evaluated by a qualified paleontologist. If it is determined that the project could damage a unique paleontological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City.</i>	Implement protocols for the inadvertent discovery and treatment of paleontological resources.	RSPU, KPMC, MLS, SO	Project applicant	During ground-disturbing activities (grading or excavation) for individual applicable development projects	City of Sacramento Community Development Department
4.4-8: The proposed projects could contribute to the cumulative loss or alteration of archaeological resources, including human remains.	<b>4.4-8</b> <i>Implement Mitigation Measure 4.4-1(a) through 4.4-1(d).</i>	See Mitigation Measure 4.4-1(a) through 4.4-1(d).	See Mitigation Measure 4.4-1(a) through 4.4-1(d)	See Mitigation Measure 4.4-1(a) through 4.4-1(d)	See Mitigation Measure 4.4-1(a) through 4.4-1(d)	See Mitigation Measure 4.4-1(a) through 4.4-1(d)
4.4-9: The proposed projects could contribute to the cumulative loss or alteration of historic built resources, including the Central Shops Historic District (the Southern Pacific Railroad Shops), the Water Tower, the Sacramento Valley Station, or the Alkali Flat Historic Districts.	<b>4.4-9</b> <i>Implement Mitigation Measure 4.4-2 and 4.4-3.</i>	See Mitigation Measures 4.4-2 and 4.4-3.	See Mitigation Measures 4.4-2 and 4.4-3	See Mitigation Measures 4.4-2 and 4.4-3	See Mitigation Measures 4.4-2 and 4.4-3	See Mitigation Measures 4.4-2 and 4.4-3
4.4-10: The proposed projects would contribute to cumulative losses of paleontological resources.	<b>4.4-10</b> <i>Implement Mitigation Measure 4.4-7.</i>	See Mitigation Measure 4.4-7.	See Mitigation Measure 4.4-7	See Mitigation Measure 4.4-7	See Mitigation Measure 4.4-7	See Mitigation Measure 4.4-7
<b>4.6 Geology, Soils, and Seismicity</b>						
4.6-2: The proposed projects could result in damage to the historic Central Shops.	<b>4.6-2</b> a) <i>To the extent feasible, the historic buildings shall be stabilized and reinforced prior to trenching or other construction activities within 50 feet of the buildings.</i>  b) <i>A pre-excavation settlement-damage survey shall be prepared that shall include, at a minimum, visual inspection of existing vulnerable structures for cracks and other settlement defects, and establishment of horizontal and vertical control points on the buildings. A monitoring program of surveying horizontal and vertical control points on structures and shoring shall be followed to determine the effects of dewatering, excavation, and construction on the particular building site. If it is determined by the engineer that the existing buildings could be subject to damage, work shall cease until appropriate remedies to prevent damage are identified.</i>	Implement historic building stabilization measures, including incorporation into construction plans, for ground disturbing (grading or excavation) activity within 50 feet of historic structures.	RSPU	Project applicant	Prior to ground-disturbing activities (grading or excavation) within 50 feet of Central Shops	City of Sacramento Community Development Department
		Prepare a pre-excavation settlement-damage survey and prepare and implement a monitoring program for surveying horizontal and vertical control points.	RSPU	Project applicant	Prior to issuance of grading permit within 50 feet of Central Shops	City of Sacramento Community Development Department

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SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	c) <i>If necessary and with approval by the City Chief Building Official, the construction contractor shall install temporary shoring or stabilization to help avoid permanent impacts. Stabilization may involve structural reinforcement or corrections for deterioration that would minimize or avoid potential structural failures or avoid accelerating damage to the historic structure. Stabilization shall be conducted following the Secretary of Interior Standards Treatment of Preservation. This treatment shall ensure retention of the historical resource's character-defining features. Stabilization may temporarily impair the historic integrity of the building's design, material, or setting, and as such, the stabilization must be conducted in a manner that will not permanently impair a building's ability to convey its significance. Measures to shore or stabilize the building shall be installed in a manner that when they are removed, the historic integrity of the building remains, including integrity of material.</i>	If determined necessary, implement temporary shoring or stabilization measures, as approved by the City Chief Building Official.	RSPU	Project applicant	Prior to ground-disturbing activities (grading or excavation) within 50 feet of Central Shops	City of Sacramento Community Development Department and City Chief Building Official.
<b>4.8 Hazards and Hazardous Materials</b>						
4.8-1: Construction of the proposed projects could result in the exposure of people to health risk associated with contaminated soils and debris.	<b>4.8-1</b> <i>If unidentified or suspected contaminated soil or groundwater evidenced by stained soil, noxious odors, or other factors, is encountered during site preparation or construction activities work shall stop in the area of potential contamination, and the type and extent of contamination shall be identified by qualified professional. The qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations, and recommendations for appropriate handling and disposal. Site preparation or construction activities shall not recommence within the contaminated areas until remediation is complete and a "no further action" letter is obtained from the appropriate regulatory agency.</i>	Implement contamination avoidance and treatment measures. If contaminated soil or groundwater is encountered, cease work, identify the contaminant, and execute a remediation plan.	RSPU (West Jibboom only), SO	Project applicant	During ground-disturbing activities (grading or excavation)	City of Sacramento Community Development Department.
