

## **RESOLUTION NO. 2018-0280**

Adopted by the Sacramento City Council

July 3, 2018

### **Certifying the Environmental Impact Report and Adopting the Mitigation Monitoring Program for the Panhandle Annexation and Planned Unit Development Project (P16-013) (SCH No. 2016042074)**

#### **BACKGROUND**

- A. The Panhandle Annexation Project generally consists of the annexation of 589± acres of land from the County of Sacramento into the City, specifically into the North Natomas Community Plan area.
- B. On July 14, 2016, and April 27, 2017, the City Planning and Design Commission held public hearings and reviewed and commented on the Panhandle Annexation Project.
- C. On June 14, 2018, the Planning and Design Commission conducted a public hearing and voted to forward its recommendation on the Panhandle Annexation Project to the City Council.
- D. On July 3, 2018, after giving notice as required by Sacramento City Code section 17.812.010.2.b and 17.812.030, the City Council held a public hearing and received and considered evidence on the Panhandle Annexation Project.

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

- Section 1. The City Council finds that the Environmental Impact Report for the Panhandle Annexation and Planned Unit Development Project, State Clearinghouse No. 2016042074, which consists of the Draft EIR and the Final EIR (including revisions to the Draft EIR and Response to Comments) (collectively the “EIR”), has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.
- Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines, the City of Sacramento Local Environmental Procedures, and the Sacramento Local Agency Formation Commission Local Policies, Standards and Procedures, and constitutes an adequate, accurate, objective and complete Final

Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

- Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.
- Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.
- Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.
- Section 6. The City Council directs that, upon approval of the Project, the City Manager shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.
- Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.
- Section 8. The City of Sacramento is the CEQA lead agency, and Sacramento LAFCo will rely on this doc as a responsible agency for subsequent reorganization proceedings/actions.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Panhandle Annexation and Planned Unit Development Project

Exhibit B - Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on July 3, 2018, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings and Mayor Steinberg

Noes: None

Abstain: None

Absent: Members Schenirer and Warren

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy  
Date: 2018.08.01 17:39:56  
-07'00'  
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Mindy Cuppy, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.*

## Exhibit A

### **CEQA Findings of Fact and Statement of Overriding Considerations for the Panhandle Annexation and Planned Unit Development Project (P16-013)**

#### **Description of the Project**

The Panhandle Annexation and Planned Unit Development (PUD) project area is located within the North Natomas Community Plan (NNCP) planning area, which encompasses approximately 7,438 acres in the City of Sacramento (City). The Panhandle PUD project area (referred to as “project area”) comprises 589.4 acres in the City’s Sphere of Influence between West Elkhorn Boulevard on the north and Del Paso Road to the south. The project area is within the 2035 General Plan Update Policy Area. A majority of the project’s land area is vacant. Built features on site include two existing home sites located near West Elkhorn Boulevard, high-voltage power lines consisting of two sets of steel lattice towers supporting double-circuit 230 kilovolt (kV) lines owned by the Western Area Power Administration and a 115-kV line owned by Sacramento Municipal Utility District within a 200-foot powerline easement, and the partially constructed East Natomas Education Complex (junior and senior high schools in the Twin Rivers Unified School District) that is not being utilized. Habitat conditions in the undeveloped areas include annual grasslands, pasture and wetland resources, and a few clusters of mature trees. The project area is designated Planned Development (PD) under the adopted City of Sacramento 2035 General Plan. The Sacramento County General Plan land use designation is Agricultural Cropland.

The project consists of the annexation of 589.4 acres into the City, detachment from service districts, amendment to the 2035 General Plan, pre-zoning/rezoning of the project area, establishment of the Panhandle PUD Guidelines and Schematic Plan, master parcel map, Property Tax Exchange Agreement, development agreement, Mixed Income Housing Strategy, Finance Plan, Plan for Services, site plan and design review of the tentative master parcel map, and Water Supply Assessment. The approval of the project could result in the development of the private, mixed-use development consisting of residential, elementary school, roadways, and park uses north of Del Paso Road. The remaining 119 acres between the proposed PUD project area and extending north to West Elkhorn Boulevard (referred to herein as “Krumenacher Ranch”) would be designated as Planned Development (PD) and zoned Agriculture (A). No land use entitlements are being sought for this area. The table below summarizes project land uses.

**Table 1 Panhandle PUD Land Use Summary**

Land Use Type	Net Acreage	Units	Proposed General Plan Designation	Proposed Pre-Zoning
<b>Single-Family Residential</b>				
Estate	75.7	340	Suburban Neighborhood Low Density (SNLD)	Single Unit Dwelling (R-1-PUD)
Traditional	148.4	869	Suburban Neighborhood Low Density (SNLD)	Single Unit or Duplex Dwelling (R-1A-PUD)
Village	60.5	453	Suburban Neighborhood Low Density (SNLD)	Single Unit or Duplex Dwelling (R-1A-PUD)
<b>Subtotal</b>	<b>283.9</b>	<b>1,662</b>		
<b>Public/Quasi-Public</b>				
Elementary School	10.0		Suburban Neighborhood Low Density (SNLD)	Single Unit or Duplex Dwelling (R-1A-PUD)
Park/Ninos Parkway	23.5		Parks and Recreation (PR)	Agriculture-Open Space (A-OS-PUD)
Ninos Parkway	24.6		Parks and Recreation (PR)	Agriculture-Open Space (A-OS-PUD)
Detention Basin	13.4		Open Space (OS)	Agriculture-Open Space (A-OS-PUD)
<b>Subtotal</b>	<b>71.6</b>			
<b>Planned Development</b>				
Planned Development	119.0		Planned Development (PD)	Agriculture (A)
High School/Middle School	60.4		Suburban Neighborhood Low Density (SNLD)	Single Unit or Duplex Dwelling (R-1A-PUD)
<b>Subtotal</b>	<b>179.4</b>			
<b>Roadways</b>				
Major Collector and Residential Streets	54.6			-
<b>TOTAL</b>	<b>589.4</b>	<b>1,662</b>		

## **Findings Required Under CEQA**

### **1. Procedural Findings**

#### **The City Council of Sacramento finds as follows:**

The City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project is an anticipated subsequent project identified and described in the 2035 General Plan Master EIR; that the Project is consistent with the 2035 General Plan land use designation; that the discussions of cumulative impacts, growth inducing impacts, and irreversible significant effects in the Master EIR generally considered the development of the Project; and that the Project will have additional significant environmental effects not previously examined in the Master EIR. Therefore, staff prepared an environmental impact report ("EIR") on the Project which utilizes the Master EIR. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

- a. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency on April 27, 2016 and was circulated for public comments from April 27, 2016 through June 13, 2016.
- b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on June 19, 2017 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on June 19, 2017 and ended on August 2, 2017.
- d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on June 19, 2017. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento, California 95811. The letter also indicated that the official 45-day public review period for the Draft EIR would end on August 2, 2017.

- e. A public notice was placed in the Daily Recorder on June 19, 2017, which stated that the Draft EIR was available for public review and comment.
- f. A public notice was posted in the office of the Sacramento County Clerk on June 19, 2017.
- g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.
- h. The Final EIR was made available for public review and published on the City's website at <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impacts-Reports.aspx> on May 2, 2018.

## **2. Record of Proceedings**

The contents of the record of proceedings shall be as set forth in subdivision (e) of PRC Section 21167.6. The following information is incorporated by reference and made part of the record supporting these findings:

- a. The Draft and Final EIR and all documents relied upon or incorporated by reference;
- b. The City of Sacramento 2035 General Plan adopted March 3, 2015, and all updates.
- c. The Master Environmental Impact Report for the City of Sacramento 2035 General Plan certified on March 3, 2015, and all updates.
- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2035 General Plan adopted March 3, 2015, and all updates.
- e. Zoning Ordinance of the City of Sacramento
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004
- g. 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy, Sacramento Area Council of Governments, February 2016



- h. North Natomas Community Plan, updated NNCP was adopted in March 2015 as part of the last General Plan update
- i. Panhandle PUD Schematic Plan and Development Guidelines
- j. The Mitigation Monitoring Program for the Project.
- k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

### 3. Findings

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

PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” State CEQA Guidelines Section 15364 includes another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “economic, environmental, social, and technological factors’ ... ‘an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground’].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its



“unavoidable adverse environmental effects.” (State CEQA Guidelines, Sections 15093, 15043, sub. (b); see also PRC Section 21081, sub. (b).)

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

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) “feasible” within the meaning of CEQA.

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

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

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the impacts of the Project and mitigation measures designed to address those impacts. In making these

findings, the City Council ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the City Council adopts and incorporates all of the mitigation measures set forth in the Final EIR and the attached MMP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The City Council intends to adopt each of the mitigation measures proposed in the Final EIR to reduce or eliminate significant impacts resulting from the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures, as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR

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

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; State CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.) The City Council agrees with the characterization in the Draft and Final EIRs with respect to all impacts identified as “no impact,” “less than significant,” “not cumulatively considerable,” or “less than cumulatively considerable” and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR.

This finding applies to the following impacts:

**Impact Category: Agricultural Resources**

**Impact 5.1-1: Conversion of farmland to non-agricultural use**

Implementation of the project would result in the conversion of 354.1 acres of Farmland of Local Importance and 184.9 acres of Grazing Land from use as row crops and grazing to urban development. This conversion would not result in the loss of important farmland as defined in Public Resources Code Section 21060.1 and Appendix G of the CEQA Guidelines. Thus, this impact would be **less than significant**. (Draft EIR page 5.1-7)

**Impact 5.1-2: Compatibility with adjacent agricultural uses**

The project would not result in new urban land uses in an area adjacent to other active agricultural land that may impair adjacent agricultural activities. The impact would be **less than significant**. (Draft EIR page 5.1-8 and 5.1-9)

**Impact 5.1-3: Cumulative loss of agricultural lands**

Implementation of the project in combination with potential development in the region would not contribute to the loss of Important Farmland as defined in Public Resources Code Section 21060.1 and Appendix G of the CEQA Guidelines. This contribution would be **less than cumulatively considerable**. (Draft EIR page 5.1-9 and 5.1-10)

**Impact Category: Air Quality**

**Impact 5.2-3: Mobile-source CO concentrations**

Long-term operation-related local mobile-source emissions of CO generated by the development in the project area would not violate a standard or contribute substantially to an existing or projected air quality violation or expose sensitive receptors to substantial pollutant concentrations. As a result, this impact would be **less than significant**. (Draft EIR page 5.2-20 and 5.2-21)

**Impact 5.2-4: Exposure of sensitive receptors to TACs.**

Construction-related emissions of TACs associated with land uses developed under the project would not result in an incremental increase in cancer risk greater than 10 in one million or a hazard index greater than 1.0 at existing or future sensitive receptors. This impact would be **less than significant**. (Draft EIR page 5.2-21 and 5.2-22 and Final EIR pages 4-15 and 4-16)

**Impact 5.2-5: Exposure of sensitive receptors to odors.**

The project would introduce new odor sources into the area (e.g., temporary diesel exhaust emissions during construction). However, these odor sources would be temporary, intermittent, and dissipate rapidly from the source. Further, the project would not locate land uses near any existing odor sources. As a result, potential exposure of sensitive receptors to odors would be considered a **less-than-significant** impact. (Draft EIR page 5.2-24 and 5.2-25 and Final EIR pages 4-17 and 4-18)

**Impact 5.2-6: Construction emissions of criteria air pollutants and precursors**

Project-generated construction emissions would exceed applicable cumulative thresholds for NOx only. Incorporated mitigation would reduce NOx to levels below SMAQMD cumulative thresholds. In addition, mitigation measures would further reduce dust and construction equipment exhaust emissions. Project mitigated construction-related emissions would not exceed applicable thresholds. Therefore, the project's contribution to cumulative construction emissions would **not be cumulatively considerable**. (Draft EIR page 5.2-26 and 5.2-27)

### **Impact 5.2-8: Mobile-source CO concentrations**

Short and long-term operation-related local mobile-source emissions of CO generated by the project would not violate a standard or contribute substantially to an existing or projected air quality violation or expose sensitive receptors to substantial pollutant concentrations under cumulative conditions. Therefore, the project's contribution to cumulative CO emissions would **not be cumulatively considerable**. (Draft EIR page 5.2-28)

### **Impact 5.2-9: Exposure to sensitive receptors to TACs**

Construction-related emissions of TACs associated with land uses developed under the project would not result in an incremental increase in cancer risk greater than 10 in one million or a hazard index greater than 1.0 at existing or future sensitive receptors. Therefore, the project's contribution to cumulative TAC exposure impacts **would not be cumulatively considerable**. (Draft EIR page 5.2-28)

### **Impact 5.2-10: Exposure to sensitive receptors to odors.**

The project could introduce new odor sources into the area (e.g., temporary diesel exhaust emissions during construction). However, these odor sources would be temporary, intermittent, and dissipate rapidly from the source and would not combine with other odor sources. The project's contribution to cumulative odor impacts **would not be cumulatively considerable**. (Draft EIR page 5.2-29 and Final EIR page 4-19)

## **Impact Category: Biological Resources**

### **Impact 5.3-1: Loss of annual grassland and agricultural lands**

Implementation of the project would result in the loss of approximately 125 acres of annual grassland and 350 acres of agricultural lands. This impact would be **less than significant**. (Draft EIR page 5.3-21)

### **Impact 5.3-5: Cumulative impacts to biological resources**

Implementation of the project in combination with potential development in the region would contribute to cumulative impacts associated with significant effects to loss of habitat, special-status plant and wildlife species, wetlands, and heritage trees. Project mitigation measures and its participation in the Natomas Basin Habitat Conservation Plan would offset its contribution to the cumulative loss of biological resources. Thus, the project's contribution would be **less than cumulatively considerable**. (Draft EIR page 5.3-36 and 5.3-37)

## **Impact Category: Archaeological, Historical, and Tribal Cultural Resources**

### **Impact 5.4-1: Change in the significance of a historic resource (structures)**

Records search results and pedestrian surveys have identified one historic-era site, the Krumenacher Ranch. This site has been evaluated for the NRHP and CRHR multiple times since 2005 and has been determined to be not eligible for listing. Thus, the project would have a **less than significant impact**. (Draft EIR page 5.4-16 and 5.4-17)

**Impact 5.4-2: Change in the significance of a historic resource (historic landscape)**

The project is located at the southern end of the RD1000 historic landscape; however, this portion of the historic landscape does not contribute to its eligibility for inclusion in the NRHP. The Krumenacher Ranch was evaluated as not eligible for listing in the NRHP as a historic vernacular landscape. No other historic landscapes are present in the project area. Therefore, the project would have a **less-than-significant impact** on historic landscapes. (Draft EIR page 5.4-17 and 5.4-18)

**Impact 5.4-4: Discovery of previously unknown resources or human remains**

Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered or unrecorded human remains, if they are present. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 in the event that human remains are found would make this impact **less than significant**. (Draft EIR page 5.4-19 and 5.4-20)

**Impact 5.4-5: Change in the significance of a tribal cultural resource**

Consultation with UAIC and Wilton Rancheria has resulted in no resources identified as TCRs as described under AB 52. Because no resources meet the criteria for a TCR under PRC Section 21074, there would be **no impact** to tribal cultural resources. (Draft EIR page 5.4-20)

**Impact 5.4-6: Contribution to cumulative impacts on historic resources (structures).**

The project would not result in the loss of the historic resources, and would not contribute to the cumulative loss of historic agricultural structures in the Sacramento Valley. The cumulative impact associated with the loss of historic structures in the Sacramento Valley would be significant and the project's contribution would be **less than cumulatively considerable**. (Draft EIR page 5.4-21)

**Impact 5.4-7: Contribution to cumulative impacts on historic resources (landscapes).**

Continued development of the Sacramento Valley, including development under the project, would not cause a significant impact to the historic landscape associated with RD 1000 or affect any of its contributing elements or other characteristics that make it eligible for inclusion in the NRHP. This is a less-than-significant cumulative impact and the project's cumulative contribution would **not be considerable** such that a new significant cumulative impact would occur. (Draft EIR page 5.4-22)

**Impact 5.4-8: Contribution to cumulative impacts on archaeological resources**

Cumulative development could result in potentially significant archaeological resource impacts. However, with implementation of the mitigation measures proposed, the project's contribution to these impacts would be reduced to a less-than-significant level. Therefore, the project's contribution to cumulative archaeological resource impacts would **not be cumulatively considerable**. (Draft EIR page 5.4-22 and 5.4-23)



#### **Impact 5.4-9: Contribution to cumulative impacts on human remains**

The project, in combination with other development in the Valley Nisenan and Plains Miwok territory could contribute to the disturbance of human remains because of project-related construction activities. This would be a significant cumulative impact. However, compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would ensure the project's contribution would **not be cumulatively considerable**. (Draft EIR page 5.4-23)

#### **Impact Category: Geology, Soils, Mineral Resources, and Paleontology**

#### **Impact 5.5-1: Expose people and structures to seismic hazards, such as groundshaking**

Implementation of the project may expose people and structures to seismic hazards. Design requirements, such as the California Building Code, include earthquake resistant design and materials that meet or exceed the current seismic engineering standards of the Seismic Zone 3 improvements. This would be a **less-than-significant** impact. (Draft EIR page 5.5-7)

#### **Impact 5.5-3: Potential to cause loss of top soil and soil erosion.**

Implementation of the project would require excavation and grading that has the potential to result in top soil loss and soil erosion. However, the project would be required to comply with General Permit for Discharges of Storm Water Associated with Construction Activity, the City's Grading Ordinance, and General Plan policies addressing soil and erosion impacts. Compliance with these standard requirements would ensure that the project's soil and erosion impacts would be **less than significant**. (Draft EIR page 5.5-8)

#### **Impact 5.5-5: Cumulative impacts to geology and soils**

Implementation of the project in combination with potential development in the region would not contribute geologic and soil stability impacts as such impacts are site-specific. This contribution would be **less than cumulatively considerable**. (Draft EIR page 5.5-10)

#### **Impact 5.5-6: Cumulative impacts to paleontological resources**

Implementation of the project in combination with potential development in the region could result in the significant cumulative impacts associated with the destruction of paleontological resources. However, project mitigation measures would address impact and ensure that the project's contribution would **not be cumulatively considerable**. (Draft EIR page 5.5-10)

#### **Impact Category: Greenhouse Gas Emissions and Climate Change**

#### **Impact 5.6-2: Impacts of climate change on the project**

The project is not located within an area projected to experience a substantial increase in wildland fire risk or flooding as a result of climate changes in the future. Further, water supply for the project would be adequate. Anticipated changes in future climate patterns are not anticipated to have any substantial adverse effects on the project. Therefore, the impacts of climate change on the project would be **less than significant**. (Draft EIR pages 5.6-15 through 5.6-17)

## **Impact Category: Hazards and Hazardous Materials**

### **Impact 5.7-1: Create a significant hazard through the routine transport, use, or disposal of hazardous materials**

Development and operation of the project would result in transport, use, and disposal of hazardous materials to and from the project area. Adherence to existing regulations and compliance with safety standards related to the transport, use, storage, and disposal of hazardous materials would reduce the hazards associated with these activities. This would be a **less-than-significant impact**. (Draft EIR page 5.7-7 and 5.7-8)

### **Impact 5.7-2: Accidental release of hazardous materials**

Demolition activities and development of the project area could result some potential for reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, implementation of existing federal, State, and local regulations pertaining to demolition and handling of hazardous substances would reduce the potential for accidental hazardous material releases. This would be a **less-than-significant impact**. (Draft EIR pages 5.7-8 through 5.7-10)

### **Impact 5.7-4: Hazards associated with electromagnetic fields**

The Panhandle PUD would place residential uses and a school site near existing high-voltage power lines, which are a source of electromagnetic fields. However, the siting of the proposed school facilities would comply with the setback requirements of the California Department of Education. Further, there is no available data that demonstrates there are health risks associated with EMF exposure. Therefore, this has been determined by the City to **be a less-than-significant impact**. (Draft EIR page 5.7-10 and 5.7-11)

### **Impact 5.7-5: Impair implementation of, or physically interfere with, adopted emergency response or evacuation plans**

The Panhandle PUD would provide multiple roadway access routes for the project area and would not interfere with emergency response or evacuation plans. This would be a **less-than-significant impact**. (Draft EIR page 5.7-11)

### **Impact 5.7-6: Expose people or structures to wildland fire hazard**

Development of the project area would reduce wildland fire hazards in the area by converting open grassland areas to urban uses. This is a **less-than-significant impact**. (Draft EIR page 5.7-12)

### **Impact 5.7-7: Cumulative hazards and hazardous material impacts**

Implementation of the project in combination with potential development in the region would not contribute cumulative hazard impacts as such impacts are site-specific. This contribution would be **less than cumulatively considerable**. (Draft EIR page 5.7-12)



## **Impact Category: Hydrology and Water Quality**

### **Impact 5.8-3: Flood risk from levee failure**

The project may conflict with planned improvements to the North Natomas Levee associated with the NEMDC to provide flood protection. This impact would be **less than significant**. (Final EIR page 4-25 and 4-26)

### **Impact 5.8-5: Cumulative water quality impacts**

The project in combination with planned and proposed development in the region could contribute to potential cumulative impacts to surface and groundwater quality from construction and operation activities. However, with implementation of City stormwater quality requirements and mitigation measures proposed, the project's contribution to cumulative water quality impacts would **not be cumulatively considerable**. (Draft EIR page 5.8-16 and 5.8-17)

### **Impact 5.8-6: Cumulative flood hazards**

The project in combination with planned and proposed development in the region could contribute to potential impacts to cumulative flood hazards. However, with implementation of mitigation measures proposed, the project's contribution to cumulative flooding and drainage impacts would **not be cumulatively considerable**. (Draft EIR page 5.8-17 and 5.8-18)

## **Impact Category: Noise and Vibration**

### **Impact 5.9-7: Cumulative operational noise impacts**

Operation of the proposed development would not result in noise levels that exceed applicable noise compatibility standards. Therefore, the project would **not result in a considerable contribution** such that a new significant operational noise impact would occur. (Draft EIR page 5.9-33)

## **Impact Category: Public Services and Recreation**

### **Impact 5.10-3: Result in the need for expanded school facilities**

The project at build-out would result in increased demand of public school services. However, TRUSD anticipates having a substantial number of open seats within its schools through 2023 and the project includes a junior high/high school within the project area. In addition, RSD is projected to have capacity to serve elementary school students with future development of the proposed elementary school. These schools would serve project residents and the surrounding area. The project would also be required to pay school facility impact fees to mitigate its contribution to school facility needs. This would be a **less-than-significant impact**. (Draft EIR page 5.10-19 and 5.10-20)

### **Impact 5.10-4: Increase the demand for parks and recreational facilities**

Implementation of the project at buildout would result in an increase in the demand for park and recreation facilities. The project would meet the City's requirements for parkland through

parkland dedication and/or payment of in-lieu fees. This would be a **less-than-significant impact**. (Draft EIR page 5.10-20)

**Impact 5.10-5: Increase demand for library facilities**

Implementation of the project at buildout would increase the demand for library services. However, the project would not result in the need to construct any new, unplanned library facilities, and the applicant would be required to pay into a fee program that would contribute to the continued funding of the North and South Natomas libraries. This would be a **less-than-significant impact**. (Draft EIR page 5.10-21)

**Cumulative Impact 5.10-6: Cumulative impacts to public services and recreation**

Implementation of the project in combination with development in the City and County would contribute to potentially significant cumulative impacts on public services and recreation in the region. However, with implementation of the mitigation measures proposed in addition to payment of impacts, the project's contribution to these impacts would be reduced to a less than significant level. Therefore, the project's contribution to cumulative public service impacts would **not be cumulatively considerable**. (Draft EIR page 5.10-21 and 5.10-22)

**Impact Category: Transportation and Circulation**

**Impact 5.11-4: Freeway operations**

While implementation of the project was determined to would contribute substantial traffic volumes to the currently deficient freeway segment of eastbound I-80 from Truxel Road to Northgate Boulevard, recently completed HOV lanes and other improvements to I-80 would improve operations and avoid significant operational impacts. This is considered a **less-than-significant impact**. (Draft EIR page 5.11-49 and 5.11-50)

**Impact 5.11-5: Demand for bicycle facilities**

The project would provide adequate on-site bicycle facilities, and connections to the existing bicycle facilities surrounding the project area. Additionally, the project would not remove or interfere with any existing or planned bicycle facility in the area. This is considered a **less-than-significant impact**. (Draft EIR page 5.11-51)

**Impact 5.11-6: Demand for pedestrian facilities**

The project would provide adequate on-site pedestrian facilities, and connections to the existing pedestrian facilities surrounding the project area. Additionally, the project would not remove or interfere with any existing or planned pedestrian facility in the area. This is considered a **less-than-significant impact**. (Draft EIR page 5.11-51)

**Impact 5.11-8: Impair emergency vehicle access and hazardous design features**

Project roadway and emergency access would be designed to meet all City design and safety standards, and would subject to review of the City of Sacramento and responsible emergency

services agencies. This is considered a **less-than-significant impact**. (Draft EIR page 5.11-52)

**Impact 5.11-9: Cumulative construction traffic impacts**

Project traffic from construction activities, in combination with traffic from cumulative development construction activities near the project area, could contribute to significant traffic congestion and disruptions in the area. However, with implementation of the mitigation measures proposed, the project's contribution to this impact would be reduced to a less than significant level. Therefore, the project's contribution to cumulative construction impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-62)

**Impact 5.11-10: Cumulative intersection operations**

The project's incremental increase in traffic to study intersections, in combination with traffic from cumulative development, would contribute to the deficient operation of the Sorento Road/Del Paso Road intersection. However, with implementation of the mitigation measures proposed, the project's contribution to this impact would be reduced to a less than significant level. Therefore, the project's contribution to cumulative intersection operation impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-64)

**Impact 5.11-12: Cumulative freeway operations**

The proposed project's incremental increase in traffic to freeway segments, in combination with traffic from cumulative development, would not result in deficient level of service operations. This is a less-than-significant cumulative impact and the project's traffic contribution would **not be considerable** such that new significant cumulative impact would occur. (Draft EIR page 5.11-71)