4.8-3: Development of the proposed projects could expose people to existing contaminated groundwater during dewatering activities.	<b>4.8-3</b> <i>Implement Mitigation Measure 4.8-1.</i>	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.
4.8-4: Construction of the proposed projects' infrastructure and buildings could interfere with remediation efforts.	<b>4.8-4</b> <i>Implement Mitigation Measure 4.8-1.</i>	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.
4.8-7: Operation of the proposed projects could result in the exposure of people to health risks associated with contaminated soils and groundwater.	<b>4.8-7</b> a) <i>In areas where the groundwater contamination has the potential to reach water, sewer or storm drainage pipelines due to fluctuations in the elevation of the groundwater table, or where volatile contaminants in soil vapor could enter porous utility lines, measures such as concrete trenches, membrane barriers and venting will be used to prevent infiltration in accordance with DTSC requirements.</i>  b) <i>Routine monitoring of the above areas shall be performed by the landowners and/or the City, reported to DTSC and Regional Water Board, and corrective actions implemented if the results indicate adverse change in water quality. For stormwater, the monitoring may be conducted through the City's MSR 4 program.</i>	Implement measures to prevent infiltration of contaminants into pipelines. Identify measures on construction drawings.	RSPU, KPMC, MLS, SO	Project applicant	During site plan and design review	City of Sacramento Community Development Department, Department of Toxic Substances Control (DTSC)
		If contaminants are encountered, monitor the area and take corrective action as required by DTSC and/or Regional Water Board.	RSPU, KPMC, MLS, SO	Project applicant	Following identification of contaminants through completion of corrective actions	City of Sacramento Community Development Department, Department of Toxic Substances Control (DTSC), Regional Water Board

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4.8-8: The proposed projects in combination with development of other projects in the surrounding area known to contain, or could contain contaminated soil or groundwater, could present a hazard to construction workers if not properly managed.	<b>4.8-8</b> <i>Implement Mitigation Measure 4.8-1.</i>	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.
4.8-9: The proposed projects could contribute to cumulative dewatering activities that could interfere with remediation of the existing South Plume and Lagoon Plume.	<b>4.8-9</b> <i>Implement Mitigation Measure 4.8-1.</i>	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1.
<b>4.10 Noise and Vibration</b>						
4.10-1: Construction of the proposed projects could generate noise that would conflict with City standards.	<b>4.10-1</b> <i>The contractor shall ensure that the following measures are implemented during all phases of project construction:</i>	Implement temporary noise barriers to shield construction sites from sensitive uses.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of demolition or grading permit; include measures on construction drawings	City of Sacramento Community Development Department
	a) <i>Whenever construction occurs within 130 feet to occupied residences (on or offsite), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Sacramento Building Official.</i>					
	b) <i>Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.</i>	Stage construction equipment away from residential areas.	RSPU, KPMC, MLS	Project applicant	Include measures on construction drawings	City of Sacramento Community Development Department
	c) <i>Use of auger displacement for installation of foundation piles, if feasible. If impact pile driving is required, "sonic" pile- drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible, based on geotechnical considerations.</i>	Use auger displacement drilling, or "sonic" pile driving to the extent feasible.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of demolition or grading permit; include measures on construction drawings	City of Sacramento Community Development Department
	d) <i>Prior to impact pile driving activities in Blocks 49, 50 and 52, the applicant shall coordinate with the KCRA building management staff in order to minimize disruption from pile driving, to the extent feasible.</i>	Coordinate with KCRA.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of demolition or grading permit; include measures on construction drawings	City of Sacramento Community Development Department
4.10-2: Operations of the proposed projects could result in a substantial permanent increase in ambient exterior noise levels in the project vicinity.	<b>4.10-2(a)</b> <i>The project sponsor shall ensure that the following measures are implemented for all development under the proposed Specific Plan:</i>	Submit engineering and acoustical specification for project mechanical HVAC equipment and the proposed locations of onsite loading docks.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of building permits	City of Sacramento Community Development Department
	i) <i>Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment and the proposed locations of onsite loading docks to the Planning Director demonstrating that the HVAC equipment and loading dock design (types, location, enclosure, specification) will control noise from the equipment to at least 10 dBA below existing ambient levels at nearby residential and other noise-sensitive land uses.</i>					

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	<i>ii. Noise-generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.</i>	Enclose or shield noise-generating equipment.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of demolition or grading permit; include measures on construction drawings	City of Sacramento Community Development Department
	<i>iii. In order to avoid the exposure of rail noise to onsite future sensitive receptors that would exceed the City of Sacramento exterior noise standards, residential units within Blocks 35, 49 and 50 shall not be placed closer than 190 feet from the centerline of the UPRR rail line.</i>	Locate residential units on Blocks 35, 49 and 50 shall not be placed closer than 190 feet from the centerline of the UPRR rail line.	RSPU, KPMC, MLS	Project applicant	During site plan and design review	City of Sacramento Community Development Department
	<b>4.10-2(b)</b> <i>i. The project applicant shall retain a qualified acoustical consultant to verify that the MLS Stadium architectural and outdoor amplified sound system designs incorporate all feasible acoustical features in order to comply with the City of Sacramento Noise Control Ordinance.</i>	Retain a qualified acoustical consultant to evaluate architectural and outdoor amplified sound system design.	MLS	Project applicant	During site plan and design review	City of Sacramento Community Development Department
	<i>ii. The project applicant shall be required to limit speakers at temporary plaza stages outside the stadium to be no louder than 100 dBA measured five (5) feet from the source.</i>	Limit volume of outdoor speakers.	MLS	Project applicant	During site plan and design review	City of Sacramento Community Development Department
4.10-3: The proposed projects could result in residential interior noise levels of 45 dBA Ldn or greater caused by noise level increases due to project operation.	<b>4.10-3(a)</b> <i>Prior to the issuance of building permits for residential projects within the RSP Area, the City shall require project applicants for residential development to submit a detailed noise study, prepared by a qualified acoustical consultant, to identify design measures necessary to achieve the City interior standard of 45 Ldn in the proposed new residences. The study shall be submitted to the City for review and approval. Design measures such as the following could be required, depending on the specific findings of the noise study: double-paned glass windows facing noise sources; solid-core doors; increased sound insulation of exterior walls (such as through staggered-or double-studs, multiple layers of gypsum board, and incorporation of resilient channels); weather-tight seals for doors and windows; or sealed windows with an air conditioning system installed for ventilation. This study can be a separate report, or included as part of the Noise and Vibration Reduction Plan for the proposed projects. The building plans submitted for building permit approval shall be accompanied by certification of a licensed engineer that the plans include the identified noise-attenuating design measures and satisfy the requirements of this mitigation measure.</i>	Retain a qualified acoustical consultant to prepare a detailed noise study to be submitted to the City. Implement findings of required noise study. Incorporate noise-attenuating design measures into building plans and obtain verification of those incorporated measures from a licensed engineer.	RSPU	Project applicant	During site plan and design review	City of Sacramento Community Development Department
	<b>4.10-3(b)</b> <i>Implement Mitigation Measure 4.10-2(b) to minimize noise from outdoor amplified sound systems.</i>	Retain a qualified acoustical consultant to prepare a detailed noise study to be submitted to the City. Implement findings of required noise study. Incorporate noise-attenuating design measures into building plans and obtain verification of those incorporated measures from a licensed engineer.	MLS	Project applicant	During site plan and design review	City of Sacramento Community Development Department

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Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.10-4: Construction of the proposed projects could expose existing and/or planned buildings, and persons within, to vibration that could disturb people and damage buildings.	<b>4.10-4</b> <i>Prior to the issuance of any building permit for each phase of project development, the project applicant shall develop a Vibration Reduction Plan in coordination with an acoustical consultant, geotechnical engineer, and construction contractor, and submit the Plan to the City Chief Building Official for approval. The Plan shall include the following elements:</i>	Prepare and submit a Vibration Reduction Plan. Implement vibration avoidance, minimization, and monitoring requirements within the Vibration Reduction Plan.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of a building permit for individual applicable development projects	City of Sacramento Community Development Department
	1) <i>To mitigate vibration, the Plan shall include measures such that surrounding buildings will be exposed to less than 80 VdB and 83 VdB where people sleep and work, respectively, and less than 0.25 PPV for historic buildings to prevent building damage.</i>	Limit vibration during construction.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of a building permit for individual applicable development projects	City of Sacramento Community Development Department
	<i>Measures and controls shall be identified based on project-specific final design plans, and may include, but are not limited to, some or all of the following:</i>					
	1) <i>Buffer distances and types of equipment selected to minimize vibration impacts during construction at nearby receptors in order to meet the specified standards.</i>	Establish buffers around sensitive uses.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of a building permit for individual applicable development projects	City of Sacramento Community Development Department
	2) <i>Implement a vibration, crack, and line and grade monitoring program at existing historic buildings located within 47 feet of construction activities. The following elements shall be included in this program:</i>	Prepare crack monitoring plan for existing historic buildings located within 47 feet of construction activities. Project applicant shall provide City with regular reporting.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of a building permit for individual applicable development projects	City of Sacramento Community Development Department
	a. <i>During building construction:</i>	Monitor crack gauges during construction.	RSPU, KPMC, MLS	Project applicant	During construction activities within 47 feet of a historic building	City of Sacramento Community Development Department
	i. <i>The construction contractor shall regularly inspect and photograph crack gauges, maintaining records of these inspections to be included in post-construction reporting. Gauges shall be inspected every two weeks, or more frequently during periods of active project actions in close proximity to crack monitors, such as during the building construction of blocks 23 and 24.</i>					