**Impact 5.11-13: Cumulative demand for bicycle facilities**

The project, in combination with cumulative development in the North Natomas area, would further increase bicycle usage and the demand for bicycle facilities. However, with implementation of the project design includes new on-street and off-street bicycle facilities that would interconnect with existing and planned facilities, the project's contribution to this impact would be reduced to a less than significant level. Therefore, the project's contribution to cumulative bicycle facility demand impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-72)

**Impact 5.11-14 Cumulative demand for pedestrian facilities**

The project, in combination with cumulative development in the North Natomas area, would further increase pedestrian activity and the demand for new on-street and off-street pedestrian facilities. However, with implementation of the project design includes new on-street sidewalks and off-street trails that would interconnect with existing and planned pedestrian facilities, the project's contribution to this impact would be reduced to a less than significant level. Therefore, the project's contribution to cumulative pedestrian facility demand impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-72)

### **Impact 5.11-15: Cumulative Transit Impacts**

The project's incremental increase in area population would increase the demand for transit services, in combination with demands from cumulative development, would contribute to cumulative transit service impacts. However, with implementation of the mitigation measures proposed, the project's contribution to this impact would be reduced to a less than significant level. Therefore, the project's contribution to cumulative transit service impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-72 and 5.11-73)

### **Impact 5.11-16: Impair Emergency Vehicle Access and Hazardous Design Features under Cumulative Conditions**

The project, in combination with cumulative development in the North Natomas area, would further increase potential roadway hazards and increase the need for new emergency access routes. However, the project would not interfere with emergency response; rather, it would enhance emergency access, and be designed to meet all the design and safety standards. Therefore, the project's contribution to cumulative roadway hazards and the need for new emergency access impacts would **not be cumulatively considerable**. (Draft EIR page 5.11-73)

### **Impact Category: Utilities**

#### **Impact 5.13-1: Wastewater and water supply facility impacts**

Implementation of the project would interconnect with existing water and wastewater infrastructure stub-outs along the project area boundaries and would not require off-site improvements. All on-site facilities have been evaluated throughout the resource chapters of this EIR. As a result, the project would have **less-than-significant** wastewater and water supply facility impacts. (Draft EIR page 5.13-11 and 5.13-12)

#### **Impact 5.13-2: Sufficient water supplies and groundwater overdraft impacts**

Implementation of the project would increase water supply demands in the City that would involve the use of both surface water and groundwater. Pursuant to the City's 2015 Urban Water Management Plan, the City has adequate water supplies to serve the project under normal, dry, and multiple-dry year conditions. The City would maintain groundwater production within the sustainable yields of the North Basin. This impact would be **less than significant**. (Draft EIR page 5.13-12 and 5.13-13)

#### **Impact 5.13-3: Wastewater treatment capacity impacts**

The project's wastewater treatment demands would be within the wastewater treatment capacity of the SRWTP. No additional treatment facilities would be required. This impact would be **less than significant**. (Draft EIR page 5.13-13)

#### **Impact 5.13-4: Solid waste service impacts**

Implementation of the project would require solid waste disposal services from the City during construction and operation of the project. There is adequate landfill capacity to accommodate

the project at build-out. This impact would be **less than significant**. (Draft EIR page 5.13-13 and 5.13-14)

**Impact 5.13-5: Cumulative water supply impacts**

Implementation of the project in combination with potential development in the City's service area and wholesale water customers would further increase the demand for water service. Pursuant to the City's 2015 Urban Water Management Plan, there would be adequate water supply to meet anticipated water demands through the year 2040. This is a **less-than-significant cumulative impact** and the project's cumulative demands would not be considerable such that new significant cumulative impact would occur. (Draft EIR page 5.13-14 and 5.13-15)

**Impact 5.13-6: Cumulative wastewater service impacts**

Implementation of the project in combination with potential development in the SRCSD's service area would increase wastewater service demands. The SRWWTP has adequate capacity to accommodate projected future growth based on its current permits. This would be a **less-than-significant cumulative impact** and the project's cumulative demands would not be considerable such that new significant cumulative impact would occur. (Draft EIR page 5.13-15)

**Impact 5.13-7: Cumulative solid waste service impacts**

Implementation of the project in combination with development in the City and in the County would increase solid waste collection and disposal service demands. There is adequate landfill capacity to accommodate cumulative solid waste disposal needs. This is a **less-than-significant cumulative impact** and the project's cumulative demands would not be considerable such that new significant cumulative impact would occur. (Draft EIR page 5.13-16)

**Impact Category: Energy**

**Impact 5.14-1: Wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation**

The project would increase electricity and natural gas consumption at the site relative to existing conditions. However, City Code would require the project to generate at least 15 percent of the project's energy demand through on-site renewable systems (e.g., photovoltaic systems). The project would be required to meet the California Code of Regulations Title 24 standards for building energy efficiency. The project's design features bicycle and pedestrian infrastructure also would decrease VMT. Implementation of mitigation measures addressing greenhouse gases and transit needs would also improve the energy efficiency of the project. Construction energy consumption would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. The project would not result in wasteful, inefficient, or unnecessary consumption of energy. Thus, the impact would be **less than significant**. (Draft EIR page 5.14-13 and 5.13-14)



### **Impact 5.14-2: Demand for energy services and facilities**

Adequate infrastructure and capacity exists adjacent to the project area that can meet the project's energy needs. Thus, this impact would be **less than significant**. (Draft EIR page 5.14-15)

### **Impact 5.14-3: Cumulative demand for energy services and facilities**

The project, in combination with other development, would contribute to the increase demand for energy. However, it is expected that there would be adequate energy capacity through the year 2050. The project also includes design features to reduce transportation energy demands. Implementation of mitigation measures proposed would further improve the energy efficiency of the project and reduce its contribution to cumulative energy needs. Therefore, the project's contribution to cumulative energy demands would **not be cumulatively considerable**. (Draft EIR page 5.14-15 and 5.13-16)

### **Impact Category: Reorganization**

#### **Impact 6-1: Loss of affordable housing**

Existing housing in the project area is limited to two existing residential dwellings on the Krumenacher Ranch site that are not proposed to be removed as part of this project. The project is required to comply with Chapter 17.712 of the City's Planning and Development Code that addresses affordable housing provision. Therefore, the project would have **no impact** involving the loss of affordable housing. (Draft EIR page 6-14)

#### **Impact 6-2: Impacts to the Natomas Fire Protection District**

Detachment of the project area from the Natomas Fire Protection District would not result in significant service impacts to the District because this area is already being served by the City of Sacramento Fire Department under contract to the District. Therefore, project's impacts to the Natomas Fire Protection District would be **less than significant**. (Draft EIR page 6-14 and 6-15)

#### **Impact 6-3: Impacts related to an increase in demand for fire protection services in the City**

Annexation of the project into the City would increase the demand for City fire protection services. However, additional tax revenue and implementation of Mitigation Measures 5.10-1a, 5.10-1b, and 5.10-1c would address this additional service demand. Therefore, the project's impacts to City fire protection services would be **less than significant**. (Draft EIR page 6-15)

#### **Impact 6-4: Impacts to Rio Linda Elverta Recreation and Park District**

Detachment of the project area from the Rio Linda Elverta Recreation and Park District would not result in significant service impacts to the District because this area does not currently contain any park facilities or residents that generate demand and revenue to the District. Therefore, project's impacts to the Rio Linda Elverta Recreation and Park District would be **less than significant**. (Draft EIR page 6-16)

**Impact 6-5: Impacts related to an increase in demand for park and recreation services provided by the City**

Annexation of the project would result in an increase in the demand for park and recreation facilities provided by the City. The project would meet the City's requirements for parkland through parkland dedication and/or payment of in-lieu fees and would provide additional tax revenue. Therefore, the project's impacts on recreation facility demands would be **less than significant**. (Draft EIR page 6-16)

**Impact 6-6: Impacts to Sacramento County Water Agency Zone 13**

Detachment of the project area from Sacramento County Water Agency Zone 13 would not result in significant drainage service impacts because Zone 13 was established for the funding of water supply and drainage studies and does not include the maintenance of drainage facilities. Therefore, project's impacts to Sacramento County Water Agency Zone 13 would be **less than significant**. (Draft EIR page 6-17)

**Impact 6-7: Impacts to Sacramento County Service Area No. 1 and 10**

Detachment of the project area from Sacramento County Service Area No.1 (street and highway lighting) and No. 10 (enhanced transportation services) would not result in significant roadway facility service impacts because the project area is undeveloped and does not pose current transportation facility service impacts. Therefore, project's impacts to Sacramento County Service Area No. 1 and 10 would be **less than significant**. (Draft EIR page 6-17)

**Impact 6-8: Impacts related to an increase in demand for drainage and flood control services**

Annexation of the project would result in an increase in the drainage and flood control activity by the City. The project would meet the City's requirements for drainage control with on-site detention facilities, and implementation of Mitigation Measures 5.8-1, 5.8-2, and 5.8-3 would ensure that the project design addresses drainage and flood control needs. Therefore, the project's impacts on drainage facilities would be **less than significant**. (Draft EIR page 6-17 and 6-18)

**Impact 6-9: Loss of prime agricultural lands**

Annexation of the project area would allow development and the loss of prime agricultural lands as defined by Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act. The project would participate in the Natomas Basin Habitat Conservation Plan that would require the preservation of land in relation to the development of the project area. This land preservation would address the loss of prime agricultural lands under Sacramento LAFCo's purview. Therefore, the project's impact would be **less than significant**. (Draft EIR page 6-18)

**Impact 6-10: Loss of open space land uses**

Annexation of the project area would allow urbanization and the loss of open space lands as defined by Section 56059 of the Cortese-Knox-Hertzberg Local Government Reorganization



Act. The project would participate in the Natomas Basin Habitat Conservation Plan that would require the preservation of land in relation to the development of the project area. This land preservation would address the loss of open space lands under Sacramento LAFCo's purview. Therefore, the project's impact would be **less than significant**. (Draft EIR page 6-20)

**Impact 6-11: Impacts related to environmental justice**

The project would consist of a variety of single-family residential densities and is required to comply with Chapter 17.712 of the City's Planning and Development Code that addresses affordable housing provision. There are no existing or proposed uses in the project area that would expose any existing or proposed residents in the area to one or more environmental hazards. Therefore, the project's impact would be **less than significant** related to environmental justice concerns. (Draft EIR page 6-20)

**Impact 6-12: Impacts related to consistency with Sacramento Local Agency Formation Commission policies and standards**

The project would generally be consistent with Sacramento Local Agency Formation Commission standards associated with annexation requests that address environmental issues as set forth in its *Policy, Standards and Procedures Manual*. Therefore, the project's impact would be **less than significant**. (Draft EIR page 6-21 and 6-22)

**B. Significant or Potentially Significant Impacts Mitigated to a Less-Than-Significant Level.**

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

**Impact Category: Air Quality**

**Impact 5.2-1: Construction emissions of criteria air pollutants and ozone precursors**

Construction-related activities would result in project-generated emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> from site preparation (e.g., excavation, clearing), off-road equipment, material and equipment delivery trips, and worker commute trips, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings). Construction activities would result in mass emissions of NO<sub>x</sub> that exceed Sacramento Metropolitan Air Quality Management District's (SMAQMD's) thresholds of 85 lb/day. Therefore, construction-generated emissions of NO<sub>x</sub> could contribute to the existing nonattainment status of the Sacramento Valley Air Basin (SVAB) for ozone. This impact would be **significant**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.2-1: Construction exhaust and fugitive dust emissions controls**

All individual public and private subsequent projects within the project area shall implement SMAQMD's Basic Construction Emission Control Practices and SMAQMD's Enhanced Exhaust Control Practices during any construction or ground disturbance activities to reduce construction-related fugitive dust emissions, diesel PM, and NO<sub>x</sub> emissions. These measures are included below.

**Basic Construction Fugitive Dust Emissions Control Practices**

- ▲ Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- ▲ 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 should be covered.
- ▲ 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.
- ▲ Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- ▲ All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- ▲ Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- ▲ Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.

**Enhanced Exhaust Control Practices**

- ▲ The project developer shall submit to the City and SMAQMD 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 construction project prior to any grading activities. The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. The project developer shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The 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 project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

- ▲ Prior to any grading activities, the project developer shall provide a plan for approval by the City and SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20-90 percent NO<sub>x</sub> reduction (depending on available technology and engine Tier) and 45 percent particulate reduction compared to the most recent ARB fleet average. This plan shall be submitted in conjunction with the equipment inventory. 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.
- ▲ The project developer shall ensure that emissions from all off-road diesel- powered equipment used on the project area do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency and SMAQMD monthly. A visual survey of all in-operation equipment shall be made at least weekly. A monthly summary of the visual survey 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.
- ▲ If modeled construction-generated emissions of NO<sub>x</sub> are not reduced to a level below SMAQMD's thresholds of significance by the application of Enhanced Exhaust Control Practices, then the project developer must pay a mitigation fee into SMAQMD's off-site mitigation program. By paying the appropriate off-site mitigation fee, construction-generated emissions of NO<sub>x</sub> are reduced to a less-than-significant level. The fee calculation to offset daily NO<sub>x</sub> emissions is based on the SMAQMD-determined cost to reduce one ton of NO<sub>x</sub> (currently \$30,000 per ton but subject to change in future years).
- The fee calculation shall be based on the sum of emissions associated with all individual construction activities or phases occurring within the project area boundary at any one time during the buildout period. Payment schedules shall be negotiated between SMAQMD and the developer and based on finalized construction parameters prior to the issuance of any grading permit or groundbreaking activities. If, for instance, the construction contractor of one builder is constructing one village while the construction contractor of another builder is constructing another village the developer is responsible for determining the proportion of necessary combined offset fees that each builder must contribute. Once initial construction activities are finalized by the developer, quantification of construction-related emissions shall be verified. As each individual construction phase

is finalized throughout the duration of the project buildout, the mitigation fee shall be calculated based on current information, available construction equipment, and proposed construction activities. As construction activities occur over the buildout period, the developer shall work with SMAQMD to continually update mitigation fees based on actual on-the-ground emissions. The final mitigation fees shall be based on contractor equipment inventories provided by the developer to SMAQMD and shall reconcile any fee discrepancies due to schedule adjustments, and increased or decreased equipment inventories. Equipment inventories and NO<sub>x</sub> emission estimates for subsequent construction phases shall be coordinated with SMAQMD, and the off-site mitigation fee measure shall be assessed to any construction phase that would result in an exceedance of SMAQMD's mass emission threshold for NO<sub>x</sub>.

**Finding:** Proposed dust control measures in Mitigation Measure 5.2-1 would result in a maximum of 75 percent reduction of fugitive PM<sub>10</sub> dust. Given that the PM<sub>10</sub> emissions are currently under the recommended threshold, it is not anticipated that with the implementation of the dust control measures the fugitive PM<sub>10</sub> emissions would exceed the 80 lb/day threshold, regardless of simultaneous construction phases occurring. Further, inclusion of SMAQMD's dust control measures provided in the above mitigation measure would minimize dust emissions such that the project would not contribute substantially to the nonattainment status of the SVAB.

Implementation of exhaust control measures in Mitigation Measure 5.2-1 would reduce NO<sub>x</sub> emissions from off-road equipment by 20 percent (or higher depending on available technology); however, assuming a 20 percent reduction in NO<sub>x</sub>, maximum daily emissions for construction occurring in years 2018 through 2022 would still exceed SMAQMD's recommended threshold. Thus, the required mitigated fee would be assessed and used to offset these emissions by providing funding for SMAQMD to implement emission reduction projects in the SVAB, such as installing newer engines on off-road equipment or installing EPA-certified woodstoves in the place of non-certified woodstoves in residential units. (Draft EIR pages 5.2-13 through 5.2-16 and Final EIR page 4-3)

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

### **Impact Category: Biological Resources**

#### **Impact 5.3-2: Impacts to Special-Status Species**

Several special-status species are associated with vernal pool and annual grassland habitat in the project area. Development of the project area would result in removal of these habitats and, therefore, could result in loss of special-status species if they are present. Loss of special-status species would be a **potentially significant** impact.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.3-2**

1. Conduct Pre-Construction Surveys (Measure V.A.1 from NBHCP)

Not less than 30 days or more than 6 months prior to commencement of construction activities on specific Authorized Development sites in the NBHCP area, a pre-construction survey of the site shall be conducted to determine the status and presence of, and likely impacts to, all Covered Species on the site. However, pre-construction surveys for an individual species may be completed up to one year in advance if the sole period for reliable detection of that species is between May 1 and December 31. The applicant seeking to develop land will be responsible for contracting with qualified biological consultants to carry out the pre-construction surveys, and as necessary, to implement specific take minimization, and other Conservation Measures set forth in the NBHCP and approved by the Wildlife Agencies.

The results of the pre-construction surveys along with recommended take minimization measures shall be documented in a report and shall be submitted to the Land Use Agency, USFWS, CDFW, and TNBC. Based upon the survey results, the Land Use Permittees will identify applicable take avoidance and other site specific Conservation Measures, consistent with the NBHCP, required to be carried out on the site. The approved pre-construction survey documents and list of Conservation Measures will be submitted by the developer of the Authorized Development project to the applicable Land Use Agency to demonstrate compliance with the NBHCP. Reconnaissance level surveys should be conducted prior to species specific surveys to determine what habitats are present on a specific development site and what, if any, more intensive survey activities should be conducted to accurately determine the status of the Covered Species on the site. It shall be the obligation of the developer/landowner to complete such surveys and the Land Use Agency Permittees' responsibility to ensure the surveys are properly completed prior to disturbance of habitat. Surveys shall be conducted by qualified personnel (e.g., persons with suitable biological, botanical, or related expertise). Note: negative species-specific survey results generally do not obviate the requirement to implement minimization measures prescribed in the revised NBHCP where a pre-construction survey indicates that habitat for a particular listed species exists onsite.

2. General Measures to Minimize Take of Vernal Pool Species (Measure V.A.4 from NBHCP)

A. General Biological Survey and Information Required

In the event a biological reconnaissance survey or the pre-construction survey identifies that vernal pool resources are on-site, a vernal pool species specific biological assessment must be provided by the developer to the Land Use Agency during the appropriate season (as established by USFWS) to determine the type and abundance of species present. The species specific biological assessment must address covered vernal pool plants (i.e., Sacramento Orcutt grass, slender Orcutt grass, Colusa grass, legenere, and Bogg's lake hedge-hyssop), crustaceans (i.e., vernal pool tadpole shrimp,



vernal pool fairy shrimp, and midvalley fairy shrimp), and amphibians (i.e., California tiger salamander and western spadefoot toad). The vernal pool plant survey must be a USFWS-approved plant survey prepared by a USFWS-approved qualified field biologist and shall list the methods of field analysis, condition of habitat, size and acreage of direct and indirect impact (as defined by seasonal inundation and hydric soils and other appropriate characteristics), and species present. The vernal pool crustacean species survey shall be in accordance with the USFWS Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods (April 19, 1996) or the most recent approved USFWS survey guidelines for vernal pool species. This assessment must be submitted with the urban development permit application and prior to approval of an Urban Development Permit by the Land Use Agency.

If it is determined that wetland and/or vernal pool resources would be disturbed by a project, then take of vernal pool associated Covered Species would be covered under the NBHCP, subject to the following limitation and guidelines:

- (1) Where site investigations indicate vernal pool species may occur, the developer shall notify the Land Use Agency regarding the potential for impacts to vernal pool species. Such notification shall include biological data (see Section A above regarding biological information required) adequate to allow the Land Use Agency, and the USFWS and CDFW to determine the potential for impacts to vernal pool species resulting from the proposed development.
- (2) Following notification by the Land Use Agency, USFWS and CDFW shall identify specific measures required to avoid, minimize and mitigate impacts to vernal pool species to be implemented prior to disturbance and in accordance with adopted standards or established guidelines (e.g., the USFWS programmatic biological opinion for vernal pool species attached as Appendix G to the NBHCP as it may be amended from time to time). In some cases, USFWS and CDFW may require complete avoidance of vernal pool species, such as where Covered Species such as slender orcutt grass, Sacramento orcutt grass, Colusa grass and/or vernal pool tadpole shrimp are found to be present. Such measures shall be identified by USFWS and CDFW within 30 days or as soon as possible thereafter of notification and submittal of biological data to the agencies by the Land Use Agency.
- (3) The requirement by USFWS to preserve a vernal pool within development would be based on identification of an intact vernal pool with minimal disturbance where the presence of one or more of the following species is recorded: slender orcutt grass, Sacramento orcutt grass, Colusa grass, or vernal pool tadpole shrimp. Prior to requiring on-site preservation of a vernal pool area, USFWS shall consider the suitability of the vernal pool as TNBC Mitigation Lands. No such preservation requirement shall be made unless the vernal pool is a suitable site for The Natomas

Basin Conservancy (TNBC) Mitigation Lands. Such vernal pool areas, including any required buffer land dedication, shall apply toward the Land Acquisition Fee component of the development project's NBHCP mitigation obligation.

## B. Mitigation Strategies

Vernal pool resources (i.e., vernal pool fairy shrimp, vernal pool tadpole shrimp, midvalley fairy shrimp, Sacramento Orcutt grass, slender Orcutt grass, Colusa grass, legenera, and Bogg's Lake hedge-hyssop) identified through site specific investigations shall be mitigated in one of three general approaches as described below. Strategies to minimize and mitigate the take of the California tiger salamander and western spadefoot toad shall be conducted according to Sections V.A.5 and V.B.4 of the NBHCP.

### *Avoidance and Preservation On-Site as a Means to Minimize Impacts*

In the event USFWS requires on-site preservation in accordance with Section A.3 above, on-site mitigation shall be required. In the event USFWS does not require on-site mitigation, a developer or private land owner may still propose to dedicate fee title or conservation easement for that portion of the property with vernal pool resources and an associated 250-foot buffer surrounding the vernal pool resource to the TNBC. Acceptance of the offer to dedicate shall be subject to review and approval by the Land Use Agency, TNBC Board and the Wildlife Agencies. The TNBC Board and the Wildlife Agencies shall consider the location, connections, species present, condition of the proposed site to be dedicated, and may decide to accept the dedication in lieu of payment of the Land Acquisition Fee portion of the NBHCP Mitigation Fee for the affected acreage. TNBC Board may accept or decline the offer based on the balance of habitat needs and the biological goals of the HCP. If the dedication is accepted, a reduction in the Land Acquisition Fee portion of the habitat Mitigation Fee shall be granted the developer for the portion (calculated on an acreage basis) of the site permanently preserved by easement or dedication. However, habitat Mitigation Fees, in full, must be paid on the remaining developable acreage on the site, and all fees other than Land Acquisition Fees shall be paid for all acres on the site. Additional conditions to preserve the biological integrity of the site (such as reasonable drainage conditions) may be imposed by the Land Use Agency in consultation with TNBC and the Technical Advisory Committee (TAC).

In the event the developer does not support on-site preservation or TNBC does not accept the offer to dedicate, then one of the following mitigation approaches shall be employed.

### *Construction Period Avoidance and Relocation of Vernal Pool Resources*

Relocation of vernal pool resources and commencement of Authorized Development shall be subject to the following mitigation measures will be required:



- ▲ No grading, development or modification of the vernal pool site or the buffer area extending 250 feet around the perimeter of the vernal pool site may occur during the vernal pool “wet” season as identified by USFWS. Protective fencing shall be established around the perimeter of the vernal pool site and the buffer area during the vernal pool wet season.
- ▲ In consultation with TNBC and the TAC, soils and cysts from the vernal pool may be relocated as soon as practicable during the dry season to a suitable TNBC or other reserve site provided the relocation/recreation site is approved by TNBC, and the USFWS.

If it is not practicable to relocate vernal pool resources, and/or TNBC or USFWS determine that TNBC does not have a suitable reserve site for relocation of resources, then the applicant shall follow the mitigation approach outlined below.

*Payment into USFWS-Approved Conservation Bank*

In the event all of the above approaches are not appropriate for the site, the Land Use Agency shall require the developer to purchase credits from a USFWS-approved mitigation bank in accordance with the standards set forth in the following Table 5.3-3. USFWS shall determine the type and amount of credits to be purchased based on the impacts associated with the development. Mitigation ratios for credits dedicated in USFWS-approved mitigation banks or for acres of habitat outside of mitigation banks shall be as follows:

Mitigation Type	Bank	Non-Bank
Preservation	2:1	3:1
Creation	1:1	2:1

Preservation Component: For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank, or based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by USFWS.

Creation Component: For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank, or based on USFWS evaluation of site-specific conservation values, two acres of vernal pool habitat created and monitored on the project site or on another non-bank site as approved by USFWS.

### 3. Measures to Reduce Take of Individual Species

#### A. Reduce Take of Vernal Pool Species

*Measures to Reduce Take on Boggs Lake Hedge-Hyssop, Sacramento Orcutt Grass, Slender Orcutt Grass, Colusa Grass, and Legenere (Measure V.A.5.p from NBHCP)*

- (1) Prior to approval of an Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey. If such survey determines Boggs Lake hedge-hyssop, Sacramento orcutt grass, Slender orcutt grass, Colusa grass, or legenere are present, the Land Use Agency shall require the developer to consult with USFWS to determine appropriate measures to avoid and minimize loss of individuals. If Authorized Development is proposed for areas containing vernal pools, the applicant will be required to complete additional review, permitting and mitigation as described under Section V.A.4 of NBHCP.

***Measures to Reduce Take of Dwarf Downingia, Ahart's Dwarf Rush, Red Bluff Dwarf Rush, Sanford's arrowhead, and Suisun marsh aster (Not Covered by NBHCP)***

- (1) Prior to project initiation and during the blooming period for the special-status plant species with potential to occur in the project area, a qualified botanist will conduct protocol-level surveys for special-status plants in areas where potentially suitable habitat would be removed or disturbed by project activities.
- (2) If no special-status plants are found, the botanist shall document the findings in a letter report to the project developer and no further mitigation will be required.
- (3) If special-status plant species are found that cannot be avoided during construction, the project developer shall consult with CDFW and/or USFWS, as appropriate depending on species status, to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction and will implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include preserving and enhancing existing populations, creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A mitigation and monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated.
- (4) If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and

reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.