	ii. <i>The construction contractor shall collect vibration data from receptors and report vibration levels to the City Chief Building Official on a monthly basis. The reports shall include annotations regarding project activities as necessary to explain changes in vibration levels, along with proposed corrective actions to avoid vibration levels approaching or exceeding the established threshold.</i>	Collect and report vibration data to City Chief Building Official.	RSPU, KPMC, MLS	Project applicant	During construction activities within 47 feet of a historic building	City of Sacramento Community Development Department
	iii. <i>With regards to historic structures, if vibration levels exceed the threshold and monitoring or inspection indicates that the project is damaging the building, the historic building shall be provided additional protection or stabilization. If necessary and with approval by the City Chief Building Official, the construction contractor shall install temporary shoring or stabilization to help avoid permanent impacts. Stabilization may involve structural reinforcement or corrections for deterioration that would minimize or avoid potential structural failures or avoid accelerating damage to the historic structure. Stabilization shall be conducted following the Secretary of Interior Standards Treatment of</i>	Provide additional protection or stabilization of historic structures, as needed.	RSPU, KPMC, MLS	Project applicant	During construction activities within 47 feet of a historic building	City of Sacramento Community Development Department

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	<p><i>Preservation. This treatment shall ensure retention of the historical resource's character-defining features. Stabilization may temporarily impair the historic integrity of the building's design, material, or setting, and as such, the stabilization must be conducted in a manner that will not permanently impair a building's ability to convey its significance. Measures to shore or stabilize the building shall be installed in a manner that when they are removed, the historic integrity of the building remains, including integrity of material.</i></p> <p>b. Post-construction</p> <p>i. <i>The applicant (and its construction contractor) shall provide a report to the City Chief Building Official regarding crack and vibration monitoring conducted during demolition and construction. In addition to a narrative summary of the monitoring activities and their findings, this report shall include photographs illustrating the post-construction state of cracks and material conditions that were presented in the pre-construction assessment report, along with images of other relevant conditions showing the impact, or lack of impact, of project activities. The photographs shall sufficiently illustrate damage, if any, caused by the project and/or show how the project did not cause physical damage to the historic and non-historic buildings. The report shall include annotated analysis of vibration data related to project activities, as well as summarize efforts undertaken to avoid vibration impacts. Finally, a post-construction line and grade survey shall also be included in this report.</i></p> <p>ii. <i>The project applicant (and its construction contractor) shall be responsible for repairs from damage to historic and non-historic buildings if damage is caused by vibration or movement during the demolition and/or construction activities. Repairs may be necessary to address, for example, cracks that expanded as a result of the project, physical damage visible in post-construction assessment, or holes or connection points that were needed for shoring or stabilization. Repairs shall be directly related to project impacts and will not apply to general rehabilitation or restoration activities of the buildings. If necessary for historic structures, repairs shall be conducted in compliance with the Secretary of Interior Standards Treatment of Preservation. The project applicant shall provide a work plan for the repairs and a completion report to ensure compliance with the SOI Standards to the City Chief Building Official and City Preservation Director for review and comment.</i></p>	<p>Prepare crack monitoring and vibration monitoring final report to the City. Include post-construction photographs of cracks, as applicable.</p> <p>Make repairs to damages historic and non-historic buildings caused by project construction, as applicable.</p>	<p>RSPU, KPMC, MLS</p> <p>RSPU, KPMC, MLS</p>	<p>Project applicant</p> <p>Project applicant</p>	<p>Upon completion of construction activities within 47 feet of a historic building</p> <p>Upon completion of construction activities within 47 feet of a historic building</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>

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4.10-5: The residential, non-residential, and mixed-use buildings constructed pursuant to the RSPU could be exposed to vibration levels due to existing rail operations and/or I-5 traffic.	<b>4.10-5(a)</b> <i>The historic structures in the Central Shops Historic District shall be stabilized using methods that would protect against vibration levels identified in the screening analysis (shown in Figure 6.8-3 of the 2007 RSP EIR).</i>	Stabilize historic structures in the Central Shops Historic District.	RSPU	Project applicant	Prior to construction activities within 47 feet of a historic building	City of Sacramento Community Development Department
	<b>4.10-5(b)</b> <i>Prior to design review, the applicant shall have a certified vibration consultant prepare a site-specific vibration analysis for residential uses and historic structures that are within the screening distance (shown in Figure 6.8-3 of the 2007 RSP EIR) for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and human annoyance. The results of the analysis shall be incorporated into project design.</i>	Retain a certified vibration consultant to prepare a site-specific vibration analysis for residential and historic structures within the screening distance near rail lines.	RSPU	Project applicant	Prior to design review	City of Sacramento Community Development Department
4.10-6: The proposed projects would result in exposure of people to cumulative increases in construction noise levels.	<b>4.10-6</b> <i>Implement Mitigation Measure 4.10-1 to minimize noise from outdoor amplified sound systems.</i>	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.	See Mitigation Measure 4.10-1.
4.10-7: The proposed projects would contribute to cumulative construction that could expose existing and/or planned buildings, and persons within, to significant vibration.	<b>4.10-7</b> <i>Implement Mitigation Measure 4.10-4 to minimize noise from outdoor amplified sound systems.</i>	See Mitigation Measure 4.10-4.	See Mitigation Measure 4.10-4.	See Mitigation Measure 4.10-4.	See Mitigation Measure 4.10-4.	See Mitigation Measure 4.10-4.
4.10-9: Implementation of the proposed projects would contribute to cumulative increases in residential interior noise levels of 45 dBA Ldn or greater.	<b>4.10-9(a)</b> <i>Implement Mitigation Measure 4.10-3(a) to minimize noise from outdoor amplified sound systems.</i>	See Mitigation Measure 4.10-3(a).	See Mitigation Measure 4.10-3(a).	See Mitigation Measure 4.10-3(a).	See Mitigation Measure 4.10-3(a).	See Mitigation Measure 4.10-3(a).
	<b>4.10-9(b)</b> <i>Implement Mitigation Measure 4.10-3(b) to minimize noise from outdoor amplified sound systems.</i>	See Mitigation Measure 4.10-3(b).	See Mitigation Measure 4.10-3(b).	See Mitigation Measure 4.10-3(b).	See Mitigation Measure 4.10-3(b).	See Mitigation Measure 4.10-3(b).
<b>4.11 Public Services</b>						
4.11-6: The proposed projects could result in a school located in proximity to existing hazards, specifically railroad tracks.	<b>4.11-6</b> <i>Prior to school site approval within 1,500 feet of the railroad tracks, the SCUSD shall retain a competent professional to prepare a safety study that assesses cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, and preparation of an evacuation plan. Based on this information and the proposed location and design of the school, the study shall demonstrate that the school design and construction would not expose students to risks associated with train accidents. In the event these conditions cannot be satisfied, SCUSD shall proceed in a manner that complies with California Code of Regulations, Title 5, section 14010(d).</i>	Prepare a safety study relative to school sites' proximity to rail lines.	RSPU	SCUSD	Prior to school site approval	City of Sacramento Community Development Department, California Department of Education

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4.11-8: The proposed projects would increase the demand for parks and recreational facilities.	<b>4.11-8</b> <i>Prior to filing of the final map, the project applicant shall reach agreement with the City on which of the proposed project elements and acreage meet the applicable City parkland dedication requirements. The project applicant shall pay in-lieu fees (Quimby and/or PIF) on the difference in acreage between the City parkland requirement and the amount of parkland the proposed project would supply, or provide "turnkey" improvements equal to the value of in-lieu fees owed, if any.</i>	Pay in lieu park dedication fees or provide "turnkey" improvements equal to the value of in-lieu fees.	RSPU	Project applicant	Prior to filing of final map	City of Sacramento Community Development Department
4.11-9: The proposed projects would contribute to cumulative increases in demand on City parks and recreational facilities.	<b>4.11-9</b> <i>Implement Mitigation Measure 4.11-8.</i>	See Mitigation Measure 4.11-8.	See Mitigation Measure 4.11-8.	See Mitigation Measure 4.11-8.	See Mitigation Measure 4.11-8.	See Mitigation Measure 4.11-8.
<b>4.12 Transportation</b>						
4.12-1: The proposed projects could worsen conditions at intersections in the City of Sacramento.	<b>4.12-1(a)</b> <i>i. Implement Event Transportation Management Plan (TMP) to the satisfaction of the City Traffic Engineer and subject to the performance standards set forth within, including:</i>  <ol style="list-style-type: none"> <li>1. <u>Vehicle Queuing on City Streets</u>: Through added intersections capacity and/or traffic management, traffic does not queue back to upstream locations during the Pre-Event peak hour including (but not limited to): <ul style="list-style-type: none"> <li>• Northbound 7<sup>th</sup> Street traffic does not spill back from Railyards Boulevard into the UPRR undercrossing (i.e., queues do not extend any greater than 600 feet from Railyards Boulevard).</li> <li>• Westbound North B Street traffic does not spill back from 7<sup>th</sup> Street to 8<sup>th</sup> Street</li> <li>• Westbound North B Street traffic does not spill back from 8<sup>th</sup> Street to 12<sup>th</sup> Street</li> <li>• Southbound 7<sup>th</sup> Street traffic does not spill back to LRT tracks at North B Street</li> </ul> </li> <li>2. <u>Pedestrian Flows</u>: Through pedestrian flow management, pedestrians do not spill out of sidewalks onto streets with moving vehicles, particularly along 7th Street between Richards Boulevard and G Street, Railyards Boulevard between 5th Street and 8th Street, and North B Street between 7th Street and 12th Street.</li> <li>3. <u>Vehicular Parking</u>: A comprehensive parking plan is implemented that includes (but is not limited to) a reservation system, smartphone parking app, directional signage, real-time parking garage occupancy, etc. that minimizes unnecessary vehicular circulation (while looking for parking) within and adjacent to the RSP Area.</li> <li>4. <u>Bicycle Parking</u>: Signage is clearly visible to direct bicyclists to MLS Stadium event bicycle parking, which has an adequate supply to accommodate a typical MLS Stadium event.</li> </ol>	Implement Event Transportation Management Plan (TMP) to meet performance standards.	RSPU	Project applicant	TMP approved prior to issuance of certificate of occupancy; implement during operation and during events at the MLS Stadium	City of Sacramento, Community Development Department and Department of Public Works

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	5. <u>Light Rail Transit</u> : A new light rail station/stop is constructed on 7th Street north of Railyards Boulevard and operational at the time the stadium opens, providing an adequate level of LRT service to meet the Pre- and Post-Event ridership demands.					