(5) Success criteria for preserved and compensatory populations shall include:

- ▲ The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.
- ▲ Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when: (1) plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and (2) reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

(6) If offsite mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations.

***Measures to Reduce Take of Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, and Midvalley Fairy Shrimp (Measure V.A.5.m from NBHCP)***

(1) Prior to approval of an Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey. If such survey determine vernal pool fairy shrimp, vernal pool tadpole shrimp, and midvalley fairy shrimp are present, the Land Use Agency shall require the developer to consult with USFWS to determine appropriate measures to avoid and minimize take of individuals. Procedures for reviewing projects that could affect vernal pools and vernal pool species are discussed under Section V.A.4 of NBHCP.

***Measures to Reduce Take on Western Spadefoot Toad (Measure V.A.5.l from NBHCP)***

(1) Prior to approval of an Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey. If such survey determines western spadefoot toad are present, the Land Use Agency shall require the developer to consult with CDFW and USFWS to determine appropriate measures to avoid and minimize take of individuals.

B. Reduce Take of Giant Garter Snake (Measure V.A.5.a from NBHCP)

- (1) Within the Natomas Basin, all construction activity involving disturbance of habitat, such as site preparation and initial grading, is restricted to the period between May 1 and September 30. This is the active period for the giant garter snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger.
- (2) Pre-construction surveys for giant garter snake, as well as other NBHCP Covered Species, must be completed for all development projects by a qualified biologist approved by USFWS. If any giant garter snake habitat is found within a specific site, the following additional measures shall be implemented to minimize disturbance of habitat and harassment of giant garter snake, unless such project is specifically exempted by USFWS.
- (3) Between April 15 and September 30, all irrigation ditches, canals, or other aquatic habitat should be completely dewatered, with no puddled water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. Make sure dewatered habitat does not continue to support giant garter snake prey, which could detain or attract snakes into the area. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary. This measure removes aquatic habitat component and allows giant garter snake to leave on their own.
- (4) For sites that contain giant garter snake habitat, no more than 24-hours prior to start of construction activities (site preparation and/or grading), the project area shall be surveyed for the presence of giant garter snake. If construction activities stop on the project site for a period of two weeks or more, a new giant garter snake survey shall be completed no more than 24-hours prior to the re-start of construction activities.
- (5) Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.
- (6) Construction personnel completing site preparation and grading operations shall receive USFWS approved environmental awareness training. This training instructs workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an on-site biological monitor shall be designated.
- (7) If a live giant garter snake is found during construction activities, immediately notify the USFWS and the project's biological monitor. The biological monitor, or his/her assignee, shall do the following: Stop construction in the vicinity of the snake. Monitor

the snake and allow the snake to leave on its own. The monitor shall remain in the area for the remainder of the work day to make sure the snake is not harmed or if it leaves the site, does not return. Escape routes for giant garter snake should be determined in advance of construction and snakes should always be allowed to leave on their own. If a giant garter snake does not leave on its own within 1 working day, further consultation with USFWS is required.

- (8) Upon locating dead, injured or sick threatened or endangered wildlife species, the Permittees or their designated agents must notify within 1 working day USFWS Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.
- (9) Fill or construction debris may be used by giant garter snake as an over-wintering site. Therefore, upon completion of construction activities remove any temporary fill and/or construction debris from the site. If this material is situated near undisturbed giant garter snake habitat and it is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snake are not using it as hibernaculae.
- (10) No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be placed on a project site when working within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir matting, tactified hydroseeding compounds, or other material approved by the Wildlife Agencies.
- (11) Fences shall be constructed along the shared boundary of urban development and the North Drainage Canal and the East Drainage Canal within Sutter's Permit Area, subject to the following guidelines: (a) A minimum of 100 feet shall be provided from fence-to-fence and access to the canals shall be limited by gates. (b) A snake deterrent shall be placed along the fences on the North Drainage Canal and the East Drainage Canal (i.e., fence construction that restricts snake movement or an appropriate vegetative barrier either inside or outside of the boundary fence). The design of the deterrent shall be subject to approval by the Wildlife Agencies. (c) The specific fence/snake barrier design adjacent to a given development shall be determined within Sutter County's review of the proposed development and the fence/barrier shall be installed immediately after site grading is completed.
- (12) At the time of urban development along the North and East Drainage Canals, project developer shall consult with the Wildlife Agencies to determine design strategies that would enhance conditions for giant garter snake movement through the North and East Drainage Canals. Possible strategies may include expanded buffer areas and

modified canal cross sections if such measures are, in the determination of Sutter and the Water Agencies, found to be feasible.

C. Measures to Reduce Take on Northwestern Pond Turtle (Measure V.A.5.j from NBHCP)

- (1) Take of the northwestern pond turtle as a result of habitat destruction during construction activities, including the removal of irrigation ditches and drains, and during ditch and drain maintenance, shall be minimized by the dewatering requirement described for giant garter snake.

D. Measures to Reduce Take of Swainson's Hawk (Measure V.A.5.b from NBHCP)

***Measures to Reduce Cumulative Impacts to Foraging Habitat***

- (1) To maintain and promote Swainson's hawk habitat values, Sutter County shall not obtain coverage under the NBHCP and incidental take permits, nor shall Sutter County grant Urban Development Permit approvals, for development on land within the one-mile wide Swainson's Hawk Zone adjacent to the Sacramento River. The City of Sacramento has limited its Permit Area within the Swainson's Hawk Zone to the approximately 252 acres located within the North Natomas Community Plan that was designated for urban development in 1994 and, likewise, shall not grant development approvals within the Swainson's Hawk Zone beyond this designated 252 acres. It should be noted that of these 252 acres of land in the Swainson's Hawk Zone, about 80 acres shall be a 250 foot wide agricultural buffer along the City's side of Fisherman's Lake. Should either the City or the County seek to expand NBHCP coverage for development within the Swainson's Hawk Zone beyond that described above, granting of such coverage would require an amendment to the NBHCP and permits and would be subject to review and approval by the USFWS and the CDFW in accordance with all applicable statutory and regulatory requirements. Because the effectiveness of the NBHCP's Operating Conservation Program (OCP) adequately minimizes and mitigates the effects of take of the Swainson's hawk depends substantially on the exclusion of future urban development from the City's and Sutter County's portion of the Swainson's Hawk Zone, approval by the City of future urban development (i.e., uses not consistent with Agricultural Zoning) in the zone beyond the 170 (252 acres minus 80) acres identified above or approval by Sutter of any future urban development in the Swainson's Hawk Zone would constitute a significant departure from the Plan's OCP and would trigger a reevaluation of the City's and/or Sutter's Permits and possible suspension or revocation of the City's and/or County's permits.



### ***Measures to Reduce Nest Disturbance***

- (1) Prior to the commencement of development activities at any development site within the NBHCP area, a pre-construction survey shall be completed by the respective developer to determine whether any Swainson's hawk nest trees shall be removed on-site, or active Swainson's hawk nest sites occur on or within ½ mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by USFWS and CDFW, using experienced Swainson's hawk surveyors.
- (2) If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) shall occur within ½ mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFW, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within one-fourth mile of existing urban development, the new disturbance zone can be limited to the one fourth mile versus one-half mile. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within one-half mile of an active nest are not restricted.
- (3) Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.
- (4) If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until CDFW has determined that the young have fledged and are no longer dependent upon the nest tree.
- (5) If construction or other project related activities which may cause nest abandonment or forced fledgling are proposed within the one-fourth mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFW-approved raptor biologist shall be required. Exact implementation of this measure shall be based on specific information at the project site.

### ***Measures to Prevent the Loss of Nest Trees***

- (1) Valley oaks, tree groves, riparian habitat and other large trees shall be preserved wherever possible. The City and Sutter County shall preserve and restore stands of



riparian trees used by Swainson's hawks and other animals, particularly near Fisherman's Lake and elsewhere in the Plan Area where large oak groves, tree groves and riparian habitat have been identified in the Plan Area.

- (2) The raptor nesting season shall be avoided when scheduling construction near nests in accordance with applicable guidelines published by the Wildlife Agencies or through consultation with the Wildlife Agencies.
- (3) Annually, prior to the Swainson's hawk nesting season (March 15 to September 15) and until buildout of their Authorized Development has occurred, the City of Sacramento and Sutter County shall notify each landowner of any property within the permit area(s) on which a Swainson's hawk nest tree is present, and shall identify the nest tree, and alert the owner to the specific mitigation measures prohibiting the owner from removing the nest tree.

### ***Measures to Mitigate the Loss of Swainson's Hawk Nest Trees***

- (1) The NBHCP shall require 15 trees (5-gallon container size) to be planted within the habitat reserves for every Swainson's hawk nesting tree anticipated to be impacted by Authorized Development. It shall be the responsibility of each Land Use Agency approving development that shall impact Swainson's hawk nest trees to provide funding from the applicable developer for purchase, planting, maintenance and monitoring of trees at the time of approval of each Authorized Development project. TNBC shall determine the appropriate cost for planting, maintenance and monitoring of trees.
- (2) The Land Use Agency Permittee approving a project that impacts an existing Swainson's hawk nest tree shall provide funding sufficient for monitoring survival success of trees for a period of 5 years. For every tree lost during this time period, a replacement tree must be planted immediately upon the detection of failure. Trees planted to replace trees lost shall be monitored for an additional 5-year period to ensure survival until the end of the monitoring period. A 100 percent success rate shall be achieved. All necessary planting requirements and maintenance (i.e., fertilizing, irrigation) to ensure success shall be provided. Trees must be irrigated for a minimum of the first 5 years after planting, and then gradually weaned off the irrigation in an approximate 2-year period. If larger stock is planted, the number of years of irrigation must be increased accordingly. In addition, 10 years after planting, a survey of the trees shall be completed to assure 100 percent establishment success. Remediation of any dead trees shall include completion of the survival and establishment process described.
- (3) Of the replacement trees planted, a variety of native tree species shall be planted to provide trees with differing growth rates, maturation, and life span. This shall ensure

that nesting habitat shall be available quickly (5-10 years in the case of cottonwoods and willows), and in the long term (i.e., valley oaks, black walnut and sycamores), and minimize the temporal losses from impacts to trees within areas scheduled for development within the 50-year permit life. Trees shall be sited on reserves in proximity to hawk foraging areas. Trees planted shall be planted in clumps of three trees each. Planting stock shall be a minimum of 5-gallon container stock for oak and walnut species.

- (4) To reduce temporal impacts resulting from the loss of mature nest trees, mitigation planting shall occur within 14 months of approval of the NBHCP and ITP's. It is estimated at this time that 4 nesting trees within the City of Sacramento are most likely to be impacted by Authorized Development in the near term. Therefore, to reduce temporal impacts, the City of Sacramento will advance funding for 60 sapling trees of diverse, suitable species (different growing rates) to TNBC within the above referenced 14 months. It is anticipated that the City will recover costs of replacement nest trees as an additional cost to be paid by private developers at the time of approval of their development projects that impact mature nest trees.
- (5) For each additional nesting tree removed by Land Use Agencies' Covered Activities, the Land Use Agency shall fund and provide for the planting of 15 native sapling trees of suitable species with differing growth rates at suitable locations on TNBC preserves. Funding for such plantings shall be provided by the applicable Permittee within 30 days of approving a Covered Activity that will impact a Swainson's hawk nesting tree.

E. Measures to Reduce Loss of White-tailed Kite and Other Nesting Raptors (Not Covered by NBHCP)

- (1) If removal of a known nest tree is required, it shall be removed when no active nests are present, generally between September and February.
- (2) If project activity would commence between February 1 and August 31, a qualified biologist shall be retained to conduct preconstruction surveys for active nests in suitable habitat on and within 500 feet of the project site no more than 14 days and no less than seven days before commencement of project-related ground disturbance or vegetation removal activities. If this survey does not identify any nesting raptors in the area within the project site that would be disturbed, no further mitigation would be required.
- (3) If an occupied nest is present, a 500-foot no-disturbance buffer shall be established around the nest. The size of the buffer may be adjusted based upon observed behavior of the nesting birds. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off

the nest, then the protective buffer shall be increased such that activities are far enough from the nest that the birds no longer demonstrate agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist shall be required if the activity has potential to adversely affect the nest.

F. Measures to Reduce Take of Burrowing Owl (Measure V.A.5.h from NBHCP)

- (1) Prior to the initiation of grading or earth disturbing activities, the applicant/developer shall hire a CDFW-approved qualified biologist to perform a pre-construction survey of the site to determine if any burrowing owls are using the site for foraging or nesting. The pre-construction survey shall be submitted to the Land Use Agency with jurisdiction over the site prior to the developer's commencement of construction activities and a mitigation program shall be developed and agreed to by the Land Use Agency and developer prior to initiation of any physical disturbance on the site.
- (2) Occupied burrows shall not be disturbed during nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFW verifies through non-invasive measures that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- (3) If nest sites are found, the USFWS and CDFW shall be contacted regarding suitable mitigation measures, which may include a 300 foot buffer from the nest site during the breeding season (February 1 - August 31), or a relocation effort for the burrowing owls if the birds have not begun egg-laying and incubation or the juveniles from the occupied burrows are foraging independently and are capable of independent survival. If on-site avoidance is required, the location of the buffer zone shall be determined by a qualified biologist. The developer shall mark the limit of the buffer zone with yellow caution tape, stakes, or temporary fencing. The buffer shall be maintained throughout the construction period.
- (4) If relocation of the owls is approved for the site by USFWS and CDFW, the developer shall hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include: (a) the location of the nest and owls proposed for relocation; (b) the location of the proposed relocation site; (c) the number of owls involved and the time of year when the relocation is proposed to take place; (d) the name and credentials of the biologist who will be retained to supervise the relocation; (e) the proposed method of capture and transport for the owls to the new site; (f) a description of the site preparations at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control, etc.);

and (g) a description of efforts and funding support proposed to monitor the relocation. Relocation options may include passive relocation to another area of the site not subject to disturbance through one way doors on burrow openings, or construction of artificial burrows in accordance with CDFG's March 7, 2012 Staff Report on Burrowing Owl Mitigation.

- (5) Where on-site avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitat on TNBC upland reserves. Such habitat shall include creation of new burrows with adequate foraging area (a minimum of 6.5 acres) or 300 foot radii around the newly created burrows. Additional habitat design and mitigation measures are described in CDFG's March 7, 2012 Staff Report on Burrowing Owl Mitigation.

G. Measures to Reduce Take on Loggerhead Shrike (Measure V.A.5.g from NBHCP)

- (1) Prior to approval of Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey.
- (2) If surveys identify an active loggerhead shrike nest that will be impacted by Authorized Development, the developer shall install brightly colored construction fencing that establishes a boundary 100 feet from the active nest. No disturbance associated with Authorized Development shall occur within the 100-foot fenced area during the nesting season of March 1 through July 31. A qualified biologist, with concurrence of USFWS must determine young have fledged or that the nest is no longer occupied prior to disturbance of the nest site.

**Finding:** Implementation of Mitigation Measures 5.3-2 would reduce significant impacts on special-status species to a **less-than-significant** level because it would avoid any substantial adverse effects through pre-construction surveys, avoidance of vernal pool habitats, and implementation of measures to reduce take of individual species, through participation in the Natomas Basin Habitat Conservation Plan (NBHCP) and implementation of additional measures to avoid and minimize impacts to special-status species not covered by the NBHCP. (Draft EIR pages 5.3-21 through 5.3-34)

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

**Impact 5.3-3: Loss of wetlands or other waters**

Implementation of the project would result in fill of wetlands or other waters. This would be a **significant** impact.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.3-3: No net loss of wetlands**

Prior to ground-disturbing activity, the project developer shall submit a wetland delineation report to USACE for verification. For portions of the project area that have been delineated previously, the previous delineations shall be updated and re-verified by USACE. Based on the jurisdictional determination, the project developer shall determine the exact acreage of waters of the United States, if any, and waters of the state to be filled as a result of project implementation.

If any of the waters to be filled are determined by the USACE to be waters of the United States, the project developer shall obtain a USACE Section 404 permit and RWQCB Section 401 certification before any groundbreaking activity. The project developer shall implement all permit conditions.

If all waters in the project area are disclaimed by USACE, the project developer shall file a report of waste discharge with RWQCB prior to any groundbreaking activity within 50 feet of, or filling of, any wetland or other water, and comply with all waste discharge requirements prescribed by RWQCB.

The project developer shall commit to replace or restore on a “no net loss” basis (in accordance with USACE and/or RWQCB) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat shall be restored or replaced at an acreage and location and by methods agreeable to USACE and the Central Valley RWQCB, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes or the waste discharge requirements. If available, compensatory mitigation shall be provided through the purchase of credits at a mitigation bank approved by USACE and RWQCB, as appropriate depending on agency jurisdiction.

If mitigation bank credits are not available and it is required by USACE, the project developer shall prepare a mitigation plan detailing how the loss of aquatic functions will be replaced. The mitigation plan shall describe compensation ratios for acres filled, mitigation sites, a monitoring protocol, annual performance standards and final success criteria for created or restored habitats, corrective measures to be applied if performance standards are not met.

**Finding:** Implementation of Mitigation Measure 5.3-3 would reduce significant impacts on waters of the United States and waters of the state to a **less-than-significant** level because it would ensure no net loss of functions and acreage of wetlands, other waters of the United States, and waters of the state. (Draft EIR pages 5.3-34 through 5.3-35)

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

### **Impact 5.3-4: Loss of Trees**

Implementation of the project could result in loss of protected tree resources. This would be a **potentially significant** impact.

#### **The following mitigation measure has been adopted to address this impact:**

##### **Mitigation Measure 5.3-4: Protection and replacement of trees.**

The following measures shall be implemented to avoid impacts to trees to be retained. These measures shall be included in the project's tree protection plans, tree replacement plans, and project improvement plans.

- ▲ No grade cuts greater than 1 foot shall occur within the driplines of protected trees, and no grade cuts whatsoever shall occur within 5 feet of their trunks;
- ▲ No fill greater than 1 foot shall be placed within the driplines of protected trees and no fill whatsoever shall be placed within 5 feet of their trunks;
- ▲ No trenching whatsoever shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the driplines of a protected tree, the trench shall be either bored or drilled;
- ▲ No irrigation system shall be installed within the driplines of preserved native oak tree(s), which may be detrimental to the preservation of the native oak tree(s) unless specifically authorized by the approving body.
- ▲ Landscaping beneath native oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

Where it is not possible to avoid impacts to protected trees, tree replacement shall be provided consistent with the City Tree Preservation Ordinance to the satisfaction of the City.

Replacement of trees shall occur at a ratio of one inch of tree replaced for each inch of tree removed (1:1 ratio).

**Finding:** Implementation of Mitigation Measures 5.3-4 would reduce significant impacts protected trees to a **less-than-significant** level because impacts to trees to be retained in the project area would be minimized and replacement trees would be planted consistent with City ordinance for the trees to be removed. (Draft EIR pages 5.3-35 through 5.3-36)

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



## **Impact Category: Archaeological, Historical, and Tribal Cultural Resources**

### **Impact 5.4-3: Change in the significance of an archaeological resource**

Based on the results of the archaeological records search and various pedestrian surveys conducted for the project site, there are no known archaeological sites. However, ground-disturbing activities could result in discovery or damage of as yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact.

### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.4-3a: Develop and implement a Worker Environmental Awareness Program**

Prior to improvement plan approval, the project developer shall design and implement a Worker Environmental Awareness Program (WEAP) that shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter heritage and cultural resources. The WEAP shall be submitted to the City for approval and shall describe, at a minimum:

- ▲ types of cultural resources expected in the project area;
- ▲ types of evidence that indicate cultural resources might be present (e.g., ceramic shards, trash scatters, lithic scatters);
- ▲ what to do if a worker encounters a possible resource;
- ▲ what to do if a worker encounters bones or possible bones; and
- ▲ penalties for removing or intentionally disturbing heritage and cultural resources, such as those identified in the Archeological Resources Protection Act.

#### **Mitigation Measure 5.4-3b: Stop work in the event of an archaeological discovery or Tribal Cultural Resource discovery: non-sensitive areas of the project site**

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. The City and the California Museum shall be notified of the potential find and a qualified archeologist shall be retained to investigate. If the find is an archeological site, the appropriate Native American group shall be notified and consultation shall proceed as outlined in Mitigation Measure 5.4-3c. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the City shall be notified

and a discovery plan and treatment plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the City and project developer to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area (the NCIC). If a Native American tribe has been identified as interested in the discovery, the City shall confer with the tribe in implementing this mitigation measure.

**Mitigation Measure 5.4-3c: Stop work in the event of an archaeological or Tribal Cultural Resource discovery: Environmentally sensitive areas of the project site**

Mitigation Measure 5.4-3c shall apply only to those areas of the project site that have been identified as “environmentally sensitive areas” (ESAs). Nothing in Mitigation Measure 5.4-3c shall eliminate or limit the responsibilities of the parties as set forth in Mitigation Measures 5.4-3a or 5.4-3b.

A minimum of seven days prior to beginning ground-disturbing activities on the project site, Native American representatives from culturally affiliated Native American Tribes shall be notified that construction will commence so that monitors can be arranged for construction. The City may identify portions of the project site that are not subject to current development proposals, and those areas shall be excluded from requirements relating to current investigation. Any ESA in excluded areas shall remain subject to this mitigation measure at such time that ground disturbance in that area is initiated.

Prior to any ground disturbance on the project site, and in coordination with the Native American representatives, the City and a qualified archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology and a Tribal Monitor shall prepare an Area of Direct Impact or Area of Potential Effect map identifying recorded archaeological resources and potential locations of Tribal Cultural Resources (ESAs) on the project site proposed for development. Potential resources may remain on the project site as documented in the NCIC records search. The map shall be subject to California law regarding confidentiality of such materials. Protective fencing shall be installed 100 feet around the specific resource, and demarcated as an ESA. The archaeologist shall ensure that fencing around the ESA remains in place.

The archaeologist and tribal monitor shall be retained at the applicant’s expense to monitor all construction activities that involve ground disturbance (e.g., vegetation removal, grading, excavation, diking) within the ESA. The conduct and work of any Tribal Monitor shall be consistent with the Native American Heritage Commission Guidelines for Tribal Monitors/Consultants (NAHC, 2005). The Tribal Monitor has the authority to identify sites or

objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such objects are identified.

The Tribal Monitor shall prepare daily logs recording the results of monitoring. At the end of construction Tribal Monitor's daily logs shall be submitted to the City and the developer.

If prehistoric, historic-period archaeological, or tribal cultural resources are encountered during project implementation, either within the ESA or the remainder of the project site, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery and install fencing, if not already in place. The contractor shall immediately contact the City. The City shall consult with the archaeologist and the Tribal Monitor. The contractor shall not resume work until authorization is received from the City.

The archaeologist and the Tribal Monitor shall inspect the findings within 24 hours of discovery. If it is determined that the resource qualifies as a historical resource or a unique archaeological resource or a Tribal Cultural Resource (as defined pursuant CEQA Guidelines 15064.5, PRC Section 21083.2 (g) and 21074) and that the project has potential to damage or destroy the resource, a Discovery Plan and Treatment Plan, prepared in accordance with the direction below, shall be implemented.

#### **Discovery Plan and Treatment Plan**

A Discovery Plan and Treatment Plan shall be created prior to ground disturbance in anticipation of a potential discovery of prehistoric or Tribal Cultural Resources. The Discovery Plan and Treatment Plan shall be consistent with CEQA Guidelines Section 15126.4(b)(3), through either preservation in place or, if preservation in place is not feasible, data recovery through excavation. If preservation in place is feasible, this may be accomplished through one of the following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding resource site into a permanent conservation easement. If avoidance or preservation in place is not feasible, a detailed treatment plan to recover the scientifically consequential information from and about the resource, prepared by the archaeologist in coordination with the Native American Representatives, shall be prepared, reviewed, and approved by the City prior to any excavation at the resource site. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be affected by the project. The Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals, if requested by culturally affiliated Tribes.

**Finding:** Implementation of Mitigation Measures 5.4-3a, 5.4-3b, and 5.4-3c would reduce potentially significant impacts to known and currently undiscovered archaeological resources because actions would be taken to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a **less-than-significant** level. Modifications to the mitigation measures between the Draft EIR and Final EIR were the result of the completion of Assembly Bill 52 consultation between the City and the United Auburn Indian Community. (Draft EIR pages 5.4-18 through 5.4-19 and Final EIR pages 4-5 through 4-9)

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

**Impact Category: Geology, Soils, Mineral Resources, and Paleontology**

**Impact 5.5-2: Expose people or structures to the risks associated with expansive soil conditions**

Implementation of the project would occur on soil that is highly expansive with a high expansion potential. Construction of buildings on expansive soils may exert substantial pressures upon foundations, concrete slabs-on-grade, and other structural components, creating a substantial risk to life or property. This would be a **potentially significant** impact.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.5-2: Implement recommendations of geotechnical engineering reports.**

The project developer shall retain a qualified engineering firm on site during site preparation and grading operations to observe and test the fill to ensure compliance with recommendations from the geotechnical investigation report. These recommendations at a minimum include:

- ▲ During project design and construction, all measures outlined in the geotechnical engineering reports for the project (Wallace Kuhl 2016a, 2016b, 2016c, 2016d, and 2016e) as well as specific design measures shall be implemented, at the direction of the City engineer, to prevent significant impacts associated with expansive soils. A geotechnical engineer shall be present on-site during earthmoving activities to ensure that requirements outlined in the geotechnical reports are adhered to for proposed fill and compaction of soils identified below.
- ▲ If the construction schedule requires continued work during the wet weather months (i.e., October through April), the project developer shall consult with a qualified civil engineer and implement any additional recommendations provided, as conditions warrant. These recommendations may include, but would not be limited to: 1) allowing a prolonged drying

period before attempting grading operations at any time after the onset of winter rains; and 2) implementing aeration or lime treatment, to allow any low-permeability surface clay soils intended for use as engineered fill to reach a moisture content that would permit a specified degree of compaction to be achieved.