	6. <u>Bus/Paratransit</u> : Specific locations are provided to accommodate public buses and paratransit vehicle stops within one block of the MLS Stadium.					
	7. <u>Ridesharing</u> : Specific locations are provided for pick-up / drop-off areas such that taxi, Uber, or similar ridesharing services do not impede overall vehicular or pedestrian flow (including maintaining uncongested conditions along 10 <sup>th</sup> Street to enable emergency vehicle response).					
	8. <u>Truck Staging</u> : Delivery trucks associated with special events do not park or idle along 7th Street, 8th Street, North B Street, or Railyards Boulevard.					
	ii. Each project developed pursuant to the RSPU (including the Land Use Variant) shall pay the applicable fee for the I-5 Subregional Corridor Mitigation Program (SCMP) prior to issuance of building permits.	Pay I-5 Subregional Corridor Mitigation Program (SCMP) fees.	RSPU	Project applicant	Prior to issuance of building permits for individual applicable development projects	City of Sacramento, Community Development Department and Department of Public Works
	iii. Convert existing Dos Rios Street leg at 12 <sup>th</sup> Street/North B Street intersection to a right-turn only intersection that does not operate as part of the traffic signal.	Implement intersection improvements on the Dos Rios Street leg at 12 <sup>th</sup> Street/North B Street intersection.	RSPU	Project applicant	Prior to issuance of occupancy permits for the MLS Stadium	City of Sacramento, Community Development Department and Department of Public Works
	<b>4.12-1(b)</b> The following measures shall be implemented prior to issuance of the Certificate of Occupancy for Phase 1 of the KP Medical Center.	Pay I-5 Subregional Corridor Mitigation Program (SCMP) fees.	KPMC	Project applicant	Prior to issuance of Certificate of Occupancy for Phase 1 of the KP Medical Center	City of Sacramento Community Development Department and Department of Public Works
	i. Implement Mitigation Measure 4.12-1(a)(ii).					
	ii. Implement Transportation Demand Management (TDM) Program.	Implement Transportation Demand Management Program as directed by Mitigation Measure 4.12-1(b)(ii).	KPMC	Project applicant	Prior to issuance of Certificate of Occupancy for Phase 1 of the KP Medical Center	City of Sacramento Community Development Department and Department of Public Works
	iii. Widen Railyards Boulevard at 7 <sup>th</sup> Street to provide a dedicated northbound left-turn lane and dedicated southbound right-turn lane. Operate signal with protected northbound left-turn phasing.	Improve Railyards Boulevard/7 <sup>th</sup> Street intersection.	KPMC	Project applicant	Prior to issuance of Certificate of Occupancy for Phase 1 of the KP Medical Center	City of Sacramento Community Development Department and Department of Public Works
	iv. Coordinate traffic signals on Railyards Boulevard at 5 <sup>th</sup> , 6 <sup>th</sup> , and 7 <sup>th</sup> Streets.	Coordinate traffic signals.	KPMC	Project applicant	Prior to issuance of Certificate of Occupancy for Phase 1 of the KP Medical Center	City of Sacramento Community Development Department and Department of Public Works
	v. Implement either Option 1a, 1b, or Option 1c:	Implement one of the three available options to improve circulation through the RSP Area.	KPMC	Project applicant	Prior to issuance of Certificate of Occupancy for Phase 1 of the KP Medical Center	City of Sacramento Community Development Department and Department of Public Works
	• <u>Option 1a</u> : Extend 5 <sup>th</sup> Street northerly from South Park Street to North B Street. Install traffic signal at the 5 <sup>th</sup> Street/South Park Street intersection. Operate with 5 <sup>th</sup> Street/North B Street intersection with side-street stop-control. Widen eastbound North B Street at 7 <sup>th</sup> Street to include a dedicated left-turn lane and a shared through/right lane and operate east-west approaches with protected left-turn phasing.					

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**TABLE 4-1  
SACRAMENTO RAILYARDS SPECIFIC PLAN UPDATE, KP MEDICAL CENTER, MLS STADIUM, & STORMWATER OUTFALL MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> <li><i>Option 1b: Extend South Park Street easterly from 5th Street and extend 6th Street northerly from South Park Street extension to North B Street. Install traffic signal at the 5th Street/South Park Street intersection. Operate 6th Street/North B Street intersection with side-street stop-control. Widen eastbound North B Street at 7th Street to include a dedicated left-turn lane and a shared through/right lane and operate east-west approaches with protected left-turn phasing.</i></li> <li><i>Option 1c: Widen 7<sup>th</sup> Street/North B Street intersection to consist of a left-turn lane and a shared through/right lane on all approaches. Operate signal with protected left-turn phasing.</i></li> </ul>					
	<b>4.12-1(c)</b>					
	<i>i. Implement Mitigation Measure 4.12-1(a)(i).</i>	Implement Event Transportation Management Plan (TMP) to meet performance standards.	MLS	Project applicant	TMP approved prior to issuance of certificate of occupancy; implement during operation and during events at the MLS Stadium	City of Sacramento, Community Development Department and Department of Public Works
	<i>ii. Convert existing Dos Rios Street leg at 12th Street/North B Street intersection to a right-turn only intersection that does not operate as part of the traffic signal.</i>	Implement intersection improvements on the Dos Rios Street leg at 12 <sup>th</sup> Street/North B Street intersection.	MLS	Project applicant	Prior to issuance of occupancy permits for the MLS Stadium	City of Sacramento, Community Development Department and Department of Public Works
	<i>iii. Implement Transportation Demand Management (TDM) Program, if required by city code.</i>	Develop and implement Transportation Demand Management (TDM) Program.	MLS	Project applicant	Prior to issuance of occupancy permit	City of Sacramento Community Development Department and Department of Public Works
	<i>iv. Construct South Park Street between 6th Street and 7th Street.</i>	Incorporate into project design and implement roadway construction and improvements.	MLS	Project applicant	Prior to and during project construction and operations	City of Sacramento Community Development Department and Department of Public Works
	<i>v. Construct 6th Street between Railyards Boulevard and North B Street.</i>	Incorporate into project design and implement roadway construction and improvements.	MLS	Project applicant	Prior to and during project construction and operations	City of Sacramento Community Development Department and Department of Public Works
	<i>vi. Install traffic signals at 7th Street/South Park Street, 6th Street/North B Street, Railyards Boulevard/8th Street, and North B Street/8th Street.</i>	Incorporate into project design and implement roadway construction and improvements.	MLS	Project applicant	Prior to and during project construction and operations	City of Sacramento Community Development Department and Department of Public Works
	<i>vii. Widen 7th Street at Railyards Boulevard to provide dedicated northbound and southbound left-turn lanes, and operate signal with protected left-turn phasing.</i>	Incorporate into project design and implement roadway construction and improvements.	MLS	Project applicant	Prior to and during project construction and operations	City of Sacramento Community Development Department and Department of Public Works
	<i>viii. Widen/restripe 7th Street at North B Street to consist of one left-turn lane and one shared through/right lane on all approaches, and operate signal with protected left-turn phasing.</i>	Incorporate into project design and implement roadway construction and improvements.	MLS	Project applicant	Prior to and during project construction and operations	City of Sacramento Community Development Department and Department of Public Works
4.12-2: The proposed projects could worsen conditions on freeway facilities maintained by Caltrans.	<b>4.12-2</b> <i>Implement Mitigation Measure 4.12-1(a)(ii).</i>	See Mitigation Measure 4.12-1(a)(ii).	RSPU,KPMC,MLS	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).
4.12-3: The proposed projects could worsen vehicle queuing at off-ramps on I-5.	<b>4.12-3</b> <i>Implement Mitigation Measure 4.12-1(a)(ii).</i>	See Mitigation Measure 4.12-1(a)(ii).	RSPU,KPMC,MLS	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).
4.12-6: The proposed projects could adversely affect existing or planned pedestrian facilities or fail to provide for access for pedestrians.	<b>4.12-6</b> <i>Implement Mitigation Measure 4.12-1(a)(i).</i>	See Mitigation Measure 4.12-1(a)(i).	MLS	See Mitigation Measure 4.12-1(a)(i).	See Mitigation Measure 4.12-1(a)(i).	See Mitigation Measure 4.12-1(a)(i).