**Finding:** Implementation of Mitigation Measures 5.5-2 would reduce potential hazards associated with expansive soils to a **less-than-significant** level because it would ensure that proper grading and construction measures are taken to avoid damage to building foundations, streets, sidewalks. This mitigation measure is consistent with General Plan Policy EC 1.1.1 that requires the use of BMPs in site design and building construction methods to address geologic hazards. (Draft EIR pages 5.5-7 through 5.5-8)

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

**Impact 5.5-4: Damage or destruction of undiscovered paleontological resources**

The project could result in the potential damage or destruction of undiscovered paleontological resources. This would be a **potentially significant** impact.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.5-4: Protection of discovered paleontological resources**

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. Project construction workers will be trained to identify potential paleontological resources.

The project developer shall retain a qualified paleontologist to observe all grading and excavation activities throughout all phases of project construction and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the project developer and to the City. The paleontologist shall determine appropriate actions, in cooperation with the project developer and the City, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the City for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the City. The paleontologist shall submit a follow-up report to the City that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

**Finding:** Implementation of Mitigation Measures 5.5-4 would reduce potential loss of paleontological resources from site development to a **less-than-significant** level because it would ensure that discovered resources are evaluated and protected. (Draft EIR page 5.5-9)

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

**Impact Category: Greenhouse Gas Emissions and Climate Change**

**Impact 5.6-1: Project-generated greenhouse gas emissions**

The project is estimated to generate 5,530 MTCO<sub>2</sub>e from construction activities and 28,408 MTCO<sub>2</sub>e operational-related emissions at project buildout in 2036. Total project emissions would be 28,629 MTCO<sub>2</sub>e/year in 2036 with combined amortized construction emissions. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with State GHG reduction targets established for 2030 and 2050. This cumulative impact would be significant and the project's contribution would be **cumulatively considerable**.

**The following mitigation measures have been adopted to address this impact:**

**On-site GHG emission reduction measures**

**Mitigation Measure 5.6-1a**

The project developer shall incorporate the following mitigation measures into the project to reduce operational emissions of GHGs to the extent feasible.

**Transportation**

- ▲ Include adequate electric wiring and infrastructure in all single-family residential units (shown in building plans) to support a 240-volt electric vehicle charger in the garage or off-street parking area to allow for the future installation of electric vehicle chargers. This connection shall be separate from the connection provided to power an electric clothes dryer.
- ▲ Include electric vehicle charging stations, similar or better than Level 2, in parking areas as part of site design submittals for development of the elementary school.

**Building Energy**

- ▲ Achieve as many residential and non-residential zero net energy buildings as feasible, which shall be implemented in the following way:
  - Prior to the issuance of building permits for residential, and private recreation centers, the project developer or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the City of Sacramento for review and approval. The ZNE Report shall demonstrate that development within the Panhandle PUD project area subject to



application of Title 24, Part 6, of the California Code of Regulations has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation or greenhouse gas emissions savings.

- ▲ Where ZNE is deemed infeasible, building energy may also be reduced in the following ways:
  - ▲ Reduce building energy-related GHG emissions through the use of on-site renewable energy (e.g., solar photovoltaic panels) where technologically feasible and at a minimum of 15 percent of the project's total energy demand. Building design, landscape plans, and solar installation shall take into account solar orientation, and building roof size to maximize solar exposure.
  - ▲ Provide incentives to future residents to purchase Energy Star™ appliances (including clothes washers, dish washers, fans, and refrigerators).
  - ▲ Install high efficiency lighting (i.e., light emitting diodes) in all streetlights, security lighting, and all other exterior lighting applications.
  - ▲ Provide electrical outlets on the exterior of project buildings to allow sufficient powering of electric landscaping equipment.
  - ▲ Install low-flow kitchen faucets that comply with CALGreen residential voluntary measures (maximum flow rate not to exceed 1.5 gallons per minute at 60 psi).
  - ▲ Install low-flow bathroom faucets that exceed the CALGreen residential mandatory requirements (maximum flow rate not to exceed 1.5 gallons per minute at 60 psi)
  - ▲ Install low-flow toilets that exceed the CALGreen residential mandatory requirements (maximum flush volume less not to exceed 1.28 gallons per flush)
  - ▲ Install low-flow showerheads that exceed the CALGreen residential mandatory requirements (maximum flow rate not to exceed 2 gallons per minute at 80 psi)
  - ▲ Reduce turf area and use water-efficient irrigation systems (i.e., smart sprinkler meters) and landscaping techniques/design.

### **Purchase carbon offsets**

#### **Mitigation Measure 5.6-1b**

In addition to Mitigation Measures 5.6-1a and 5.2-2 (Air Quality Mitigation Plan), the project developer shall offset GHG emissions to zero by funding activities that directly reduce or sequester GHG emissions or, if necessary, obtaining carbon credits.

To the degree a project relies on GHG mitigation measures, the City of Sacramento, SMAQMD, and ARB recommend that lead agencies prioritize on-site design features (Mitigation Measures 5.6-1a and 5.2-2) and direct investments in GHG reductions in the vicinity of the project, to help provide potential air quality and economic co-benefits locally. For example, direct investment in a local building retrofit program can pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. However, it is critical that any such investments in actions to reduce GHG emissions are real and quantifiable. Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry.

The CEQA Guidelines recommend several options for mitigating GHG emissions. State CEQA Guidelines Section 15126.4(C)(3) states that measures to mitigate the significant effects of GHG emissions may include “off-site measures, including offsets that are not otherwise required...” Through the purchase of GHG credits through voluntary participation in an approved registry, GHG emissions may be reduced at the project level. GHG reductions must meet the following criteria:

- ▲ Real—represent reductions actually achieved (not based on maximum permit levels),
- ▲ Additional/Surplus—not already planned or required by regulation or policy (i.e., not double counted),
- ▲ Quantifiable—readily accounted for through process information and other reliable data,
- ▲ Enforceable—acquired through legally-binding commitments/agreements,
- ▲ Validated—verified through accurate means by a reliable third party, and
- ▲ Permanent—will remain as GHG reductions in perpetuity.

In partnership with offset providers, the project developer shall purchase carbon offsets (from available programs that meet the above criteria) of at least 20,800 MTCO<sub>2</sub>e/year. It should be noted, however, that these numbers represent an estimate based on reductions achieved through the measures included in Mitigation Measures 5.6-1a and 5.2-2, and are subject to change depending on alterations in the level of mitigation applied to the project depending on the feasibility of individual measures. Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed

independently, provided such protocols satisfy the basic criterion of “additionality” (i.e., the reductions would not happen without the financial support of purchasing carbon offsets).

Purchases of offsets would occur once and remain effective throughout the lifetime of the project (i.e., 25 years per SMAQMD guidance). For an offset to be considered viable, it must exhibit “permanence.” To adequately reduce emissions of GHGs, carbon offsets must be able to demonstrate the ability to counterbalance GHG emissions over the lifespan of a project or “in perpetuity.” For example, the purchase of a carbon offset generated by a reforestation project would entail the replanting or maintenance of carbon-sequestering trees, which would continue to sequester carbon over several years, decades, or centuries (Forest Trends 2015). The offsets purchased must offer an equivalent GHG reduction benefit annually i.e., 20,800 MTCO<sub>2e</sub> or more GHGs reduced annually as opposed to a one-time reduction.

Prior to issuing building permits for development within the project area, the City of Sacramento shall confirm that the project developer or its designee has fully offset the project’s remaining (i.e., post implementation of Mitigation Measures 5.6-1a and 5.2-2) operational GHG emissions over the 25-year project life associated with such building permits by relying upon one of the following compliance options, or a combination thereof:

- ▲ Demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the remaining operational GHG emissions;
- ▲ Provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the remaining operational GHG emissions;
- ▲ Undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the remaining operational GHG emissions; or
- ▲ If it is impracticable to fully offset operational emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the remaining operational GHG Emissions.

**Finding:** Implementation of identified actions in Mitigation Measures 5.6-1a and 5.2-2 could reduce GHG emissions by up to 24.6 percent, or approximately 6,800 MTCO<sub>2e</sub>/year. This reduction would only be applied should all identified actions in Mitigation Measure 5.6-1a and 5.2-2 be taken. Regardless of the implementation of Mitigation Measure 5.6-1a and 5.2-2, the project would still result in GHG emissions that would be considered cumulatively considerable.

Further mitigation of the impact through Implementation of Mitigation Measure 5.6-1b would require the purchase of off-site carbon credits to reduce the remaining operational GHG emissions, estimated to be 20,800 MT CO<sub>2e</sub>/year. This cost on the project would range from approximately \$25 to \$106 per project dwelling unit based on the current cost ranges of the market for carbon credits and are not considered infeasible (Unlocking Potential: State of the Voluntary Carbon Markets 2017 prepared by Forest Trends and California Air Resources Board California Cap-and-Trade Program and Quebec Cap-and-Trade System November 2017 Joint Auction #13 Summary Results Report). This additional mitigation would offset remaining project GHG emissions, such that the project would not conflict with City of Sacramento's climate planning efforts, ARB's proposed 2017 Scoping Plan Update, or established state GHG reduction targets. Thus, the project's contribution to cumulative GHG emission increase impacts **would not be cumulatively considerable**. (Draft EIR pages 5.6-9 through 5.6-14)

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

### **Impact Category: Hazards and Hazardous Materials**

#### **Impact 5.7-3: Hazards Associated with Mosquitoes**

The Panhandle PUD would include detention facilities that could attract mosquitoes and other water-borne vectors. Without specific controls in place, these features could create a nuisance or hazardous condition. This would be a **potentially significant** impact.

#### **The following mitigation measure has been adopted to address this impact:**

##### **Mitigation Measure 5.7-3: Develop and implement a Vector Control Plan.**

As part of site-specific design of the Panhandle PUD detention basin and other water/drainage features, a Vector Control Plan shall be developed to the satisfaction of the Sacramento-Yolo Mosquito and Vector Control District. The Vector Control Plan shall specify mosquito control measures to be used (e.g., biological agents, pesticides, larvicides, circulating water), as well as identification of maintenance program to ensure control measures are maintained. Evidence of Sacramento-Yolo Mosquito and Vector Control District's design approval shall be provided to the City of Sacramento prior to improvement plan approval for detention basin and water/drainage features.

**Finding:** Implementation of the above mitigation measure would reduce potential public health risks consistent with Sacramento-Yolo Mosquito and Vector Control District guidelines. Thus, this impact would be reduced to a **less-than-significant** level. (Draft EIR page 5.7-10)

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

## **Impact Category: Hydrology and Water Quality**

### **Impact 5.8-1: Storm water runoff generation and surface water drainage Patterns**

Development of the project may increase storm water runoff rates generated within and downstream of the project when compared with existing conditions. While the project includes necessary drainage improvements to properly handle onsite storm water flows, phased development of the site could potentially result in temporary drainage impacts if the necessary drainage facilities are not in place at the time of site development. Development could also worsen existing drainage and local flooding issues at the intersection of Del Paso Road and Sorento Road. This impact would be **potentially significant**.

### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.8-1: Demonstrate compliance with Drainage Report.**

As part of approval of each small lot final map and/or each subsequent project, the project developer shall demonstrate to the City that drainage facilities are consistent with the Drainage System Modeling Report for the Natomas Panhandle (Panhandle Owner's Group 2016), and adequately attenuate increased drainage flows consistent with City standards. The analysis will also demonstrate that existing flooding issues at the intersection of Del Paso Road/Sorento Road will not be worsened by site development. Sacramento County shall be provided the analysis regarding flooding issues at the Del Paso/Sorento Road intersection and be allowed to provide input to the City on the proper solution for any additional flooding impacts at this intersection. This demonstration may take the form of plans and/or reports.

**Finding:** Implementation of onsite drainage improvements as described in the Drainage System Modeling Report for the Natomas Panhandle and implementation of Mitigation Measure 5.8.1 would ensure drainage impacts are adequately addressed and mitigate this impact to **less than significant**. This mitigation measure would be consistent with North Natomas Community Plan Policy NN.U. 1.7 regarding the timing of drainage improvements with development. (Draft EIR pages 5.8-11 and 5.8-12 and Final EIR page 4-11)

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

### **Impact 5.8-2: Surface water quality**

Development of the project would introduce sediments and constituent pollutants typically associated with construction activities and urban development into storm water runoff. These pollutants would have the potential of degrading downstream storm water quality. This impact would be **potentially significant**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.8-2: Design drainage facilities to include water quality control features**

Drainage facilities shall be designated to meet or exceed storm water quality requirements set forth in City Standards pertaining to regional storm water quality control in association with NPDES Stormwater Permit No. CA502597. Water quality control may consist of pollutant source control, water quality treatment through Best Management Practices or a combination of both measures. Water quality control features as part of drainage facilities shall be reviewed and approved by the City before approval of improvement plans for the site.

**Finding:** Implementation of the above mitigation measure would ensure compliance with City water quality requirements, consistency with the City's NPDES permit associated with stormwater quality control, and mitigation of potential operational-related water quality impacts to a **less-than-significant** level. (Draft EIR pages 5.8-12 and 5.8-14)

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

**Impact 5.8-4: Groundwater quality**

It is possible that shallow groundwater beneath the proposed onsite detention basins could interact with pollutants associated with urban runoff that would be captured within the detention basins. Pollutants could be released in the underlying groundwater basin and could result in contamination of wells used for consumptive uses. This impact would **potentially significant**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.8-4: Evaluate depth to groundwater and incorporate appropriate features into detention basin design**

As part of the final design of the project detention basin, soil borings shall be taken at representative locations within the detention basin to analyze the subsurface soils that are present and the elevation of the subsurface water table. If these soil borings identify shallow groundwater within 2 feet of the proposed bottom elevation of the detention basin, or within the detention basin, a liner and/or additional water quality control features such as vegetation shall be incorporated into the design of the detention basin to prohibit the migration of surface water contamination into the groundwater table, subject to City review and approval.

**Finding:** Implementation of the above mitigation measure would ensure that groundwater quality is protected and would mitigate the impact to **less than significant**. (Draft EIR pages 5.8-15 and 5.8-16)

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



## **Impact Category: Noise**

### **Impact 5.9-4: Compatibility of proposed land uses with projected levels of noise exposure**

The project proposes a mix of various land uses, including residential, park, and school uses. Traffic and stationary noise sources in the vicinity of the project may expose noise-sensitive uses within the project site to excessive noise levels, resulting in land use conflicts related to noise. Implementation of the project could expose future planned sensitive receptors to transportation and stationary source noise levels that exceed the City of Sacramento noise standards. Therefore, this impact would be **significant**.

### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.9-4: Reduce transportation noise exposure to sensitive receptors**

For new sensitive receptors developed as part of the project and that would be located within 282 feet of the centerline of Del Paso Road, within 278 feet of the centerline of Del Paso Road, within 80 feet of the centerline of Club Center Drive, or within 90 feet of the centerline of Street "G" (i.e., the distance from the centerline that is estimated, based on the noise modelling, to result in exceedance of the City of Sacramento exterior noise compatibility standard of 60 CNEL for low density residential), any or all of the following design criteria shall be adhered to:

- ▲ Where feasible, locate new sensitive receptors such that the outdoor activity area (e.g., balcony or porch) is on the opposite side of the structure from major roadways such that the structure itself would provide a barrier between transportation noise and the outdoor activity areas.
- ▲ Locate new sensitive receptors with other buildings/structures between the sensitive land use and nearby major roadways.
- ▲ If new sensitive receptors cannot be oriented or shielded by other structures, then design and building materials shall be chosen such that, at a minimum, 25 dBA of exterior-to-interior noise attenuation would be achieved, so that interior noise levels comply with the City of Sacramento interior noise standard of 45 L<sub>dn</sub>.
- ▲ Setback sensitive receptors from major roadways at a distance that will not result in the exceedance of the City of Sacramento exterior noise compatibility standard of 60 CNEL for low-density residential land uses.

If, and only if, implementation of the above measures do not reduce transportation-related noise levels to comply with the City of Sacramento exterior noise compatibility standard of 60 CNEL for low density residential, then as part of improvement plans for land uses along Del Paso Road, Elkhorn Boulevard, National Drive and Club Center Drive, landscaped noise barriers that demonstrate compliance with City noise standards (interior and exterior) shall be implemented.

The project developer will be required to demonstrate compliance with this mitigation measure and whether noise barriers are ultimately required.

**Finding:** Implementation of Mitigation Measure 5.9-4 would substantially reduce predicted noise levels at proposed land uses consistent with City noise standards. With incorporation of available mitigation measures, such as noise barriers, landscaped berms, building orientation and noise insulation building measures, predicted traffic noise levels at on-site residential land uses would not be anticipated to exceed the City noise standards. As a result, this impact would be reduced to a **less-than-significant** level. (Draft EIR pages 5.9-26 through 5.9-29)

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

### **Impact Category: Public Services and Recreation**

#### **Impact 5.10-1: Increased demand for fire protection and emergency medical services**

Implementation of the project at build-out would increase the demand for fire protection and emergency medical services that could result in the need for improvements to facilities and equipment. This would be a **potentially significant** impact.

#### **The following mitigation measures have been adopted to address this impact:**

##### **Mitigation Measure 5.10-1a: Payment of fees**

The project applicant shall pay the necessary project-specific fire service impact fees associated with fire protection services which will be established in the Panhandle PUD Public Facilities Finance Plan.

##### **Mitigation Measure 5.10-1b: Panhandle PUD Public Facilities Finance Plan**

The Panhandle PUD Public Facilities Finance Plan shall include all necessary public facility improvements (e.g., fire, law enforcement, water, wastewater, parks, roadways, and libraries) intended to solely serve the PUD as well as its fair-share contribution to public facilities that serve the North Natomas Community Plan area as identified in the *North Natomas Nexus Study and Finance Plan 2008 Update*. The Panhandle PUD Public Facilities Finance Plan shall ensure that public facilities and equipment required to service the project are in place concurrent with site development.

**Finding:** Implementation of Mitigation Measures 5.10-1a and 5.10-1b would reduce significant impacts on SFD service to a **less-than-significant** level because the payment of development fees and the provisions of the project's Public Facilities Finance Plan would ensure the project will contribute the necessary funding for necessary fire and medical emergency facilities and equipment. These mitigation measures would be consistent with General Plan policies PHS 2.1.3, PHS 2.1.4, PHS 2.1.5, PHS 2.1.1, and North Natomas Community Plan Policy NN.LU

1.4 regarding the provision and financing of public facilities concurrent with development. (Draft EIR page 5.10-18)

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

**Impact 5.10-2: Increase the need for police protection services**

Implementation of the project at build-out would increase the demand for law enforcement services that could result in the need for improvements to facilities and equipment. This would be a **potentially significant** impact.

**The following mitigation measures have been adopted to address this impact:**

**Mitigation Measure 5.10-1a: Payment of fees**

The project applicant shall pay the necessary project-specific fire service impact fees associated with fire protection services which will be established in the Panhandle PUD Public Facilities Finance Plan.

**Mitigation Measure 5.10-1b: Panhandle PUD Public Facilities Finance Plan**

The Panhandle PUD Public Facilities Finance Plan shall include all necessary public facility improvements (e.g., fire, law enforcement, water, wastewater, parks, roadways, and libraries) intended to solely serve the PUD as well as its fair-share contribution to public facilities that serve the North Natomas Community Plan area as identified in the *North Natomas Nexus Study and Finance Plan 2008 Update*. The Panhandle PUD Public Facilities Finance Plan shall ensure that public facilities and equipment required to service the project are in place concurrent with site development.

**Finding:** Implementation of Mitigation Measures 5.10-1a and 5.10-1b would reduce significant impacts on law enforcement services to a **less-than-significant** level because the payment of development fees and the provisions of the project's Public Facilities Finance Plan would ensure the project will contribute to the North Natomas Police Station. These mitigation measures would be consistent with General Plan policies PHS 1.1.2, PHS 1.1.4, and PHS 1.1.8, North Natomas Community Plan policies NN.LU 1.4 and NN.PHS 1.2 regarding the provision and financing of public facilities concurrent with development. (Draft EIR page 5.10-18)

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

**Impact Category: Transportation and Circulation**

### **Impact 5.11-1: Construction-related impacts**

During construction of the project, construction activities and temporary construction vehicle traffic would increase traffic congestion and disruptions in the area. Depending on the timing and intensity of such activities, this could result in substantial congestion and disruption in excess of City standards. Impacts would be **significant**.

### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.11-1: Implement construction traffic management plan**

Before the commencement of construction, the applicant shall prepare a construction traffic management plan to the satisfaction of the City's Traffic Engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on roadways are maintained. At a minimum, the plan shall include:

- ▲ Description of trucks including: number and size of trucks per day, expected arrival / departure times, truck circulation patterns. Truck routes will be limited to using Del Paso Road and Elkhorn Boulevard to access and depart the project.
- ▲ Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, specific signage.
- ▲ Description of street closures and/or bicycle and pedestrian facility closures including: duration, warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control.
- ▲ Description of access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses.
- ▲ Provisions for parking for construction workers.

The traffic management plan shall address all means to minimize temporary impacts from roadway and travel lane disruptions. Adequate emergency response access shall be maintained throughout development of the project. Where the project work area encroaches on a public ROW and reduces the existing pedestrian path of travel to less than 48 inches wide, alternate pedestrian routing shall be provided during construction activities. Additionally, access to all nearby parcels shall be maintained during construction activities.

**Finding:** With implementation of Mitigation Measure 5.11-1, appropriate signage and access would be provided so as to maintain the flow of traffic in the vicinity of the project area and avoid truck traffic from utilizing local residential roadways. As a result, this impact would be reduced to a **less-than-significant** level. (Draft EIR page 5.11-42)

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

### **Impact 5.11-2: Intersection operations**

The addition of project-related traffic would increase delay at local intersections. Study intersections would meet level of service standards with the exception of the Sorento Road / Del Paso Road intersection. This is considered a **significant** impact.

### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.11-2: Intersection improvements**

The project developer shall implement the following intersection improvement:

- ▲ Install a traffic signal at the intersection of Sorento Road / Del Paso Road. This intersection meets the peak hour traffic signal warrant during the a.m. peak hour. This improvement shall be incorporated in the project's public facilities financing plan and installed before deficient operation of the intersection.

▲  
**Finding:** Implementation of Mitigation Measure 5.11-2 would reduce the delay associated with project generated traffic at the intersection of Sorento Road / Del Paso Road in the a.m. peak hour from 188.7 seconds (LOS F) to 16.9 seconds (LOS B), thus, resulting in an acceptable LOS. The installation of the intersection improvements are not expected to result in significant biological resources as none exist in this area (see Draft EIR Section 5.3, "Biological Resources"). Roadway improvements would be required to implement construction water quality control measures consistent with City requirements associated with the City's Phase I NPDES permit for stormwater municipal discharges to surface waters. Therefore, this impact would be reduced to a **less-than-significant** level. (Draft EIR pages 5.11-42 through 5.11-45)

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

### **Impact 5.11-7: Demand for transit services**

The project would not conflict with existing or planned transit services. However, the project would not provide direct access to transit. This is considered a **significant** impact.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.11-7: Transit service improvements**

The project developer shall join the North Natomas Transportation Management Association and will coordinate on feasible measures to provide transit information and services to project residents that is phased with development and transit demand. The project developer will provide proof of compliance with this mitigation measure with each small lot subdivision map submittal.

**Finding:** Mitigation Measure 5.11-7 would result in the provision of feasible transit information and services to project residents consistent with General Plan Policy M 3.1.12. This mitigation would reduce the impact of the project on the demand for transit to a **less-than-significant** level. (Draft EIR pages 5.11-51 and 5.11-52)

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

**Impact Category: Urban Design and Visual Resources**

**Impact 5.12-2: Day-time glare and nighttime lighting**

Development of the project area would result in the introduction of buildings and facilities that may create lighting and glare on adjoining areas. This impact would be **significant**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.12-2: Light fixture design**

Outdoor lighting for community parks/sports facilities shall be designed to be turned off when not in use where security and safety is not a concern. This requirement shall be included in lighting plans submitted to the City as part of the improvement plans. Light fixtures for sports fields that are planned to be lighted shall be directed away from residential areas and roadways to reduce light spillover and glare. Light fixtures shall be designed to limit illumination to the sports fields and shall demonstrate that the illumination of adjacent residential properties will not exceed 1.0 foot-candles. These lighting requirements will be included in the Panhandle PUD Guidelines.

**Finding:** Implementation of the above mitigation measure would require that sport facility lighting be designed in minimize its operation and avoid lighting and glare impacts. Compliance with mitigation measure 5.12-2 in combination with the outdoor lighting restrictions for parking areas provided in Section 17.608.040 of the City Planning and Development Code (avoidance of spillover lighting) would ensure that this impact is mitigated to a **less-than-significant** level. (Draft EIR pages 5.12-13 and 5.12-14 and Final EIR page 4-14)



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

### C. Significant and Unavoidable Impacts.

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

#### **Impact Category: Air Quality**

#### **Impact 5.2-2: Long-term operational emissions of air pollutants**

Implementation of the project would result in long-term operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> that exceed SMAQMD's thresholds of significance (65 lb/day for ROG, 65 lb/day for NO<sub>x</sub>, 80 lb/day and 14.6 tons/year for PM<sub>10</sub>). Therefore, operation-generated emissions could conflict with the air quality planning efforts and contribute substantially to the nonattainment status of Sacramento County with respect to ozone and PM<sub>10</sub>. This impact would be **significant**.

#### **The following mitigation measure has been adopted to address this impact:**

#### **Mitigation Measure 5.2-2: Implement provisions of the Air Quality Mitigation Plan to reduce operational emissions**

Implementation of the following measure requires compliance with the project's AQMP, which would reduce the project's operational ozone precursors by 35 percent in comparison to the unmitigated project.