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Impact	Mitigation Measure	Action(s)	Component	Implementing Party	Timing	Monitoring Party
4.12-7: The proposed projects could cause construction-related traffic impacts.	<p><b>4.12-7</b> <i>Before issuance of grading permits for the project site, the project applicants shall prepare a detailed Construction Traffic Management Plan that will be subject to review and approval by the City Department of Public Works, in consultation with Caltrans, affected transit providers, and local emergency service providers including the City of Sacramento Fire and Police departments. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:</i></p> <ul style="list-style-type: none"> <li>• <i>The number of truck trips, time, and day of street closures</i></li> <li>• <i>Time of day of arrival and departure of trucks</i></li> <li>• <i>Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting</i></li> <li>• <i>Provision of a truck circulation pattern</i></li> <li>• <i>Identification of detour routes and signing plan for street closures</i></li> <li>• <i>Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas)</i></li> <li>• <i>Maintain safe and efficient access routes for emergency vehicles and transit</i></li> <li>• <i>Manual traffic control when necessary</i></li> <li>• <i>Proper advance warning and posted signage concerning street closures</i></li> <li>• <i>Provisions for pedestrian and bicycle safety</i></li> </ul> <p><i>A copy of each construction traffic management plan shall be submitted to local emergency response agencies and transit providers, and these agencies shall be notified at least 30 days before the commencement of construction that would partially or fully obstruct roadways.</i></p>	Prepare Construction Traffic Management Plan with sufficient detail, and consult with identified public and private agencies. Submit a copy of each construction traffic management plan to local emergency response agencies and transit providers.	RSPU, KPMC, MLS	Project applicant	Prior to issuance of building permits for individual development projects	City of Sacramento Department of Public Works, Caltrans, affected transit providers, and local emergency service providers including City of Sacramento Fire and Police Departments.
4.12-8: The proposed projects could contribute to cumulatively unacceptable intersection operations in the City of Sacramento.	<p><b>4.12-8(a)</b> <i>i. Implement Mitigation Measure 4.12-1(a)(i)</i> <i>ii. Implement Mitigation Measure 4.12-1(a)(ii).</i></p>	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(a)(ii).	RSPU	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(a)(ii).	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(a)(ii).	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(a)(ii).
	<p><b>4.12-8(b)</b> <i>i. Implement Mitigation Measure 4.12-1(a)(ii)</i> <i>ii. Implement Mitigation Measure 4.12-1(b)(ii).</i></p>	See Mitigation Measures 4.12-1(a)(ii) and 4.12-1(b)(ii).	KPMC	See Mitigation Measures 4.12-1(a)(ii) and 4.12-1(b)(ii).	See Mitigation Measures 4.12-1(a)(ii) and 4.12-1(b)(ii).	See Mitigation Measures 4.12-1(a)(ii) and 4.12-1(b)(ii).
	<p><b>4.12-8(c)</b> <i>i. Implement Mitigation Measure 4.12-1(a)(i)</i> <i>ii. Implement Mitigation Measure 4.12-1(c)(iii).</i></p>	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(c)(iii).	MLS	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(c)(iii).	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(c)(iii).	See Mitigation Measures 4.12-1(a)(i) and 4.12-1(c)(iii).
4.12-9: The proposed projects could worsen cumulative conditions on freeway facilities maintained by Caltrans.	<p><b>4.12-9</b> <i>Implement Mitigation Measure 4.12-1(a)(ii).</i></p>	See Mitigation Measure 4.12-1(a)(ii).	RSPU, KPMC	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).

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<b>Impact</b>	<b>Mitigation Measure</b>	<b>Action(s)</b>	<b>Component</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
4.12-10: The proposed projects could worsen vehicle queuing at off-ramps on I-5 under cumulative conditions.	<b>4.12-10</b> <i>Implement Mitigation Measure 4.12-1(a)(ii).</i>	See Mitigation Measure 4.12-1(a)(ii).	RSPU, KPMC, MLS	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).	See Mitigation Measure 4.12-1(a)(ii).
4.12-13: The proposed projects could adversely affect existing or planned pedestrian facilities or fail to provide for access for pedestrians under cumulative conditions.	<b>4.12-13</b> <i>Implement Mitigation Measure 4.12-1(a)(i).</i>	See Mitigation Measure 4.12-1(a)(i).	MLS	See Mitigation Measure 4.12-1(a)(i).	See Mitigation Measure 4.12-1(a)(i).	See Mitigation Measure 4.12-1(a)(i).
4.12-14: The proposed projects could cause construction-related traffic impacts under cumulative conditions.	<b>4.12-14</b> <i>Implement Mitigation Measure 4.12-7.</i>	See Mitigation Measure 4.12-7.	RSPU, KPMC, MLS	See Mitigation Measure 4.12-7.	See Mitigation Measure 4.12-7.	See Mitigation Measure 4.12-7.
<b>4.13 Utilities</b>						
4.13-7: The proposed projects would contribute to cumulative increases in demand for water supply and treatment.	<b>4.13-7</b> <i>In order to ensure that sufficient capacity would be available to meet cumulative demands, the City shall implement, to the extent needed in order to secure sufficient supply, one or more of the following:</i>  a. <i>Maximize Water Conservation</i>  b. <i>Implement New Water Diversion and/or Treatment Infrastructure</i>  c. <i>Implement Additional Groundwater Pumping</i>	Implement, to the extent needed in order to secure sufficient water supply, one or a combination of the actions listed in Mitigation Measure 4.13-7.	RSPU	City of Sacramento	To be determined by the City based on citywide water demand and supply	City of Sacramento Public Works Department

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