The final Panhandle PUD master parcel map shall include the following reduction measures, which are detailed within the AQMP (Appendix A of the Final EIR), as conditions of approval:

- ▲ Incorporate traffic calming measures
  - Design project roads to reduce motor vehicle speed through the use of on street parking, planter strips, rumble strips, and other available methods.
  - Reduce speeds at project intersections by including marked intersections, count-down signal timers, median islands, curb extensions, traffic circles, and other available methods

- ▲ Incorporate pedestrian network through:
  - Removal of pedestrian barriers
  - Inclusion of sidewalks, a minimum of 5 feet wide, on all internal streets (with the exception of alleys if applicable)
  - Inclusion of designated pedestrian routes to existing external pedestrian facilities and streets
- ▲ Incorporate walkable design elements by:
  - providing connections to all roadways, bicycle paths, and pedestrian facilities touching the project boundaries
  - providing at least 36 intersections per square mile
- ▲ Participate in permanent trip reduction program through membership in a transportation management association
- ▲ Participate in SMAQMD's operational offset program for the purpose of reducing ROG, NOX, and PM emissions that would involve the funding of the replacement of existing wood-burning devices in the region. The amount \$253.21 per parcel will be paid as an operational Air Quality Mitigation fee prior to recordation of any final subdivision map for the Panhandle development. The per-parcel fee payable as an Air Quality Mitigation Fee for the project shall be adjusted for inflation in the following manner: Annually, based on the California Consumer Price Index, as determined pursuant to Section 2212 of the revenue and taxation code, for the preceding year.

In addition to the conditions of approval required by this mitigation measure, the following text shall also be included in the Panhandle PUD:

“All amendments to the Panhandle PUD Guidelines with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed Panhandle PUD Guidelines on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire project area and shall achieve the original 35 percent reduction in total overall project emissions. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the Panhandle PUD shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the City, in consultation with SMAQMD.”

**Finding:** Implementation of Mitigation Measure 5.2-2 requires the project to comply with all provisions included in the AQMP. This mitigation would be consistent with the 15 percent reduction provisions of General Plan Policy ER 6.1.3. Achievement of the 35 percent reduction in ozone precursors relies on the project's participation in an operational offset program that would involve the funding of the replacement of existing wood-burning devices in the region that would be managed by SMAQMD. This offset program would need to provide verifiable, quantifiable, and permanent emissions reductions equal to the mass emissions generated by the project to satisfy CEQA mitigation requirements. A one-time fee shall be paid to SMAQMD that is equivalent to the amount of ozone precursors (ROG and NO<sub>x</sub>) that exceed the 35 percent reduction target for the project. The fee would be established by SMAQMD and based on the current price per ton to offset emissions plus any administrative fees.

With the incorporation of all measures included in Mitigation Measures 5.2-2, and thus the AQMP, the project would achieve an overall reduction in emissions when compared to the unmitigated emissions scenario of 35 percent. Further, the implementation of the ROG and NO<sub>x</sub> offsite mitigation measure would result in a net reduction of PM<sub>10</sub> and PM<sub>2.5</sub> emissions. Incorporation of all mitigation included in the AQMP would represent all available and feasible mitigation that the project could implement. However, even with a total project reduction of 35 percent, operational emissions of ROG and NO<sub>x</sub> would continue to exceed SMAQMD thresholds of significance.

Thus, although the project may reduce operational emissions to the extent feasible, long-term emission reductions cannot be quantified or verified, and the possibility remains that emissions may not be reduced to a less than significant level into perpetuity. Project operations may contribute to the nonattainment status of the region and may conflict with the California ambient air quality standards (CAAQS) and national ambient air quality standards (NAAQS). (Draft EIR pages 5.2-16 through 5.2-20 and Final EIR Appendix A)

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

**Impact 5.2-7: Long-term operational emissions of criteria air pollutants and precursors**

Operation of the project would result in long-term increases in criteria air pollutants and ozone precursors from stationary, area, and mobile sources (i.e., VMT). Operational emissions would exceed SMAQMD thresholds of significance and therefore result in a cumulatively considerable contribution to regional air quality and may conflict with regional air quality planning efforts to improve air quality. All feasible mitigation has been incorporated into the project as described in the AQMP prepared for the project. However, given the uncertainty in the ability of mitigation to continue to reduce operational emissions into perpetuity, the project's contribution to this impact would be **cumulatively considerable**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.2-2: Implement provisions of the Air Quality Mitigation Plan to reduce operational emissions**

Implementation of the following measure requires compliance with the project's AQMP, which would reduce the project's operational ozone precursors by 35 percent in comparison to the unmitigated project.

The final Panhandle PUD master parcel map shall include the following reduction measures, which are detailed within the AQMP (Appendix A of the Final EIR), as conditions of approval:

- ▲ Incorporate traffic calming measures
  - Design project roads to reduce motor vehicle speed through the use of on street parking, planter strips, rumble strips, and other available methods.
  - Reduce speeds at project intersections by including marked intersections, count-down signal timers, median islands, curb extensions, traffic circles, and other available methods
- ▲ Incorporate pedestrian network through:
  - Removal of pedestrian barriers
  - Inclusion of sidewalks, a minimum of 5 feet wide, on all internal streets (with the exception of alleys if applicable)
  - Inclusion of designated pedestrian routes to existing external pedestrian facilities and streets
- ▲ Incorporate walkable design elements by:
  - providing connections to all roadways, bicycle paths, and pedestrian facilities touching the project boundaries
  - providing at least 36 intersections per square mile
- ▲ Participate in permanent trip reduction program through membership in a transportation management association
- ▲ Participate in SMAQMD's operational offset program for the purpose of reducing ROG, NO<sub>x</sub>, and PM emissions that would involve the funding of the replacement of existing wood-burning devices in the region. The amount \$253.21 per parcel will be paid as an operational Air Quality Mitigation fee prior to recordation of any final subdivision map for the

Panhandle development. The per-parcel fee payable as an Air Quality Mitigation Fee for the project shall be adjusted for inflation in the following manner: Annually, based on the California Consumer Price Index, as determined pursuant to Section 2212 of the revenue and taxation code, for the preceding year.

In addition to the conditions of approval required by this mitigation measure, the following text shall also be included in the Panhandle PUD:

“All amendments to the Panhandle PUD Guidelines with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed Panhandle PUD Guidelines on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire project area and shall achieve the original 35 percent reduction in total overall project emissions. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the Panhandle PUD shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the City, in consultation with SMAQMD.”

**Finding:** Incorporation of all mitigation included in the AQMP (Mitigation Measure 5.2-2) would represent all available and feasible mitigation that the project could implement. However, and as discussed under Impact 5.2-2 above, the SMAQMD offset program is still under development and long-term emission reduction success and enforcement is unknown at this time. Thus, although the project would reduce operational emissions to the extent feasible, long-term emission reductions cannot be quantified or verified, and the possibility remains that emissions may not be reduced to a less than significant level into perpetuity. Project operations may contribute to the nonattainment status of the region and may conflict with CAAQS and NAAQS. (Draft pages 5.2-27 and 5.2-28 and Final EIR Appendix A)

**For these reasons, project’s contribution to cumulative operational air quality impacts is considered cumulatively considerable and significant and unavoidable.**

**Impact Category: Noise**

**Impact 5.9-1: Short-term construction noise impacts**

Short-term construction-generated noise levels could result in a substantial increase in ambient noise levels at future on-site and existing off-site sensitive land uses that could generate substantial and exceed applicable noise standards. Thus, this would be a **significant** impact.

**The following mitigation measures have been adopted to address this impact:**

**Mitigation Measure 5.9-1a: Implement construction-noise reduction measures**

To minimize noise levels during construction activities, the City shall require the project developer and their construction contractors to comply with the following measures during all construction work:

- ▲ All construction equipment and equipment staging areas shall be located as far as feasible from nearby noise-sensitive land uses.
- ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▲ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations.
- ▲ Construction activities shall comply with the requirements of the City of Sacramento Municipal Code.
- ▲ To the maximum extent feasible, construction activity shall take place within the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday).

**Mitigation Measure 5.9-1b: Implement construction-noise reduction measures during noise-sensitive time periods**

For all construction activity that would take place outside of the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday), and that is anticipated to generate more than 50  $L_{eq}$  or 70  $L_{max}$  at 50 feet, the City shall require the project developer and their construction contractors to comply with the following measures:

- ▲ Consistent with Section 8.68.080, Exemptions, of the City of Sacramento Code, obtain an exemption to Article II Noise Standards for nighttime construction. Exemption applications for work to be performed during the hours not exempt by Section 8.68.080 shall be approved by the City's director of building inspections and shall not exceed three days. Application for this exemption may be made in conjunction with the application for work permit or during the construction process.
- ▲ Implement noticing to adjacent landowners and implement conditions included in the exemption, if approved by the City's director of building inspections.



- ▲ Install temporary noise curtains as close as feasible to the boundary of the construction site blocking the direct line of sight between the source of noise and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.
- ▲ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
- ▲ Operate heavy-duty construction equipment at the lowest operating power possible.

**Finding:** Implementation of mitigation measures 5.9-1a and 5.9-1b would provide substantial reductions in day and nighttime construction noise levels by ensuring proper equipment use; locating equipment away from sensitive land uses; and requiring the use of enclosures, shields, and noise curtains. These mitigation measures are consistent with City General Plan Policy EC 3.1.10 that require the minimization of construction on nearby sensitive receptors. However, construction activities could occur immediately adjacent to existing residential uses to the west and east of the project area (within 50 feet), as well as on-site residences that are constructed and inhabited before other portions of the project are complete. Although, noise reduction would be achieved with implementation of mitigation measures 5.9-1a and 5.9-1b, reductions of up to 38 dBA would be required during some of the more intensive nighttime construction (e.g., during the most intense construction periods, and during roadway construction and improvement projects), to comply with the City and County nighttime standards of 50  $L_{eq}$  and 70  $L_{max}$ . Reductions of this magnitude are not expected to be achieved under all circumstances with implementation of mitigation measures 5.9-1a and 5.9-1b. No other feasible mitigation is available. (Draft EIR pages 5.9-19 through 5.9-21)

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

**Impact 5.9-2: Exposure of existing sensitive receptors to excessive traffic noise levels and/or substantial increases in traffic noise**

Implementation of the project could expose existing sensitive receptors to substantial increases in transportation noise levels that exceed the City and County of Sacramento noise standards, and result in project-generated transportation noise levels that exceed City and County of Sacramento allowable noise increment standards. Therefore, this impact would be **significant**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.9-2: Reduce noise exposure to existing sensitive receptors from project-generated traffic.**

The project developer shall in coordination with the City implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:

- ▲ Construct outdoor sound barriers at the following locations:
  - ▶ Between the segment of Del Paso Road from Sorento Road to Carey Road, and the ground level receptors directly north of this segment of roadway.
  - ▶ Between the segment of Sorento Road from Del Paso Road to East Levee Road, and the ground level receptors directly east of this segment of roadway.

The applicant in coordination with the City shall offer the owners of all the residences with addresses along this roadway segment the installation of a sound barrier along the property line of their affected residential properties. At a minimum, the sound barriers shall be just tall enough to break the line of sight between vehicles traveling along this segment of roadway and the existing sensitive receptors to the east of the roadway. The sound barriers shall be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, boulders, or combination thereof). The reflectivity of each sound barrier shall be minimized to ensure that traffic noise reflected off the barrier does not contribute to an exceedance of applicable noise standards at other off-site receptors. The level of sound reflection from a barrier can be minimized with a textured or absorptive surface or with vegetation on or next to the barrier. All barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the character of the surrounding area, and not become the dominant visual element of the area. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose “any fact materially affecting the value and desirability of the property” (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant agrees to install a sound barrier, as described above.

- ▲ The majority of residences along the east side of the segment of Sorento Road from Del Paso Road to East Levee Road have ingress and egress points (driveways) along the roadway of concern, thus, preventing continuous sound barriers from being constructed. Therefore, in addition to the sound barriers described above, the applicant in coordination with the City shall offer the owners of all the residences with driveways along this roadway segment the installation of solid driveway gates to provide additional noise attenuation where sound barriers are not able to be constructed. The driveway gates must be constructed of solid material (e.g., wood, metal, or combination thereof) and designed to ensure maximum noise attenuation. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an

existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose “any fact materially affecting the value and desirability of the property” (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant agrees to install a driveway gate, as described above.

Because a sound wall already exists along Del Paso Road on the roadway segments that would experience an exceedance of the City exterior noise compatibility standards, no feasible mitigation measures have been identified.

**Finding:** As identified in Mitigation Measure 5.9-2, the construction of a sound barrier that is just tall enough to break the line of sight between vehicles traveling on a roadway and ground level receptors results in at least 5 dBA of noise reduction and can achieve an approximate 1 dBA additional reduction for each 2 feet of height above where the sound barrier breaks the line of sight (with a maximum theoretical total reduction of 20 dBA). Thus, construction of the sound barrier as detailed in Mitigation Measure 5.9-2 would ensure that the exterior incremental noise increases along Del Paso Road from Sorento Road to Carey Road as a result of project-generated traffic noise would not exceed the City of Sacramento allowable noise increment standard (1 dBA). Additionally, Mitigation Measure 5.9-2 includes the provision of landscaping and a barrier design consistent with the character of the surrounding area to avoid aesthetic impacts for views along the roadway segments to which it applies.

The implementation of Mitigation Measure 5.9-2 would reduce noise levels at the sensitive receptors adjacent to, and east of Sorento Road between Del Paso Road and East Levee Road. However, it cannot be ensured that Mitigation Measure 5.9-2 would reduce the incremental noise increase to below the City of Sacramento allowable noise increment standard (8 dBA) as it would require noise barriers within the front yards of residences that may elect not to participate in the mitigation.

Additionally, exterior noise levels at existing noise-sensitive residences along the roadway segment of Del Paso Road from Gateway Park Boulevard to Black Rock Drive, along which sound barriers already exist, could only be remediated by relocating roadways, providing additional buffer zones, etc., but in the case of the project, this would not be feasible. Thus, as a result of the project, existing sensitive land uses (i.e., residences located along Del Paso Road from Gateway Park Boulevard to Black Rock Drive, and along Sorento Road from Del Paso Road to East Levee Road) could be exposed to exterior noise levels that exceed applicable City of Sacramento noise standards. (Draft EIR pages 5.9-22 through 5.9-25)

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

**Impact 5.9-5: Cumulative construction noise impacts**

Project construction-noise could result in a cumulatively considerable contribution to significant cumulative noise impacts if it were to occur concurrently with future construction activities

located at nearby development. This cumulative impact would be significant and the project's contribution **would be cumulatively considerable**.

**The following mitigation measures have been adopted to address this impact:**

**Mitigation Measure 5.9-1a: Implement construction-noise reduction measures**

To minimize noise levels during construction activities, the City shall require the project developer and their construction contractors to comply with the following measures during all construction work:

- ▲ All construction equipment and equipment staging areas shall be located as far as feasible from nearby noise-sensitive land uses.
- ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▲ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations.
- ▲ Construction activities shall comply with the requirements of the City of Sacramento Municipal Code.
- ▲ To the maximum extent feasible, construction activity shall take place within the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday).

**Mitigation Measure 5.9-1b: Implement construction-noise reduction measures during noise-sensitive time periods**

For all construction activity that would take place outside of the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday), and that is anticipated to generate more than 50  $L_{eq}$  or 70  $L_{max}$  at 50 feet, the City shall require the project developer and their construction contractors to comply with the following measures:

- ▲ Consistent with Section 8.68.080, Exemptions, of the City of Sacramento Code, obtain an exemption to Article II Noise Standards for nighttime construction. Exemption applications for work to be performed during the hours not exempt by Section 8.68.080 shall be approved by the City's director of building inspections and shall not exceed three days. Application for this exemption may be made in conjunction with the application for work permit or during the construction process.

- ▲ Implement noticing to adjacent landowners and implement conditions included in the exemption, if approved by the City's director of building inspections.
- ▲ Install temporary noise curtains as close as feasible to the boundary of the construction site blocking the direct line of sight between the source of noise and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.
- ▲ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
- ▲ Operate heavy-duty construction equipment at the lowest operating power possible.

**Finding:** Implementation of Mitigation Measures in 5.9-1a and 5.9-1b, would include a variety of construction-noise reduction measures; however, these measures would not be sufficient to avoid significant construction noise impacts associated with the project. (Draft EIR page 5.9-30)

**For these reasons, the incremental contribution of the project to this significant cumulative impact would remain cumulatively considerable and significant and unavoidable.**

**Impact 5.9-6: Cumulative traffic noise**

Cumulative noise levels could be affected by additional buildout of surrounding land uses and increases in vehicular traffic on affected roadways, thus resulting in a significant cumulative impact. Cumulative no project traffic noise levels in conjunction with project-generated traffic could result in additional traffic-related noise on surrounding roadways which could contribute to a cumulative traffic-noise condition. This cumulative impact would be significant and the project's contribution **would be cumulatively considerable**.

**The following mitigation measure has been adopted to address this impact:**

**Mitigation Measure 5.9-2: Reduce noise exposure to existing sensitive receptors from project-generated traffic.**

The project developer shall in coordination with the City implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:

- ▲ Construct outdoor sound barriers at the following locations:
  - Between the segment of Del Paso Road from Sorento Road to Carey Road, and the ground level receptors directly north of this segment of roadway.

- Between the segment of Sorrento Road from Del Paso Road to East Levee Road, and the ground level receptors directly east of this segment of roadway.

The applicant in coordination with the City shall offer the owners of all the residences with addresses along this roadway segment the installation of a sound barrier along the property line of their affected residential properties. At a minimum, the sound barriers shall be just tall enough to break the line of sight between vehicles traveling along this segment of roadway and the existing sensitive receptors to the east of the roadway. The sound barriers shall be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, boulders, or combination thereof). The reflectivity of each sound barrier shall be minimized to ensure that traffic noise reflected off the barrier does not contribute to an exceedance of applicable noise standards at other off-site receptors. The level of sound reflection from a barrier can be minimized with a textured or absorptive surface or with vegetation on or next to the barrier. All barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the character of the surrounding area, and not become the dominant visual element of the area. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose “any fact materially affecting the value and desirability of the property” (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant agrees to install a sound barrier, as described above.

- ▲ The majority of residences along the east side of the segment of Sorrento Road from Del Paso Road to East Levee Road have ingress and egress points (driveways) along the roadway of concern, thus, preventing continuous sound barriers from being constructed. Therefore, in addition to the sound barriers described above, the applicant in coordination with the City shall offer the owners of all the residences with driveways along this roadway segment the installation of solid driveway gates to provide additional noise attenuation where sound barriers are not able to be constructed. The driveway gates must be constructed of solid material (e.g., wood, metal, or combination thereof) and designed to ensure maximum noise attenuation. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose “any fact materially affecting the value and desirability of the property” (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant agrees to install a driveway gate, as described above.



Because a sound wall already exists along Del Paso Road on the roadway segments that would experience an exceedance of the City exterior noise compatibility standards, no feasible mitigation measures have been identified.

**Finding:** As described under the findings for Impact 5.2-2, implementation of Mitigation Measure 5.9-2 would reduce noise levels at the sensitive receptors adjacent to, and east of Sorento Road between Del Paso Road and East Levee Road. However, it cannot be ensured that Mitigation Measure 5.9-2 would reduce the incremental noise increase to below the City of Sacramento allowable noise increment standard (5 dBA) in cumulative condition. (Draft EIR pages 5.9-30 through 5.9-32)

**For these reasons, the incremental contribution of the project to this significant cumulative impact would remain cumulatively considerable and significant and unavoidable.**

### **Impact Category: Transportation and Circulation**

#### **Impact 5.11-3: Roadway segment operations**

The addition of project-related traffic would increase delay at along study area roadway segments. The increase in delay the following roadway segments within the study area would level of service standards for the City and Sacramento County (Draft EIR Table 5.11-16). This is considered a **significant** impact.

- ▲ Elkhorn Boulevard – SR 99 to Marysville Boulevard
- ▲ Regency Park Circle – North of Club Center Drive
- ▲ Danbrook Drive – South of Club Center Drive
- ▲ Sorento Road – North of Del Paso Road

### **The following mitigation measures have been adopted to address this impact:**

#### **Mitigation Measure 5.11-3a: Roadway segment improvement**

The project developer shall implement the following improvements:

- ▲ Elkhorn Boulevard – SR 99 to Marysville Boulevard – Widen to four lanes. This improvement will be incorporated in the project's public facilities financing plan for fair-share contribution and in place before deficient operation.

#### **Mitigation Measure 5.11-3b: Development of a neighborhood traffic management plan**

The project developer shall prepare neighborhood traffic management plans for the following roadway segments for review and approval by the City:

- ▲ Regency Park Circle – North of Club Center Drive
- ▲ Danbrook Drive – South of Club Center Drive

#### ▲ Sorento Road – North of Del Paso Road

The neighborhood traffic management plans shall be implemented to address the impacts of increased traffic volumes on this street. The plans shall be developed in accordance with City practices, including the involvement of the neighborhood. The plans will focus on travel speed and safe pedestrian crossings, and may include elements such as chokers, pedestrian islands, curb extensions, and speed humps.

**Finding:** Mitigation Measure 5.11-3a would reduce the impact of project generated traffic along Elkhorn Boulevard in the study area to an acceptable level of service (LOS A and B) and volume-to-capacity ratio increase (see Draft EIR Table 5.11-17). The *North Natomas Nexus Study and Finance Plan 2008 Update* identifies the widening of Elkhorn Boulevard to six lanes within the City, but does not address improvements beyond city limits to Marysville Boulevard. The environmental impacts of widening of Elkhorn Boulevard from a two-lane to a four- to six-lane facility were programmatically evaluated as part of the City of Sacramento 2035 General Plan implementation in the City of Sacramento 2035 General Plan Update Master EIR.

**Implementation of Mitigation Measure 5.11.3a would result in an acceptable LOS and would reduce the impact on Elkhorn Boulevard to a less-than-significant level.**

Mitigation Measure 5.11-3b includes the implementation of neighborhood traffic management plans for the segments along Regency Park Circle, Danbrook Drive, and Sorento Road experiencing deficient operations consistent with General Plan Policy M 4.3.2 on the provision of traffic calming measures. However, the traffic volume reductions associated with these plans are uncertain. Widening of these roadways is considered infeasible as it would require right-of-way acquisition from adjoining residential areas and would conflict with General Plan policies that promote pedestrian and bicycle usage (policies M 1.2.1, M 2.1.3, M 4.2.2, and M 4.3.2). Additionally, no mitigation measure has been identified for the deficient roadway segment along Barros Drive. The intersections along this roadway segment would function at an acceptable level of service without the need for further widening. In accordance with General Plan policies to promote non-automotive modes of travel, no widening of Barros Drive is proposed. No alternative or feasible mitigation measure in accordance with General Plan Policy M 1.2.2 has been identified. (Draft EIR pages 5.11-45 through 5.11-49)

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

#### **Impact 5.11-11: Cumulative roadway segment operations**

The project's incremental increase in traffic to study roadway segments, in combination with traffic from cumulative development, would result in deficient level of service operations for the following intersections (Draft EIR Table 5.11-22). Overall, cumulative impacts to roadway segment operations would be significant and the project's contribution would be **cumulatively considerable**.

- ▲ Elkhorn Boulevard – Sageview Drive to East Levee Road
- ▲ Regency Park Circle – North of Club Center Drive
- ▲ Danbrook Drive – South of Club Center Drive
- ▲ Sorento Road – North of Del Paso Road
- ▲ Barros Drive – Sorento Road to Club Center Drive
- ▲ Mayfield Street – West of Club Center Drive

**The following mitigation measures have been adopted to address this impact:**

**Mitigation Measure 5.11-3b: Development of a neighborhood traffic management plan**

The project developer shall prepare neighborhood traffic management plans for the following roadway segments for review and approval by the City:

- ▲ Regency Park Circle – North of Club Center Drive
- ▲ Danbrook Drive – South of Club Center Drive
- ▲ Sorento Road – North of Del Paso Road

The neighborhood traffic management plans shall be implemented to address the impacts of increased traffic volumes on this street. The plans shall be developed in accordance with City practices, including the involvement of the neighborhood. The plans will focus on travel speed and safe pedestrian crossings, and may include elements such as chokers, pedestrian islands, curb extensions, and speed humps.

**Mitigation Measure 5.11-11: Cumulative roadway segment improvements to Elkhorn Boulevard**

The project developer shall implement the following measures within the within the study area:

- ▲ Elkhorn Boulevard – Sageview Drive to East Levee Road – Widen to six lanes. This improvement will be incorporated in the project’s public facilities financing plan for fair-share contribution and in place before deficient operation.

**Finding:** Mitigation Measure 5.11-11 would reduce the impact of project generated traffic along Elkhorn Boulevard in the study area to an acceptable LOS (LOS B) and would decrease the volume-to-capacity ratio (Draft EIR Table 5.11-26). The environmental impacts of widening of Elkhorn Boulevard from a two-lane to a four- to six-lane facility was programmatically evaluated as part of the City of Sacramento 2035 General Plan implementation in the City of Sacramento 2035 General Plan Update Master EIR.

**Implementation of Mitigation Measure 5.11-11 would offset the project’s contribution to this cumulative impact by improving Elkhorn Boulevard’s LOS operation and result in a less than cumulatively considerable impact.**

As identified in under the findings for Impact 5.11-3, implementation of Mitigation Measure 5.11-3b would propose the implementation of neighborhood traffic management plans for the segments along Regency Park Circle, Danbrook Drive, and Sorento Road experiencing deficient operations consistent with General Plan Policy M 4.3.2 on the provision of traffic calming measures. However, the traffic volume reductions associated with these plans are uncertain. Widening of these roadways are considered infeasible as it would require right-of-way acquisition from adjoining residential areas and would conflict with General Plan policies that promote pedestrian and bicycle usage (policies M 1.2.1, M 2.1.3, M 4.2.2, and M 4.3.2). No mitigation measure has been identified for the deficient roadway segment along Barros Drive and Mayfield Street. The intersections along these roadway segments would function at an acceptable level of service without the need for further widening. In accordance with General Plan policies to promote non-automotive modes of travel, no widening of Barros Drive and Mayfield Street is proposed. No alternative or feasible mitigation measure in accordance with General Plan Policy M 1.2.2 has been identified. Thus, there is no feasible mitigation available to offset the level of service impacts to Regency Park Circle, Danbrook Drive, Sorento Road, Barros Drive, and Mayfield Street. (Draft EIR pages 5.11-70 and 5.11-71)

**For these reasons, the project's contribution to cumulative impacts related to deficient operation of these roadways is considered cumulatively considerable and significant and unavoidable.**

#### **Impact Category: Urban Design and Visual Resources**

##### **Impact 5.12-1: Degradation of visual character**

The visual character surrounding the project area consists of suburban uses that transition to rural residential and agricultural conditions. The project would convert the visual open space character of project area to suburban uses and would further expand suburban development conditions east of existing North Natomas Community that would substantially alter public views. Because of the size of project area and its location along the northern boundary of the City, the change in visual character would be considered a **significant** impact.

**Finding:** Because of the scale and location of the project, there is no feasible mitigation available to address aesthetic resource impacts associated with the conversion of open space and agricultural land to suburban development. Although design, architectural, development, and landscaping standards are included to ensure that suburban development on the project site remains within certain aesthetic guidelines and consistent with applicable General Plan policies, there is no mechanism to allow implementation of the project while avoiding the conversion of the local viewshed from open space and agricultural uses to suburban development. (see Draft EIR pages 4.12-12 and 4.12-13)

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

**Impact 5.12-3: Cumulative visual resource impacts**

The project would convert the visual open space character of project area to suburban uses and would further extend suburban development conditions east of existing North Natomas Community. This would contribute to the cumulative conversion of open space and agricultural areas in the Sacramento metropolitan area. Overall, cumulative impacts to visual character would be significant and the project's contribution would be **cumulatively considerable**.

**Finding:** Because of the scale and location of the project, there is no feasible mitigation available to offset the aesthetic resource impacts associated with the conversion of open space and agricultural lands to suburban development. (see Draft EIR pages 4.12-14 and 4.12-15)

**For these reasons, the project's contribution to cumulative impacts related to the regional loss of the open space and agricultural lands is considered cumulatively considerable and significant and unavoidable.**

**D. Project Alternatives.**

The City Council has considered the Project alternatives presented and analyzed in the Final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Based on the impacts identified in the Final EIR and other reasons summarized below, and as supported by substantial evidence in the record, the City Council finds that approval and implementation of the Project as proposed is the most desirable, feasible, and appropriate action and hereby rejects the other alternatives and other combinations and/or variations of alternatives as infeasible based on consideration of the relevant factors set forth in State CEQA Guidelines Section 15126.6, subdivision (f). (See also State CEQA Guidelines, Section 15091, subd. [a][3].) Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

**Alternatives Considered and Dismissed from Further Consideration**

Off-site alternatives are generally evaluated in an environmental document to avoid, lessen, or eliminate the significant impacts of a project by considering the proposed development in an entirely different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. The main objectives of the Panhandle project are to incorporate into the City, an area that is currently located in the City's SOI, and to develop the project area according to the visions of the City General Plan and the North Natomas Community Plan (NNCP). Both these documents have identified the project area

as developing with a mix of suburban uses. The Panhandle Planned Unit Development (PUD) component of the project proposes a mix of single-family residential units, along with public/quasi-public uses. Locating the Panhandle PUD elsewhere within the City may not allow for the same mix of residential densities and public uses.

An off-site alternative was not considered in Final EIR for the following reasons:

- ▲ The development of the project area is consistent with the goals of the General Plan and North Natomas Community Plan for this area of the North Natomas community.
- ▲ There are no un-entitled land areas within the North Natomas Community Plan area of sufficient size to accommodate the project.
- ▲ Areas outside the City of Sacramento are outside the jurisdiction of the City to approve entitlements and, therefore, are not considered feasible alternatives.
- ▲ An off-site alternative would not meet the basic objectives of the Project. (Draft EIR pages 7-6 and 7-7)

### **Summary of Alternatives Considered**

The State CEQA Guidelines require analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project (State CEQA Guidelines Section 15126.6[a]). The range of potentially feasible alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The potential feasibility of an alternative may be determined based on a variety of factors, including economic viability, availability of infrastructure, and other plans or regulatory limitations. The alternatives to the Project evaluated in the Final EIR are:

- ▲ **Alternative 1: No Project-No Development Alternative**, which the project area is not annexed to the City and no changes to Sacramento County General Plan land use designations or zoning would occur.
- ▲ **Alternative 2: Reduced Development Footprint Alternative**, which would modify the project design concentrating the proposed residential development potential south of the East Natomas Education Complex. The Krumenacher Ranch site and certain land areas east of the on-site powerlines would be designated as open space and parks.
- ▲ **Alternative 3: Reduced Intensity Alternative**, which would designate the Krumenacher Ranch site as open space and parks and would reduce the residential development potential and would not connect to Sorento Road.



## Alternative 4: Complete Annexation of Sphere of Influence Alternative

The City Council rejects the alternatives set forth in the Final EIR and summarized below because the City Council finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described below that make infeasible such alternatives. In making these determinations, the City Council is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The City Council is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

## Alternative 1: No Project – No Development Alternative

### **Description**

Under the No Project-No Development Alternative, the proposed annexation would not take place, the Panhandle PUD project would not be built, and the project area would remain under Sacramento County’s jurisdiction. The County’s General Plan land use designation would remain as Agricultural Cropland.

Under County zoning regulations, only one residential unit could be constructed per vacant parcel in the project area (project would retain its zoning of Agriculture 80 acres), thereby resulting in the potential for a total of eight residential units in the project area (one existing [Krumenacher Ranch site] plus seven new residential units for each of the existing parcels). It is assumed that the East Natomas Education Complex site would be completed as approved under this alternative.

### **Relationship to Project Objectives**

The No Project-No Development Alternative would not meet any of the project objectives.

### **Facts in Support of Finding of Infeasibility**

The No Project-No Development Alternative would not implement the City of Sacramento 2035 General Plan land use policies. The No Project Alternative would not establish an appropriate land use mix to implement the project area’s PD land use designation is consistent with goals LU 1.1, 2.1, 2.3, 2.4, 2.5, and 2.7 and associated policies that support growth through orderly and well-planned development (e.g., establishment of neighborhoods organized per a gridded street system, pedestrian-friendly streets, and landscaped areas to promote walkability). (Draft EIR pages 4-16 and 4-17)

The No Project-No Development Alternative also would not implement the North Natomas Community land use polices. This alternative would not establish a schematic plan or

guidelines for the development of the area (Policy NNLU 1.1), or establish housing diversity, including housing options to attract move-up home buyers who wish to move to, or remain in, the Natomas area (policies NNLU 1.9 and NNLU 1.13). (Draft EIR page 4-17)

Alternative 1 therefore is infeasible and is rejected as such.

**Alternative 2: Reduced Development Footprint Alternative**

**Description**

Under Alternative 2, the Reduced Development Footprint Alternative, the same general extent of residential, parks, and school development would occur on the site. However, the land plan would be modified to designate the Krumenacher Ranch site and Panhandle PUD Village 13 as “Parks/Open Space” and would be zoned “Agriculture-Open Space” to ensure the long-term preservation of the current agricultural and open space condition of this area. The residential development potential these areas (i.e., Krumenacher Ranch and Village 13) would be transferred to the southern portion of the project area (Panhandle PUD Villages 1 and 2) and these village areas would be designated as “Suburban Neighborhood High Density.” This would result in 1,138 multifamily dwelling units. All other aspects of the project’s land plan and roadway system design would remain the same (Draft EIR Exhibit 7-2). Table 2 provides a summary of land uses under this alternative.

**Table 2      Alternative 2: Reduced Development Footprint Alternative Land Use Summary**

Land Use	Net Acreage	Dwelling Unit Potential
Suburban Neighborhood Low Density - Village	59.3	500
Suburban Neighborhood Low Density – Estate	94.4	488
Suburban Neighborhood Low Density - Traditional	72.9	534
Suburban Neighborhood High Density	40.6	1,138
<b>Residential Total</b>	<b>267.2</b>	<b>2,660</b>
Suburban Center	9.7	
Parks/Open Space	153.7	
Ninos Parkway	20.1	
High School/Middle School (East Natomas Education Complex)	60.4	
Elementary School	10.0	
Detention Basin	13.4	
Major Collector and Residential Streets	54.9	
<b>Total</b>	<b>589.4</b>	<b>2,660</b>

## **Relationship to Project Objectives**

The Reduced Development Footprint Alternative would meet some project objectives, but would not meet the following key project objective as it would establish high density residential land uses adjacent to the existing single family residential communities in North Natomas Community Plan area:

Create a community that makes efficient use of land while offering residential housing densities that transition from urban densities of the existing North Natomas Community to the west to the existing large-lot and rural densities to the east.

## **Facts in Support of Finding of Infeasibility**

This alternative would reduce identified significant biological resource and visual impacts by permanently preserving the vernal pool and swale habitat conditions in the northwestern corner of the project area and the Krumenacher Ranch site buildings. This site design would provide additional visual buffering from views along Elkhorn Boulevard. However, this alternative would be inconsistent with the project objective of offering residential housing densities that transition from urban densities of the existing North Natomas Community.

Alternative 2 therefore is infeasible and is rejected as such.

## **Alternative 3: Reduced Intensity Alternative**

### **Description**

Under Alternative 3, the Reduced Intensity Alternative, the residential development potential would be reduced by 1,606 dwelling units. The land plan would be modified to designate the Krumenacher Ranch site and Panhandle PUD Villages 6, 7, 13, and 14 as “Parks/Open Space” and would be zoned “Agriculture-Open Space” to ensure the long-term preservation of the current agricultural and open space condition of this area. The project roadway network would be modified to eliminate connection to Sorento Road. All other aspects of the project’s land plan and roadway system design would remain the same (Draft EIR Exhibit 7-3). Table 3 provides a summary of land uses under this alternative.

**Table 3 Alternative 3: Reduced Intensity Alternative Land Use Summary**

Land Use	Net Acreage	Dwelling Unit Potential
Suburban Neighborhood Low Density - Village	59.3	500
Suburban Neighborhood Low Density – Estate	20.2	100
Suburban Neighborhood Low Density - Traditional	113.5	454
<b>Residential Total</b>	<b>193.0</b>	<b>1,054</b>
Suburban Center	9.7	
Parks/Open Space	227.9	
Ninos Parkway	20.1	
High School/Middle School (East Natomas Education Complex)	60.4	
Elementary School	10.0	
Detention Basin	13.4	
Major Collector and Residential Streets	54.9	
<b>Total</b>	<b>589.4</b>	<b>1,054</b>

This alternative would avoid or reduce identified significant biological resource and visual impacts by preserving the vernal pool and swale habitat conditions in the northwestern corner of the project area and providing visual buffering from views along Elkhorn Boulevard. The elimination of roadway connection to Sorento Road is intended to eliminate significant project traffic noise impacts to existing residences that front onto Sorento Road. The reduction in residential units may reduce some traffic impacts identified in the Final EIR.

### Relationship to Project Objectives

The Reduced Intensity Alternative would meet some of the project objectives but would substantially impede implementation of the City’s mixed income housing policies and would restrict growth that could be displaced to areas outside the North Natomas Community Plan.

### Facts in Support of Finding of Infeasibility

This alternative would avoid or reduce identified significant biological resource and visual impacts by preserving the vernal pool and swale habitat conditions in the northwestern corner of the project area and providing visual buffering from views along Elkhorn Boulevard. The elimination of roadway connection to Sorento Road is intended to eliminate significant project traffic noise impacts to existing residences that front onto Sorento Road. The reduction in residential units would reduce some traffic impacts.

However, this alternative would reduce the site’s housing potential by 1,606 dwelling units, which would substantially increase the backbone infrastructure and public facility costs per unit

from \$32,986<sup>1</sup> to \$52,013. This cost increase would impact the ability for the project to provide a variety of housing types and implement the project's mixed income housing strategy as identified under General Plan policies H-1.2.2, H-1.3.4, H-1.3.5, and H-2.2.7. The Reduced Intensity Alternative would restrict the growth potential of the Panhandle PUD area that could displace growth to areas outside of North Natomas Community Plan area. Displaced growth could result in increased vehicle miles traveled (VMT), air quality, and greenhouse gas emissions, among other environmental impacts.

Alternative 3 therefore is infeasible and is rejected as such.

#### **Alternative 4: Complete Annexation of Sphere of Influence Alternative**

##### **Description**

Complete Annexation of Sphere of Influence Alternative would expand the proposed annexation to include the southern area of the SOI (835.3 acres, the "Pan") for total annexation area of 1,424.7 acres. No development is proposed in the southern portion of the SOI as part of this alternative, and required City rezoning of the southern portion would retain existing Sacramento County allowed land uses (e.g., light industrial and commercial related uses). The annexation would involve the reorganization of public service and utility provisions and the detachment of the area from existing service districts for the SOI:

- ▲ detachment from Rio Linda Elverta Recreation and Parks District (RLERPD) (parks and recreation services);
- ▲ detachment from Natomas Fire Protection District (fire protection and emergency services);
- ▲ detachment from Sacramento County Water Maintenance District Zone 41 (retail water services);
- ▲ detachment from Sacramento County Water Utility and Sacramento County Water Agency Zone 12 (drainage services in southern portion of SOI only);
- ▲ detachment from Sacramento County Water Agency Zone 13 (water supply and drainage services);
- ▲ detachment from Sacramento County Service Area No. 1 (street lighting maintenance); and
- ▲ detachment from County Service Area No. 10 (enhanced transportation services).

All other aspects of the project would remain the same as proposed.

##### **Relationship to Project Objectives**

<sup>1</sup> The 2017 Panhandle Finance Plan identifies the Panhandle PUD backbone infrastructure and public facilities costs would be \$54,822,180.

The Complete Annexation of Sphere of Influence Alternative would meet the project objectives.

### **Facts in Support of Finding of Infeasibility**

The Complete Annexation of Sphere of Influence Alternative would have the same project environmental impacts associated with the annexation, construction, and development of the Panhandle PUD and its project area. Thus, this alternative provides no environmental benefits over the Project. Further, as identified in the April 6, 2010 City of Sacramento Staff Report for the Panhandle Tax-Exchange Agreement, annexation of the “Pan” to the City is not feasible for the following reasons:

- ▲ The Rio Linda Elverta Recreation and Park District (District) obtains over 25 percent of its total tax revenues from the “Pan,” yet has no service costs in the area as no park facilities or residents are in the “Pan.” Annexation of this area could cause a significant revenue reduction with no attendant cost savings.
- ▲ Sacramento County would lose approximately \$3 million per year in sales tax from annexation of the “Pan.”
- ▲ The City identified deferred maintenance for the “Pan” related to roadways, storm drainage facilities, water distribution system that would cost approximately \$10.6 million. These improvement costs could be applied to property owners in the “Pan.”
- ▲ A majority of property owners in the “Pan” have expressed their opposition to any future annexation.

The City of Sacramento has confirmed these feasibility determinations related to the potential annexation of the “Pan” in its September 9, 2016 correspondence to Sacramento LAFCo. Alternative 4 therefore is infeasible and is rejected as such.

### **E. Statement of Overriding Considerations:**

The Final EIR finds that even with implementation of all feasible mitigation measures and consideration of project alternatives, the project will have the following significant and unavoidable impacts:

- ▲ **Impact 5.2-2:** Long-term operational emissions of air pollutants
- ▲ **Impact 5.2-7:** Long-term operational emissions of criteria air pollutants and precursors
- ▲ **Impact 5.9-1:** Short-term construction noise impacts
- ▲ **Impact 5.9-2:** Exposure of existing sensitive receptors to excessive traffic noise level and/or substantial in traffic noise
- ▲ **Impact 5.9-5:** Cumulative construction noise impacts
- ▲ **Impact 5.9-6:** Cumulative traffic noise
- ▲ **Impact 5.11-3:** Roadway segment operations
- ▲ **Impact 5.11-11:** Cumulative roadway segment operations



- ▲ **Impact 5.12-1:** Degradation of visual character
- ▲ **Impact 5.12-3:** Cumulative visual resource impacts

The City has adopted all feasible mitigation measures with respect to these impacts, which further lessen the impacts but would not reduce them below a level of significance.

The primary purpose of CEQA is to fully inform the decision-makers and the public as to the environmental effects of a proposed project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. Before such a project can be approved, the public agency must consider and adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Sections 15043 and 15093. The agency’s statement of overriding considerations must explain and justify the agency’s conclusion to approve such a project, setting forth the proposed project’s general social, economic, policy, or other public benefits which support the agency’s informed conclusion to approve the project.

Any one of the reasons for approval cited below is sufficient to justify the approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, and the documents found in the Record of Proceedings. The City Council finds that the Project meets all the stated project objectives, justifying its approval and implementation, notwithstanding the fact that not all environmental impacts were fully reduced below a level of significance:

- ▲ The Project would implement the Planned Development designation under the North Natomas Community Plan through the establishment of the Planned Unit Development that provides housing for the wide range of residents including upscale housing through lower densities and additional amenities would complete the vision of the North Natomas Community Plan area. This would be consistent with North Natomas Community Plan policies NN.LU 1.1, NN.LU 1.7, and NN.LU 1.13.
- ▲ Consistent with General Plan goals 2.1, 2.3, 2.4, 2.5, 2.7, and their implementing policies, the Project would establish a variety of residential densities and includes neighborhoods (14 villages) organized per a gridded street system, pedestrian-friendly streets, and landscaped areas to promote walkability. The Project establishes “Traditional” lot densities primarily along the western project boundary consistent with residential uses and densities in the adjacent North Natomas neighborhoods. Lower density “Estate” lots are proposed primarily in the eastern portion of the Project that transition project residential densities to complement the rural residential character of the Valley View Acres community to the east of the Project. This neighborhood design would also meet policy provisions under goals 4.1

and 4.5 by providing a mix of residential types, while transitioning densities to match existing development to the west and east of the project area.

- ▲ The Project provides new pedestrian and bike facilities that will interconnect with existing North Natomas Community neighborhoods to the west and the Valley View Acres community to the east consistent with City of Sacramento Bicycle Master Plan and Pedestrian Master Plan.

## **Panhandle Annexation and Planned Unit Development (P16-013) Mitigation Monitoring Plan**

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures applicable to this project and included in the Mitigated Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Monitoring Plan is being prepared for the Community Development Department, Environmental Planning Services, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811, pursuant to the California Environmental Quality Guidelines, California Public Resources Code 21081.

### **Project Name (number): Panhandle Annexation and Planned Unit Development (P16-013)**

**Project Location:** Approximately 590 acres in the City's Sphere of Influence between West Elkhorn Boulevard on the north and Del Paso Road to the south.

**Project Description:** The project consists of the annexation of 589.4 acres into the City, amendment to the 2035 General Plan, pre-zoning/rezoning of the project area, establishment of the Panhandle PUD master parcel map, tax exchange agreement, development agreement, Mixed Income Housing Strategy, site plan and design review of the master parcel map. The approval of the project would result in the development of the private, mixed-use development consisting of residential, elementary school, roadways, and park uses north of Del Paso Road. The remaining 119 acres between the proposed PUD project area and extending north to West Elkhorn Boulevard (referred to herein as "Krumenacher Ranch") would be designated as Planned Development (PD) and zoned Agriculture (A). No land use entitlements are proposed for this area.

**MITIGATION MONITORING PLAN CHECKLIST FOR THE  
PANHANDLE ANNEXATION AND PLANNED UNIT DEVELOPMENT PROJECT (Project P16-013)**

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<b>AIR QUALITY</b>				
<p><b>Mitigation Measure 5.2-1: Construction exhaust and fugitive dust emissions controls</b> All individual public and private subsequent projects within the project area shall implement SMAQMD's Basic Construction Emission Control Practices and SMAQMD's Enhanced Exhaust Control Practices during any construction or ground disturbance activities to reduce construction-related fugitive dust emissions, diesel PM, and NOX emissions. These measures are included below.</p> <p><u>Basic Construction Fugitive Dust Emissions Control Practices</u></p> <ul style="list-style-type: none"> <li>▲ Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.</li> <li>▲ 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 should be covered.</li> <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 (mph).</li> <li>▲ All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should 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 [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. 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 must be checked by a certified mechanic and determined to be running in proper condition before it is operated.</li> </ul> <p><u>Enhanced Exhaust Control Practices</u></p> <ul style="list-style-type: none"> <li>▲ The project developer shall submit to the City and SMAQMD 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 construction project prior to any grading activities. The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. The project</li> </ul>	<p>Prior to and during construction. Payment of the fee would occur with start of each phase on construction. Monthly construction monitoring reports to Sacramento Metropolitan Air Quality Management District (SMAQMD) are required.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department/ Sacramento Metropolitan Air Quality Management District and Contractor</p>		

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<p>developer shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The 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 project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.</p> <ul style="list-style-type: none"> <li>▲ Prior to any grading activities, the project developer shall provide a plan for approval by the City and SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20-90 percent NO<sub>x</sub> reduction (depending on available technology and engine Tier) and 45 percent particulate reduction compared to the most recent ARB fleet average. This plan shall be submitted in conjunction with the equipment inventory. 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> <li>▲ The project developer shall ensure that emissions from all off-road diesel powered equipment used on the project area do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency and SMAQMD monthly. A visual survey of all in-operation equipment shall be made at least weekly. A monthly summary of the visual survey 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.</li> <li>▲ If modeled construction-generated emissions of NO<sub>x</sub> are not reduced to a level below SMAQMD's thresholds of significance by the application of Enhanced Exhaust Control Practices, then the project developer must pay a mitigation fee into SMAQMD's off-site mitigation program. By paying the appropriate off-site mitigation fee, construction-generated emissions of NO<sub>x</sub> are reduced to a less-than-significant level. The fee calculation to offset daily NO<sub>x</sub> emissions is based on the SMAQMD-determined cost to reduce one ton of NO<sub>x</sub> (currently \$30,000 per ton but subject to change in future years).</li> </ul> <p>The fee calculation shall be based on the sum of emissions associated with all individual construction activities or phases occurring within the project area boundary at any one time during the buildout period. Payment schedules shall be negotiated between SMAQMD and the developer and based on finalized construction parameters prior to the issuance of any grading permit or groundbreaking activities. If, for instance, the construction contractor of one builder is</p>				

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<p>constructing one village while the construction contractor of another builder is constructing another village the developer is responsible for determining the proportion of necessary combined offset fees that each builder must contribute. Once initial construction activities are finalized by the developer, quantification of construction-related emissions shall be verified. As each individual construction phase is finalized throughout the duration of the project buildout, the mitigation fee shall be calculated based on current information, available construction equipment, and proposed construction activities. As construction activities occur over the buildout period, the developer shall work with SMAQMD to continually update mitigation fees based on actual on-the-ground emissions. The final mitigation fees shall be based on contractor equipment inventories provided by the developer to SMAQMD and shall reconcile any fee discrepancies due to schedule adjustments, and increased or decreased equipment inventories. Equipment inventories and NO<sub>x</sub> emission estimates for subsequent construction phases shall be coordinated with SMAQMD, and the off-site mitigation fee measure shall be assessed to any construction phase that would result in an exceedance of SMAQMD's mass emission threshold for NO<sub>x</sub>.</p>				
<p><b>Mitigation Measure 5.2-2: Implement provisions of the Air Quality Mitigation Plan to reduce operational emissions</b>  Implementation of the following measure requires compliance with the project's AQMP, which would reduce the project's operational ozone precursors by 35 percent in comparison to the unmitigated project.  The final Panhandle PUD master parcel map shall include the following reduction measures, which are detailed within the AQMP (Appendix A of the Final EIR), as conditions of approval:</p> <ul style="list-style-type: none"> <li>▲ Incorporate traffic calming measures <ul style="list-style-type: none"> <li>▲ Design project roads to reduce motor vehicle speed through the use of on street parking, planter strips, rumble strips, and other available methods.</li> <li>▲ Reduce speeds at project intersections by including marked intersections, count-down signal timers, median islands, curb extensions, traffic circles, and other available methods</li> </ul> </li> <li>▲ Incorporate pedestrian network through <ul style="list-style-type: none"> <li>▲ Removal of pedestrian barriers</li> <li>▲ Inclusion of sidewalks, a minimum of 5 feet wide, on all internal streets (with the exception of alleys if applicable)</li> <li>▲ Inclusion of designated pedestrian routes to existing external pedestrian facilities and streets</li> </ul> </li> <li>▲ Incorporate walkable design elements by:</li> </ul>	<p>The Air Quality Mitigation Plan and payment of the fee identified in the Plan will be implemented with each project phase and compliance verification will be tied to small lot subdivision map submittals and improvement plans.</p>	<p>City of Sacramento Community Development Department/ Sacramento Metropolitan Air Quality Management District and Project applicant</p>		



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<ul style="list-style-type: none"> <li>▲ providing connections to all roadways, bicycle paths, and pedestrian facilities touching the project boundaries</li> <li>▲ providing at least 36 intersections per square mile <ul style="list-style-type: none"> <li>▲ Participate in permanent trip reduction program through membership in a transportation management association</li> <li>▲ Participate in SMAQMD's operational offset program for the purpose of reducing ROG, NOx, and PM emissions that would involve the funding of the replacement of existing wood-burning devices in the region.</li> </ul> </li> </ul> <p>In addition to the conditions of approval required by this mitigation measure, the following text shall also be included in the Panhandle PUD:</p> <p>"All amendments to the Panhandle PUD Guidelines with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed Panhandle PUD Guidelines on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire project area and shall achieve the original 35 percent reduction in total overall project emissions. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the Panhandle PUD shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the City, in consultation with SMAQMD."</p>				
<b>BIOLOGICAL RESOURCES</b>				
<p><b>Mitigation Measure 5.3-2</b></p> <p>1. Conduct Pre-Construction Surveys (Measure V.A.1 from NBHCP)</p> <p>Not less than 30 days or more than 6 months prior to commencement of construction activities on specific Authorized Development sites in the NBHCP area, a pre-construction survey of the site shall be conducted to determine the status and presence of, and likely impacts to, all Covered Species on the site. However, pre-construction surveys for an individual species may be completed up to one year in advance if the sole period for reliable detection of that species is between May 1 and December 31. The applicant seeking to develop land will be responsible for contracting with qualified biological consultants to carry out the pre-construction surveys, and as necessary, to implement specific take minimization, and other Conservation Measures set forth in the NBHCP and approved by the Wildlife Agencies.</p> <p>The results of the pre-construction surveys along with recommended take minimization measures shall be documented in a report and shall be submitted to the Land Use Agency, USFWS, CDFW, and TNBC. Based upon the survey results, the Land Use Permittees will identify applicable take avoidance and other site specific Conservation</p>	<p>Prior to (preconstruction surveys) and during construction for pre-construction and avoidance measures.</p> <p>Payment of the North Natomas Basin Habitat Conservation Plan (NBHCP) fees and required land dedication will be implemented with each project phase</p>	<p>City of Sacramento Community Development Department/Natomas Basin Conservancy and Contractor/Project applicant</p>		

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<p>Measures, consistent with the NBHCP, required to be carried out on the site. The approved pre-construction survey documents and list of Conservation Measures will be submitted by the developer of the Authorized Development project to the applicable Land Use Agency to demonstrate compliance with the NBHCP. Reconnaissance level surveys should be conducted prior to species specific surveys to determine what habitats are present on a specific development site and what, if any, more intensive survey activities should be conducted to accurately determine the status of the Covered Species on the site. It shall be the obligation of the developer/landowner to complete such surveys and the Land Use Agency Permittees' responsibility to ensure the surveys are properly completed prior to disturbance of habitat. Surveys shall be conducted by qualified personnel (e.g., persons with suitable biological, botanical, or related expertise). Note: negative species-specific survey results generally do not obviate the requirement to implement minimization measures prescribed in the revised NBHCP where a pre-construction survey indicates that habitat for a particular listed species exists onsite.</p> <p>2. General Measures to Minimize Take of Vernal Pool Species (Measure V.A.4 from NBHCP)</p> <p>A. General Biological Survey and Information Required</p> <p>In the event a biological reconnaissance survey or the pre-construction survey identifies that vernal pool resources are on-site, a vernal pool species specific biological assessment must be provided by the developer to the Land Use Agency during the appropriate season (as established by USFWS) to determine the type and abundance of species present. The species specific biological assessment must address covered vernal pool plants (i.e., Sacramento Orcutt grass, slender Orcutt grass, Colusa grass, legenere, and Bogg's lake hedge-hyssop), crustaceans (i.e., vernal pool tadpole shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp), and amphibians (i.e., California tiger salamander and western spadefoot toad). The vernal pool plant survey must be a USFWS-approved plant survey prepared by a USFWS-approved qualified field biologist and shall list the methods of field analysis, condition of habitat, size and acreage of direct and indirect impact (as defined by seasonal inundation and hydric soils and other appropriate characteristics), and species present. The vernal pool crustacean species survey shall be in accordance with the USFWS Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods (April 19, 1996) or the most recent approved USFWS survey guidelines for vernal pool species. This assessment must be submitted with the urban development permit application and prior to approval of an Urban Development Permit by the Land Use Agency.</p>	<p>and compliance verification will be tied to small lot subdivision map submittals.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>			

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<p>If it is determined that wetland and/or vernal pool resources would be disturbed by a project, then take of vernal pool associated Covered Species would be covered under the NBHCP, subject to the following limitation and guidelines:</p> <ol style="list-style-type: none"> <li>(1) Where site investigations indicate vernal pool species may occur, the developer shall notify the Land Use Agency regarding the potential for impacts to vernal pool species. Such notification shall include biological data (see Section A above regarding biological information required) adequate to allow the Land Use Agency, and the USFWS and CDFW to determine the potential for impacts to vernal pool species resulting from the proposed development.</li> <li>(2) Following notification by the Land Use Agency, USFWS and CDFW shall identify specific measures required to avoid, minimize and mitigate impacts to vernal pool species to be implemented prior to disturbance and in accordance with adopted standards or established guidelines (e.g., the USFWS programmatic biological opinion for vernal pool species attached as Appendix G to the NBHCP as it may be amended from time to time). In some cases, USFWS and CDFW may require complete avoidance of vernal pool species, such as where Covered Species such as slender orcutt grass, Sacramento orcutt grass, Colusa grass and/or vernal pool tadpole shrimp are found to be present. Such measures shall be identified by USFWS and CDFW within 30 days or as soon as possible thereafter of notification and submittal of biological data to the agencies by the Land Use Agency.</li> <li>(3) The requirement by USFWS to preserve a vernal pool within development would be based on identification of an intact vernal pool with minimal disturbance where the presence of one or more of the following species is recorded: slender orcutt grass, Sacramento orcutt grass, Colusa grass, or vernal pool tadpole shrimp. Prior to requiring on-site preservation of a vernal pool area, USFWS shall consider the suitability of the vernal pool as TNBC Mitigation Lands. No such preservation requirement shall be made unless the vernal pool is a suitable site for The Natomas Basin Conservancy (TNBC) Mitigation Lands. Such vernal pool areas, including any required buffer land dedication, shall apply toward the Land Acquisition Fee component of the development project's NBHCP mitigation obligation.</li> </ol> <p>B. Mitigation Strategies</p> <p>Vernal pool resources (i.e., vernal pool fairy shrimp, vernal pool tadpole shrimp, midvalley fairy shrimp, Sacramento Orcutt grass, slender Orcutt grass, Colusa grass, legenere, and Bogg's Lake hedge-hyssop) identified through site specific investigations shall be mitigated in one of three general approaches as described</p>				

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<p>below. Strategies to minimize and mitigate the take of the California tiger salamander and western spadefoot toad shall be conducted according to Sections V.A.5 and V.B.4 of the NBHCP.</p> <p><i>Avoidance and Preservation On-Site as a Means to Minimize Impacts</i></p> <p>In the event USFWS requires on-site preservation in accordance with Section A.3 above, on-site mitigation shall be required. In the event USFWS does not require on-site mitigation, a developer or private land owner may still propose to dedicate fee title or conservation easement for that portion of the property with vernal pool resources and an associated 250-foot buffer surrounding the vernal pool resource to the TNBC. Acceptance of the offer to dedicate shall be subject to review and approval by the Land Use Agency, TNBC Board and the Wildlife Agencies. The TNBC Board and the Wildlife Agencies shall consider the location, connections, species present, condition of the proposed site to be dedicated, and may decide to accept the dedication in lieu of payment of the Land Acquisition Fee portion of the NBHCP Mitigation Fee for the affected acreage. TNBC Board may accept or decline the offer based on the balance of habitat needs and the biological goals of the HCP. If the dedication is accepted, a reduction in the Land Acquisition Fee portion of the habitat Mitigation Fee shall be granted the developer for the portion (calculated on an acreage basis) of the site permanently preserved by easement or dedication. However, habitat Mitigation Fees, in full, must be paid on the remaining developable acreage on the site, and all fees other than Land Acquisition Fees shall be paid for all acres on the site. Additional conditions to preserve the biological integrity of the site (such as reasonable drainage conditions) may be imposed by the Land Use Agency in consultation with TNBC and the Technical Advisory Committee (TAC).</p> <p>In the event the developer does not support on-site preservation or TNBC does not accept the offer to dedicate, then one of the following mitigation approaches shall be employed.</p> <p><i>Construction Period Avoidance and Relocation of Vernal Pool Resources</i></p> <p>Relocation of vernal pool resources and commencement of Authorized Development shall be subject to the following mitigation measures will be required:</p> <ul style="list-style-type: none"> <li>▲ No grading, development or modification of the vernal pool site or the buffer area extending 250 feet around the perimeter of the vernal pool site may occur during the vernal pool “wet” season as identified by USFWS. Protective fencing shall be established around the perimeter of the vernal pool site and the buffer area during the vernal pool wet season.</li> <li>▲ In consultation with TNBC and the TAC, soils and cysts from the vernal pool may</li> </ul>				

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<p>be relocated as soon as practicable during the dry season to a suitable TNBC or other reserve site provided the relocation/recreation site is approved by TNBC, and the USFWS.</p> <p>If it is not practicable to relocate vernal pool resources, and/or TNBC or USFWS determine that TNBC does not have a suitable reserve site for relocation of resources, then the applicant shall follow the mitigation approach outlined below.</p> <p><i>Payment into USFWS-Approved Conservation Bank</i></p> <p>In the event all of the above approaches are not appropriate for the site, the Land Use Agency shall require the developer to purchase credits from a USFWS-approved mitigation bank in accordance with the standards set forth in the following Table 5.3-4. USFWS shall determine the type and amount of credits to be purchased based on the impacts associated with the development. Mitigation ratios for credits dedicated in USFWS-approved mitigation banks or for acres of habitat outside of mitigation banks shall be as follows:</p> <table border="1"> <thead> <tr> <th colspan="3">Table 5.3-4 Mitigation Ratios for Loss of Vernal Pool Habitat</th> </tr> <tr> <th>Mitigation Type</th> <th>Bank</th> <th>Non-Bank</th> </tr> </thead> <tbody> <tr> <td>Preservation</td> <td>2:1</td> <td>3:1</td> </tr> <tr> <td>Creation</td> <td>1:1</td> <td>2:1</td> </tr> </tbody> </table> <p>Preservation Component: For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank, or based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by USFWS.</p> <p>Creation Component: For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank, or based on USFWS evaluation of site-specific conservation values, two acres of vernal pool habitat created and monitored on the project site or on another non-bank site as approved by USFWS.</p> <p>3. Measures to Reduce Take of Individual Species</p> <p>A. Reduce Take of Vernal Pool Species</p> <p><i>Measures to Reduce Take on Boggs Lake Hedge-Hyssop, Sacramento Orcutt Grass, Slender Orcutt Grass, Colusa Grass, and Legenere (Measure V.A.5.p from NBHCP)</i></p> <p>(1) Prior to approval of an Urban Development Permit, the involved Land Use</p>	Table 5.3-4 Mitigation Ratios for Loss of Vernal Pool Habitat			Mitigation Type	Bank	Non-Bank	Preservation	2:1	3:1	Creation	1:1	2:1				
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<p>Agency shall require a pre-construction survey. If such survey determines Boggs Lake hedge-hyssop, Sacramento orcutt grass, Slender orcutt grass, Colusa grass, or legenere are present, the Land Use Agency shall require the developer to consult with USFWS to determine appropriate measures to avoid and minimize loss of individuals. If Authorized Development is proposed for areas containing vernal pools, the applicant will be required to complete additional review, permitting and mitigation as described under Section V.A.4 of NBHCP.</p> <p><i>Measures to Reduce Take of Dwarf Downingia, Ahart's Dwarf Rush, Red Bluff Dwarf Rush, Sanford's arrowhead, and Suisun marsh aster (Not Covered by NBHCP)</i></p> <ol style="list-style-type: none"> <li>(1) Prior to project initiation and during the blooming period for the special-status plant species with potential to occur in the project area, a qualified botanist will conduct protocol-level surveys for special-status plants in areas where potentially suitable habitat would be removed or disturbed by project activities.</li> <li>(2) If no special-status plants are found, the botanist shall document the findings in a letter report to the project developer and no further mitigation will be required.</li> <li>(3) If special-status plant species are found that cannot be avoided during construction, the project developer shall consult with CDFW and/or USFWS, as appropriate depending on species status, to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction and will implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include preserving and enhancing existing populations, creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A mitigation and monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated.</li> <li>(4) If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.</li> <li>(5) Success criteria for preserved and compensatory populations shall include: <ul style="list-style-type: none"> <li>▲ The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.</li> </ul> </li> </ol>				



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<p>▲ Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when: (1) plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and (2) reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.</p> <p>(6) If offsite mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations.</p> <p><i>Measures to Reduce Take of Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, and Midvalley Fairy Shrimp (Measure V.A.5.m from NBHCP)</i></p> <p>(1) Prior to approval of an Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey. If such survey determine vernal pool fairy shrimp, vernal pool tadpole shrimp, and midvalley fairy shrimp are present, the Land Use Agency shall require the developer to consult with USFWS to determine appropriate measures to avoid and minimize take of individuals. Procedures for reviewing projects that could affect vernal pools and vernal pool species are discussed under Section V.A.4 of NBHCP.</p> <p><i>Measures to Reduce Take on Western Spadefoot Toad (Measure V.A.5.l from NBHCP)</i></p> <p>(1) Prior to approval of an Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey. If such survey determines western spadefoot toad are present, the Land Use Agency shall require the developer to consult with CDFW and USFWS to determine appropriate measures to avoid and minimize take of individuals.</p> <p>B. Reduce Take of Giant Garter Snake (Measure V.A.5.a from NBHCP)</p> <p>(1) Within the Natomas Basin, all construction activity involving disturbance of habitat, such as site preparation and initial grading, is restricted to the period between May 1 and September 30. This is the active period for the giant garter snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger.</p> <p>(2) Pre-construction surveys for giant garter snake, as well as other NBHCP Covered</p>				

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<p>Species, must be completed for all development projects by a qualified biologist approved by USFWS. If any giant garter snake habitat is found within a specific site, the following additional measures shall be implemented to minimize disturbance of habitat and harassment of giant garter snake, unless such project is specifically exempted by USFWS.</p> <p>(3) Between April 15 and September 30, all irrigation ditches, canals, or other aquatic habitat should be completely dewatered, with no puddled water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. Make sure dewatered habitat does not continue to support giant garter snake prey, which could detain or attract snakes into the area. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary. This measure removes aquatic habitat component and allows giant garter snake to leave on their own.</p> <p>(4) For sites that contain giant garter snake habitat, no more than 24-hours prior to start of construction activities (site preparation and/or grading), the project area shall be surveyed for the presence of giant garter snake. If construction activities stop on the project site for a period of two weeks or more, a new giant garter snake survey shall be completed no more than 24-hours prior to the re-start of construction activities.</p> <p>(5) Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.</p> <p>(6) Construction personnel completing site preparation and grading operations shall receive USFWS approved environmental awareness training. This training instructs workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training, an on-site biological monitor shall be designated.</p> <p>(7) If a live giant garter snake is found during construction activities, immediately notify the USFWS and the project's biological monitor. The biological monitor, or his/her assignee, shall do the following: Stop construction in the vicinity of the snake. Monitor the snake and allow the snake to leave on its own. The monitor shall remain in the area for the remainder of the work day to make sure the snake is not harmed or if it leaves the site, does not return. Escape routes for giant garter snake should be determined in advance of construction and snakes should always be allowed to leave on their own. If a giant garter snake does not leave on its own within 1 working day, further consultation with USFWS is required.</p>				

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<p>(8) Upon locating dead, injured or sick threatened or endangered wildlife species, the Permittees or their designated agents must notify within 1 working day USFWS Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.</p> <p>(9) Fill or construction debris may be used by giant garter snake as an over-wintering site. Therefore, upon completion of construction activities remove any temporary fill and/or construction debris from the site. If this material is situated near undisturbed giant garter snake habitat and it is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snake are not using it as hibernaculae.</p> <p>(10) No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be placed on a project site when working within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir matting, tactified hydroseeding compounds, or other material approved by the Wildlife Agencies.</p> <p>(11) Fences shall be constructed along the shared boundary of urban development and the North Drainage Canal and the East Drainage Canal within Sutter's Permit Area, subject to the following guidelines: (a) A minimum of 100 feet shall be provided from fence-to-fence and access to the canals shall be limited by gates. (b) A snake deterrent shall be placed along the fences on the North Drainage Canal and the East Drainage Canal (i.e., fence construction that restricts snake movement or an appropriate vegetative barrier either inside or outside of the boundary fence). The design of the deterrent shall be subject to approval by the Wildlife Agencies. (c) The specific fence/snake barrier design adjacent to a given development shall be determined within Sutter County's review of the proposed development and the fence/barrier shall be installed immediately after site grading is completed.</p> <p>(12) At the time of urban development along the North and East Drainage Canals, project developer shall consult with the Wildlife Agencies to determine design strategies that would enhance conditions for giant garter snake movement through the North and East Drainage Canals. Possible strategies may include expanded buffer areas and modified canal cross sections if such measures are, in the determination of Sutter and the Water Agencies, found to be feasible.</p> <p>C. Measures to Reduce Take on Northwestern Pond Turtle (Measure V.A.5.j from</p>				

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<p>NBHCP)</p> <p>(1) Take of the northwestern pond turtle as a result of habitat destruction during construction activities, including the removal of irrigation ditches and drains, and during ditch and drain maintenance, shall be minimized by the dewatering requirement described for giant garter snake.</p> <p>D. Measures to Reduce Take of Swainson's Hawk (Measure V.A.5.b from NBHCP)</p> <p><i>Measures to Reduce Cumulative Impacts to Foraging Habitat</i></p> <p>(1) To maintain and promote Swainson's hawk habitat values, Sutter County shall not obtain coverage under the NBHCP and incidental take permits, nor shall Sutter County grant Urban Development Permit approvals, for development on land within the one-mile wide Swainson's Hawk Zone adjacent to the Sacramento River. The City of Sacramento has limited its Permit Area within the Swainson's Hawk Zone to the approximately 252 acres located within the North Natomas Community Plan that was designated for urban development in 1994 and, likewise, shall not grant development approvals within the Swainson's Hawk Zone beyond this designated 252 acres. It should be noted that of these 252 acres of land in the Swainson's Hawk Zone, about 80 acres shall be a 250-foot-wide agricultural buffer along the City's side of Fisherman's Lake. Should either the City or the County seek to expand NBHCP coverage for development within the Swainson's Hawk Zone beyond that described above, granting of such coverage would require an amendment to the NBHCP and permits and would be subject to review and approval by the USFWS and the CDFW in accordance with all applicable statutory and regulatory requirements. Because the effectiveness of the NBHCP's Operating Conservation Program (OCP) adequately minimizes and mitigates the effects of take of the Swainson's hawk depends substantially on the exclusion of future urban development from the City's and Sutter County's portion of the Swainson's Hawk Zone, approval by the City of future urban development (i.e., uses not consistent with Agricultural Zoning) in the zone beyond the 170 (252 acres minus 80) acres identified above or approval by Sutter of any future urban development in the Swainson's Hawk Zone would constitute a significant departure from the Plan's OCP and would trigger a reevaluation of the City's and/or Sutter's Permits and possible suspension or revocation of the City's and/or County's permits.</p> <p><i>Measures to Reduce Nest Disturbance</i></p> <p>(1) Prior to the commencement of development activities at any development site within the NBHCP area, a pre-construction survey shall be completed by the</p>				

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<p>respective developer to determine whether any Swainson's hawk nest trees shall be removed on-site, or active Swainson's hawk nest sites occur on or within ½ mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by USFWS and CDFW, using experienced Swainson's hawk surveyors.</p> <p>(2) If breeding Swainson's hawks (i.e., exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) shall occur within ½ mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFW, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within one-fourth mile of existing urban development, the no new disturbance zone can be limited to the one forth mile versus one-half mile. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within one-half mile of an active nest are not restricted.</p> <p>(3) Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.</p> <p>(4) If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until CDFW has determined that the young have fledged and are no longer dependent upon the nest tree.</p> <p>(5) If construction or other project related activities which may cause nest abandonment or forced fledgling are proposed within the one-fourth mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFW-approved raptor biologist shall be required. Exact implementation of this measure shall be based on specific information at the project site.</p> <p><i>Measures to Prevent the Loss of Nest Trees</i></p> <p>(1) Valley oaks, tree groves, riparian habitat and other large trees shall be preserved wherever possible. The City and Sutter County shall preserve and restore stands of riparian trees used by Swainson's hawks and other animals, particularly near Fisherman's Lake and elsewhere in the Plan Area where large oak groves, tree</p>				

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<p>groves and riparian habitat have been identified in the Plan Area.</p> <p>(2) The raptor nesting season shall be avoided when scheduling construction near nests in accordance with applicable guidelines published by the Wildlife Agencies or through consultation with the Wildlife Agencies.</p> <p>(3) Annually, prior to the Swainson's hawk nesting season (March 15 to September 15) and until buildout of their Authorized Development has occurred, the City of Sacramento and Sutter County shall notify each landowner of any property within the permit area(s) on which a Swainson's hawk nest tree is present, and shall identify the nest tree, and alert the owner to the specific mitigation measures prohibiting the owner from removing the nest tree.</p> <p><i>Measures to Mitigate the Loss of Swainson's Hawk Nest Trees</i></p> <p>(1) The NBHCP shall require 15 trees (5-gallon container size) to be planted within the habitat reserves for every Swainson's hawk nesting tree anticipated to be impacted by Authorized Development. It shall be the responsibility of each Land Use Agency approving development that shall impact Swainson's hawk nest trees to provide funding from the applicable developer for purchase, planting, maintenance and monitoring of trees at the time of approval of each Authorized Development project. TNBC shall determine the appropriate cost for planting, maintenance and monitoring of trees.</p> <p>(2) The Land Use Agency Permittee approving a project that impacts an existing Swainson's hawk nest tree shall provide funding sufficient for monitoring survival success of trees for a period of 5 years. For every tree lost during this time period, a replacement tree must be planted immediately upon the detection of failure. Trees planted to replace trees lost shall be monitored for an additional 5-year period to ensure survival until the end of the monitoring period. A 100 percent success rate shall be achieved. All necessary planting requirements and maintenance (i.e., fertilizing, irrigation) to ensure success shall be provided. Trees must be irrigated for a minimum of the first 5 years after planting, and then gradually weaned off the irrigation in an approximate 2-year period. If larger stock is planted, the number of years of irrigation must be increased accordingly. In addition, 10 years after planting, a survey of the trees shall be completed to assure 100 percent establishment success. Remediation of any dead trees shall include completion of the survival and establishment process described.</p> <p>(3) Of the replacement trees planted, a variety of native tree species shall be planted to provide trees with differing growth rates, maturation, and life span. This shall ensure that nesting habitat shall be available quickly (5-10 years in the case of cottonwoods and willows), and in the long term (i.e., valley oaks, black walnut and</p>				



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<p>sycamores), and minimize the temporal losses from impacts to trees within areas scheduled for development within the 50-year permit life. Trees shall be sited on reserves in proximity to hawk foraging areas. Trees planted shall be planted in clumps of three trees each. Planting stock shall be a minimum of 5-gallon container stock for oak and walnut species.</p> <p>(4) To reduce temporal impacts resulting from the loss of mature nest trees, mitigation planting shall occur within 14 months of approval of the NBHCP and ITP's. It is estimated at this time that 4 nesting trees within the City of Sacramento are most likely to be impacted by Authorized Development in the near term. Therefore, to reduce temporal impacts, the City of Sacramento will advance funding for 60 sapling trees of diverse, suitable species (different growing rates) to TNBC within the above referenced 14 months. It is anticipated that the City will recover costs of replacement nest trees as an additional cost to be paid by private developers at the time of approval of their development projects that impact mature nest trees.</p> <p>(5) For each additional nesting tree removed by Land Use Agencies' Covered Activities, the Land Use Agency shall fund and provide for the planting of 15 native sapling trees of suitable species with differing growth rates at suitable locations on TNBC preserves. Funding for such plantings shall be provided by the applicable Permittee within 30 days of approving a Covered Activity that will impact a Swainson's hawk nesting tree.</p> <p>E. Measures to Reduce Loss of White-tailed Kite and Other Nesting Raptors (Not Covered by NBHCP)</p> <p>(1) If removal of a known nest tree is required, it shall be removed when no active nests are present, generally between September and February.</p> <p>(2) If project activity would commence between February 1 and August 31, a qualified biologist shall be retained to conduct preconstruction surveys for active nests in suitable habitat on and within 500 feet of the project site no more than 14 days and no less than seven days before commencement of project-related ground disturbance or vegetation removal activities. If this survey does not identify any nesting raptors in the area within the project site that would be disturbed, no further mitigation would be required.</p> <p>(3) If an occupied nest is present, a 500-foot no-disturbance buffer shall be established around the nest. The size of the buffer may be adjusted based upon observed behavior of the nesting birds. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the protective buffer shall be increased such that</p>				

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<p>activities are far enough from the nest that the birds no longer demonstrate agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist shall be required if the activity has potential to adversely affect the nest.</p> <p>F. Measures to Reduce Take of Burrowing Owl (Measure V.A.5.h from NBHCP)</p> <ol style="list-style-type: none"> <li>(1) Prior to the initiation of grading or earth disturbing activities, the applicant/developer shall hire a CDFW-approved qualified biologist to perform a pre-construction survey of the site to determine if any burrowing owls are using the site for foraging or nesting. The pre-construction survey shall be submitted to the Land Use Agency with jurisdiction over the site prior to the developer's commencement of construction activities and a mitigation program shall be developed and agreed to by the Land Use Agency and developer prior to initiation of any physical disturbance on the site.</li> <li>(2) Occupied burrows shall not be disturbed during nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFW verifies through non-invasive measures that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</li> <li>(3) If nest sites are found, the USFWS and CDFW shall be contacted regarding suitable mitigation measures, which may include a 300-foot buffer from the nest site during the breeding season (February 1 - August 31), or a relocation effort for the burrowing owls if the birds have not begun egg-laying and incubation or the juveniles from the occupied burrows are foraging independently and are capable of independent survival. If on-site avoidance is required, the location of the buffer zone shall be determined by a qualified biologist. The developer shall mark the limit of the buffer zone with yellow caution tape, stakes, or temporary fencing. The buffer shall be maintained throughout the construction period.</li> <li>(4) If relocation of the owls is approved for the site by USFWS and CDFW, the developer shall hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include: (a) the location of the nest and owls proposed for relocation; (b) the location of the proposed relocation site; (c) the number of owls involved and the time of year when the relocation is proposed to take place; (d) the name and credentials of the biologist who will be retained to supervise the relocation; (e) the proposed method of capture and transport for the</li> </ol>				

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<p>owls to the new site; (f) a description of the site preparations at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control, etc.); and (g) a description of efforts and funding support proposed to monitor the relocation. Relocation options may include passive relocation to another area of the site not subject to disturbance through one-way doors on burrow openings, or construction of artificial burrows in accordance with CDFG's March 7, 2012 Staff Report on Burrowing Owl Mitigation.</p> <p>(5) Where on-site avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitat on TNBC upland reserves. Such habitat shall include creation of new burrows with adequate foraging area (a minimum of 6.5 acres) or 300 feet radii around the newly created burrows. Additional habitat design and mitigation measures are described in CDFG's March 7, 2012 Staff Report on Burrowing Owl Mitigation.</p> <p>G. Measures to Reduce Take on Loggerhead Shrike (Measure V.A.5.g from NBHCP)</p> <p>(1) Prior to approval of Urban Development Permit, the involved Land Use Agency shall require a pre-construction survey.</p> <p>(2) If surveys identify an active loggerhead shrike nest that will be impacted by Authorized Development, the developer shall install brightly colored construction fencing that establishes boundary 100 feet from the active nest. No disturbance associated with Authorized Development shall occur within the 100-foot fenced area during the nesting season of March 1 through July 31. A qualified biologist, with concurrence of USFWS must determine young have fledged or that the nest is no longer occupied prior to disturbance of the nest site.</p>				
<p><b>Mitigation Measure 5.3-3 No Net Loss of Wetlands</b></p> <p>Prior to ground-disturbing activity, the project developer shall submit a wetland delineation report to USACE for verification. For portions of the project area that have been delineated previously, the previous delineations shall be updated and re-verified by USACE. Based on the jurisdictional determination, the project developer shall determine the exact acreage of waters of the United States, if any, and waters of the state to be filled as a result of project implementation.</p> <p>If any of the waters to be filled are determined by the USACE to be waters of the United States, the project developer shall obtain a USACE Section 404 permit and RWQCB Section 401 certification before any groundbreaking activity. The project developer shall implement all permit conditions.</p> <p>If all waters in the project area are disclaimed by USACE, the project developer shall file a</p>	<p>Prior to and during construction. Wetland delineation and 404 permits shall be provided to the City prior to the commencement of construction.</p> <p>Mitigation measures shall be included in all construction documents for</p>	<p>City of Sacramento Community Development Department</p> <p>and</p> <p>Contractor/Project applicant</p>		

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<p>report of waste discharge with RWQCB prior to any groundbreaking activity within 50 feet of, or filling of, any wetland or other water, and comply with all waste discharge requirements prescribed by RWQCB.</p> <p>The project developer shall commit to replace or restore on a “no net loss” basis (in accordance with USACE and/or RWQCB) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat shall be restored or replaced at an acreage and location and by methods agreeable to USACE and the Central Valley RWQCB, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes or the waste discharge requirements. If available, compensatory mitigation shall be provided through the purchase of credits at a mitigation bank approved by USACE and RWQCB, as appropriate depending on agency jurisdiction.</p> <p>If mitigation bank credits are not available and it is required by USACE, the project developer shall prepare a mitigation plan detailing how the loss of aquatic functions will be replaced. The mitigation plan shall describe compensation ratios for acres filled, mitigation sites, a monitoring protocol, annual performance standards and final success criteria for created or restored habitats, corrective measures to be applied if performance standards are not met.</p>	implementation during construction.			
<p><b>Mitigation Measure 5.3-4: Protection and replacement of trees.</b></p> <p>The following measures shall be implemented to avoid impacts to trees to be retained. These measures shall be included in the project’s tree projection plans, tree replacement plans, and project improvement plans.</p> <ul style="list-style-type: none"> <li>▲ No grade cuts greater than 1 foot shall occur within the driplines of protected trees, and no grade cuts whatsoever shall occur within 5 feet of their trunks;</li> <li>▲ No fill greater than 1 foot shall be placed within the driplines of protected trees and no fill whatsoever shall be placed within 5 feet of their trunks;</li> <li>▲ No trenching whatsoever shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the driplines of a protected tree, the trench shall be either bored or drilled;</li> <li>▲ No irrigation system shall be installed within the driplines of preserved native oak tree(s), which may be detrimental to the preservation of the native oak tree(s) unless specifically authorized by the approving body.</li> <li>▲ Landscaping beneath native oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</li> </ul>	<p>Prior to and during construction. Protected trees to be removed, trees to be preserved, and replacement trees shall be identified in each project phase and compliance verification will be tied to small lot subdivision map submittals and improvement plans.</p> <p>Mitigation measures shall be included in all construction documents for implementation</p>	City of Sacramento Community Development Department and Contractor/Project applicant		

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Where it is not possible to avoid impacts to protected trees, tree replacement shall be provided consistent with the City Tree Preservation Ordinance to the satisfaction of the City. Replacement of trees shall occur at a ratio of one inch of tree replaced for each inch of tree removed (1:1 ratio).	during construction.			
<b>ARCHEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES</b>				
<p><b>Mitigation Measure 5.4-3a. Develop and implement a Worker Environmental Awareness Program</b></p> <p>Prior to improvement plan approval, the project developer shall design and implement a Worker Environmental Awareness Program (WEAP) that shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter heritage and cultural resources. The WEAP shall be submitted to the City approval and shall describe, at a minimum:</p> <ul style="list-style-type: none"> <li>▲ types of cultural resources expected in the project area;</li> <li>▲ types of evidence that indicate cultural resources might be present (e.g., ceramic shards, trash scatters, lithic scatters);</li> <li>▲ what to do if a worker encounters a possible resource;</li> <li>▲ what to do if a worker encounters bones or possible bones; and</li> <li>▲ penalties for removing or intentionally disturbing heritage and cultural resources, such as those identified in the Archeological Resources Protection Act.</li> </ul>	<p>Prior to and during construction for each phase of site development.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department and Contractor</p>		
<p><b>Mitigation Measure 5.4-3b: Stop work in the event of an archaeological discovery or Tribal Cultural Resource discovery: non-sensitive areas of the project site</b></p> <p>In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. The City and the California Museum shall be notified of the potential find and a qualified archeologist shall be retained to investigate. If the find is an archeological site, the appropriate Native American group shall be notified and consultation shall proceed as outlined in Mitigation Measure 5.4-3c. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the City shall be notified and a discovery plan and treatment plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the City and project developer to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors,</p>	<p>Prior to and during construction for each phase of development.</p> <p>Documentation of discoveries and the discovery plan and treatment plan shall be provided to the City as specified in this mitigation measure.</p> <p>Mitigation measures shall be included in all construction documents for implementation</p>	<p>City of Sacramento Community Development Department/ Tribal monitors and Contractor/Project applicant</p>		

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follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area (the NCIC). If a Native American tribe has been identified as interested in the discovery, the City shall confer with the tribe in implementing this mitigation measure.	during construction.			
<p><b>Mitigation Measure 5.4-3c – Stop work in the event of an archaeological or Tribal Cultural Resource discovery: Environmentally sensitive areas of the project site</b></p> <p>Mitigation Measure 5.4-3c shall apply only to those areas of the project site that have been identified as “environmentally sensitive areas” (ESAs). Nothing in Mitigation Measure 5.4-3c shall eliminate or limit the responsibilities of the parties as set forth in Mitigation Measures 5.4-3a or 5.4-3b.</p> <p>A minimum of seven days prior to beginning ground-disturbing activities on the project site, Native American representatives from culturally affiliated Native American Tribes shall be notified that construction will commence so that monitors can be arranged for construction. The City may identify portions of the project site that are not subject to current development proposals, and those areas shall be excluded from requirements relating to current investigation. Any ESA in excluded areas shall remain subject to this mitigation measure at such time that ground disturbance in that area is initiated.</p> <p>Prior to any ground disturbance on the project site, and in coordination with the Native American representatives, the City and a qualified archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology and a Tribal Monitor shall prepare an Area of Direct Impact or Area of Potential Effect map identifying recorded archaeological resources and potential locations of Tribal Cultural Resources (ESAs) on the project site proposed for development. Potential resources may remain on the project site as documented in the NCIC records search. The map shall be subject to California law regarding confidentiality of such materials. Protective fencing shall be installed 100 feet around the specific resource, and demarcated as an ESA. The archaeologist shall ensure that fencing around the ESA remains in place.</p> <p>The archaeologist and tribal monitor shall be retained at the applicant’s expense to monitor all construction activities that involve ground disturbance (e.g., vegetation removal, grading, excavation, disking) within the ESA. The conduct and work of any Tribal Monitor shall be consistent with the Native American Heritage Commission Guidelines for Tribal Monitors/Consultants (NAHC 2005). The Tribal Monitor has the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such objects are identified.</p> <p>The Tribal Monitor shall prepare daily logs recording the results of monitoring. At the end of construction Tribal Monitor’s daily logs shall be submitted to the City and the developer.</p>	<p>Prior to and during construction for each phase of development. Documentation of discoveries and the discovery plan and treatment plan shall be provided to the City as specified in this mitigation measure.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department/ Tribal monitors and Contractor/Project applicant</p>		



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<p>If prehistoric, historic-period archaeological, or tribal cultural resources are encountered during project implementation, either within the ESA or the remainder of the project site, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery and install fencing, if not already in place. The contractor shall immediately contact the City. The City shall consult with the archaeologist and the Tribal Monitor. The contractor shall not resume work until authorization is received from the City.</p> <p>The archaeologist and the Tribal Monitor shall inspect the findings within 24 hours of discovery. If it is determined that the resource qualifies as a historical resource or a unique archaeological resource or a Tribal Cultural Resource (as defined pursuant CEQA Guidelines 15064.5, PRC Section 21083.2 (g) and 21074) and that the project has potential to damage or destroy the resource, a Discovery Plan and Treatment Plan, prepared in accordance with the direction below, shall be implemented.</p> <p><b>Discovery Plan and Treatment Plan</b>  A Discovery Plan and Treatment Plan shall be created prior to ground disturbance in anticipation of a potential discovery of prehistoric or Tribal Cultural Resources. The Discovery Plan and Treatment Plan shall be consistent with CEQA Guidelines Section 15126.4(b)(3), through either preservation in place or, if preservation in place is not feasible, data recovery through excavation. If preservation in place is feasible, this may be accomplished through one of the following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding resource site into a permanent conservation easement. If avoidance or preservation in place is not feasible, a detailed treatment plan to recover the scientifically consequential information from and about the resource, prepared by the archaeologist in coordination with the Native American Representatives, shall be prepared, reviewed, and approved by the City prior to any excavation at the resource site. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be affected by the project. The Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals, if requested by culturally affiliated Tribes.</p>				
<b>GEOLOGY, SOILS, MINERAL RESOURCES, AND PALEONTOLOGY</b>				
<b>Mitigation Measure 5.5-2 Implement Recommendations of Geotechnical Engineering Reports</b>	Prior to and during construction for each	City of Sacramento Public Works		

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<p>The project developer shall retain a qualified engineering firm on site during site preparation and grading operations to observe and test the fill to ensure compliance with recommendations from the geotechnical investigation report. These recommendations at a minimum include:</p> <ul style="list-style-type: none"> <li>▲ During project design and construction, all measures outlined in the geotechnical engineering reports for the project (Wallace Kuhl 2016a, 2016b, 2016c, 2016d, and 2016e) as well as specific design measures shall be implemented, at the direction of the City engineer, to prevent significant impacts associated with expansive soils. A geotechnical engineer shall be present on-site during earthmoving activities to ensure that requirements outlined in the geotechnical reports are adhered to for proposed fill and compaction of soils identified below.</li> </ul> <p>If the construction schedule requires continued work during the wet weather months (i.e., October through April), the project developer shall consult with a qualified civil engineer and implement any additional recommendations provided, as conditions warrant. These recommendations may include, but would not be limited to: 1) allowing a prolonged drying period before attempting grading operations at any time after the onset of winter rains; and 2) implementing aeration or lime treatment, to allow any low-permeability surface clay soils intended for use as engineered fill to reach a moisture content that would permit a specified degree of compaction to be achieved.</p>	<p>phase of development.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>Department and Contractor</p>		
<p><b>Mitigation Measure 5.5-4 Protection of discovered paleontological resources</b></p> <p>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. Project construction workers will be trained to identify potential paleontological resources.</p> <p>The project developer shall retain a qualified paleontologist to observe all grading and excavation activities throughout all phases of project construction and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the project developer and to the City. The paleontologist shall determine appropriate actions, in cooperation with the project developer and the City, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the City for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the</p>	<p>Prior to and during construction for each phase of development.</p> <p>Documentation of discoveries shall be provided to the City as specified in this mitigation measure.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department and Contractor/Project applicant</p>		

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resources, shall be subject to approval by the City. The paleontologist shall submit a follow-up report to the City that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.				
<b>GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE</b>				
<p><b>Mitigation Measure 5.6-1a</b> The project developer shall incorporate the following mitigation measures into the project to reduce operational emissions of GHGs to the extent feasible.</p> <p><u>Transportation</u></p> <ul style="list-style-type: none"> <li>▲ Include adequate electric wiring and infrastructure in all single-family residential units (shown in building plans) to support a 240-volt electric vehicle charger in the garage or off-street parking area to allow for the future installation of electric vehicle chargers. This connection shall be separate from the connection provided to power an electric clothes dryer.</li> <li>▲ Include electric vehicle charging stations, similar or better than Level 2, in parking areas as part of site design submittals for development of the elementary school.</li> </ul> <p><u>Building Energy</u></p> <ul style="list-style-type: none"> <li>▲ Achieve as many residential and non-residential zero net energy buildings as feasible, which shall be implemented in the following way: <ul style="list-style-type: none"> <li>▲ Prior to the issuance of building permits for residential and private recreation centers, the project developer or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the City of Sacramento for review and approval. The ZNE Report shall demonstrate that development within the Panhandle PUD project area subject to application of Title 24, Part 6, of the California Code of Regulations has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation or greenhouse gas emissions savings.</li> </ul> </li> <li>▲ Where ZNE is deemed infeasible, building energy may also be reduced in the following ways: <ul style="list-style-type: none"> <li>▲ Reduce building energy-related GHG emissions through the use of on-site renewable energy (e.g., solar photovoltaic panels) where technologically feasible and at a minimum of 15 percent of the project's total energy demand. Building design, landscape plans, and solar installation shall take into account solar orientation, and building roof size to maximize solar exposure.</li> <li>▲ Provide incentives to future residents to purchase Energy Star™ appliances</li> </ul> </li> </ul>	<p>As part of small lot subdivision map submittals, improvement plans, and building permits for each phase of development.</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department and Project applicant</p>		

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<p>(including clothes washers, dish washers, fans, and refrigerators).</p> <ul style="list-style-type: none"> <li>▲ Install high efficiency lighting (i.e., light emitting diodes) in all streetlights, security lighting, and all other exterior lighting applications.</li> <li>▲ Provide electrical outlets on the exterior of project buildings to allow sufficient powering of electric landscaping equipment.</li> <li>▲ Install low-flow kitchen faucets that comply with CALGreen residential voluntary measures (maximum flow rate not to exceed 1.5 gallons per minute at 60 psi).</li> <li>▲ Install low-flow bathroom faucets that exceed the CALGreen residential mandatory requirements (maximum flow rate not to exceed 1.5 gallons per minute at 60 psi)</li> <li>▲ Install low-flow toilets that exceed the CALGreen residential mandatory requirements (maximum flush volume less not to exceed 1.28 gallons per flush)</li> <li>▲ Install low-flow showerheads that exceed the CALGreen residential mandatory requirements (maximum flow rate not to exceed 2 gallons per minute at 80 psi)</li> <li>▲ Reduce turf area and use water-efficient irrigation systems (i.e., smart sprinkler meters) and landscaping techniques/design.</li> </ul>				
<p><b>Mitigation Measure 5.6-1b</b>  In addition to Mitigation Measures 5.6-1a and 5.2-2 (Air Quality Mitigation Plan), the project developer shall offset GHG emissions to zero by funding activities that directly reduce or sequester GHG emissions or, if necessary, obtaining carbon credits.</p> <p>To the degree a project relies on GHG mitigation measures, the City of Sacramento, SMAQMD, and ARB recommend that lead agencies prioritize on-site design features (Mitigation Measures 5.6-1a and 5.2-2) and direct investments in GHG reductions in the vicinity of the project, to help provide potential air quality and economic co-benefits locally. For example, direct investment in a local building retrofit program can pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. However, it is critical that any such investments in actions to reduce GHG emissions are real and quantifiable. Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry.</p> <p>The CEQA Guidelines recommend several options for mitigating GHG emissions. State CEQA Guidelines Section 15126.4(C)(3) states that measures to mitigate the significant effects of GHG emissions may include “off-site measures, including offsets that are not otherwise</p>	<p>Written verification of greenhouse gas (GHG) offsets in compliance with this mitigation measure shall be provided with each small lot subdivision map submittal.</p>	<p>City of Sacramento  Community Development Department/Sacramento Metropolitan Air Quality Management District  and  Project applicant</p>		

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<p>required...” Through the purchase of GHG credits through voluntary participation in an approved registry, GHG emissions may be reduced at the project level. GHG reductions must meet the following criteria:</p> <ul style="list-style-type: none"> <li>▲ Real—represent reductions actually achieved (not based on maximum permit levels),</li> <li>▲ Additional/Surplus—not already planned or required by regulation or policy (i.e., not double counted),</li> <li>▲ Quantifiable—readily accounted for through process information and other reliable data,</li> <li>▲ Enforceable—acquired through legally-binding commitments/agreements,</li> <li>▲ Validated—verified through accurate means by a reliable third party, and</li> <li>▲ Permanent—will remain as GHG reductions in perpetuity.</li> </ul> <p>In partnership with offset providers, the project developer shall purchase carbon offsets (from available programs that meet the above criteria) of at least 20,800 MTCO<sub>2</sub>e/year. It should be noted, however, that these numbers represent an estimate based on reductions achieved through the measures included in Mitigation Measures 5.6-1a and 5.2-2, and are subject to change depending on alterations in the level of mitigation applied to the project depending on the feasibility of individual measures. Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of “additionality” (i.e., the reductions would not happen without the financial support of purchasing carbon offsets).</p> <p>Purchases of offsets would occur once and remain effective throughout the lifetime of the project (i.e., 25 years per SMAQMD guidance). For an offset to be considered viable, it must exhibit “permanence.” To adequately reduce emissions of GHGs, carbon offsets must be able to demonstrate the ability to counterbalance GHG emissions over the lifespan of a project or “in perpetuity.” For example, the purchase of a carbon offset generated by a reforestation project would entail the replanting or maintenance of carbon-sequestering trees, which would continue to sequester carbon over several years, decades, or centuries (Forest Trends 2015). The offsets purchased must offer an equivalent GHG reduction benefit annually i.e., 20,800 MTCO<sub>2</sub>e or more GHGs reduced annually as opposed to a one-time reduction.</p> <p>Prior to issuing building permits for development within the project area, the City of Sacramento shall confirm that the project developer or its designee has fully offset the project’s remaining (i.e., post implementation of Mitigation Measures 5.6-1a and 5.2-2) operational GHG emissions over the 25-year project life associated with such building permits by relying upon one of the following compliance options, or a combination thereof:</p>				

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<ul style="list-style-type: none"> <li>▲ Demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the remaining operational GHG emissions;</li> <li>▲ Provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the remaining operational GHG emissions;</li> <li>▲ Undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the remaining operational GHG emissions; or</li> </ul> <p>If it is impracticable to fully offset operational emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the remaining operational GHG Emissions.</p>				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<p><b>Mitigation Measure 5.7-3 Develop and implement a Vector Control Plan</b>  As part of site-specific design of the Panhandle PUD detention basin and other water/drainage features, a Vector Control Plan shall be developed to the satisfaction of the Sacramento-Yolo Mosquito and Vector Control District. The Vector Control Plan shall specify mosquito control measures to be used (e.g., biological agents, pesticides, larvicides, circulating water), as well as identification of maintenance program to ensure control measures are maintained. Evidence of Sacramento-Yolo Mosquito and Vector Control District's design approval shall be provided to the City of Sacramento prior to improvement plan approval for detention basin and water/drainage features.</p>	Details of compliance with this mitigation measure shall be provided in the detention basin improvement plans.	City of Sacramento Public Works Department/ Sacramento – Yolo Mosquito and Vector Control District and Contractor		



Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
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<b>HYDROLOGY AND WATER QUALITY</b>				
<p><b>Mitigation Measure 5.8-1: Demonstrate compliance with Drainage Report</b>  As part of approval of each small lot final map and/or each subsequent project, the project developer shall demonstrate to the City that drainage facilities are consistent with the Drainage System Modeling Report for the Natomas Panhandle (Panhandle Owner's Group 2016), and adequately attenuate increased drainage flows consistent with City standards. The analysis will also demonstrate that existing flooding issues at the intersection of Del Paso Road/Sorento Road will not be worsen by site development. Sacramento County shall be provided the analysis regarding flooding issues at the Del Paso/Sorento Road intersection and be allowed to provide input to the City on the proper solution for any additional flooding impacts at this intersection. This demonstration may take the form of plans and/or reports.</p>	As part of each small lot subdivision map submittals and improvement plans. Verification of adequate drainage facilities for existing flooding at the Del Paso Road/Sorento Road intersection will be required for any proposed development activity on the southeast corner of the project.	City of Sacramento Public Works Department/ Sacramento County and Project applicant		
<p><b>Mitigation Measure 5.8-2: Design drainage facilities to include water quality control features</b>  Drainage facilities shall be designated to meet or exceed storm water quality requirements set forth in City Standards pertaining to regional storm water quality control in association with NPDES Stormwater Permit No. CA502597. Water quality control may consist of pollutant source control, water quality treatment through Best Management Practices or a combination of both measures. Water quality control features as part of drainage facilities shall be reviewed and approved by the City before approval of improvement plans for the site.</p>	During construction and identified in improvement plans for each phase of development. Mitigation measures shall be included in all construction documents for implementation during construction.	City of Sacramento Public Works Department and Contractor/Project applicant		
<p><b>Mitigation Measure 5.8-4: Evaluate depth to groundwater and incorporate appropriate features into detention basin design</b>  As part of the final design of the project detention basin, soil borings shall be taken at representative locations within the detention basin to analyze the subsurface soils that are present and the elevation of the subsurface water table. If these soil borings identify shallow groundwater within 2 feet of the proposed bottom elevation of the detention basin, or within the detention basin, a liner and/or additional water quality control features such as vegetation shall be incorporated into the design of the detention basin to prohibit the migration of surface water contamination into the groundwater table, subject to City review and approval.</p>	Details of compliance with this mitigation measure shall be provided in the detention basin improvement plans.	City of Sacramento Public Works Department and Project applicant		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
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<b>NOISE AND VIBRATION</b>				
<p><b>Mitigation Measure 5.9-1a: Implement construction-noise reduction measures.</b> To minimize noise levels during construction activities, the City shall require the project developer and their construction contractors to comply with the following measures during all construction work:</p> <ul style="list-style-type: none"> <li>▲ All construction equipment and equipment staging areas shall be located as far as feasible from nearby noise-sensitive land uses.</li> <li>▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations. Equipment engine shrouds shall be closed during equipment operation.</li> <li>▲ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations.</li> <li>▲ Construction activities shall comply with the requirements of the City of Sacramento Municipal Code.</li> <li>▲ To the maximum extent feasible, construction activity shall take place within the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday).</li> </ul>	<p>Prior to and during construction for each phase of development. Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department and Contractor</p>		
<p><b>Mitigation Measure 5.9-1b: Implement construction-noise reduction measures during noise-sensitive time periods.</b> For all construction activity that would take place outside of the City of Sacramento construction noise exemption timeframes (i.e., 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. Sunday), and that is anticipated to generate more than 50 L<sub>eq</sub> or 70 L<sub>max</sub> at 50 feet, the City shall require the project developer and their construction contractors to comply with the following measures:</p> <ul style="list-style-type: none"> <li>▲ Consistent with Section 8.68.080, Exemptions, of the City of Sacramento Code, obtain an exemption to Article II Noise Standards for nighttime construction. Exemption applications for work to be performed during the hours not exempt by Section 8.68.080 shall be approved by the City's director of building inspections and shall not exceed three days. Application for this exemption may be made in conjunction with the application for work permit or during the construction process.</li> <li>▲ Implement noticing to adjacent landowners and implement conditions included in the exemption, if approved by the City's director of building inspections.</li> <li>▲ Install temporary noise curtains as close as feasible to the boundary of the construction site blocking the direct line of sight between the source of noise and the</li> </ul>	<p>Prior to and during construction for each phase of development Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Community Development Department and Contractor</p>		

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<p>nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.</p> <ul style="list-style-type: none"> <li>▲ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).</li> <li>▲ Operate heavy-duty construction equipment at the lowest operating power possible.</li> </ul>				
<p><b>Mitigation Measure 5.9-2: Reduce noise exposure to existing sensitive receptors from project-generated traffic.</b></p> <p>The project developer shall in coordination with the City implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:</p> <ul style="list-style-type: none"> <li>▲ Construct outdoor sound barriers at the following locations: <ul style="list-style-type: none"> <li>▲ Between the segment of Del Paso Road from Sorento Road to Carey Road, and the ground level receptors directly north of this segment of roadway.</li> <li>▲ Between the segment of Sorento Road from Del Paso Road to East Levee Road, and the ground level receptors directly east of this segment of roadway.</li> </ul> </li> </ul> <p>The applicant in coordination with the City shall offer the owners of all the residences with addresses along this roadway segment the installation of a sound barrier along the property line of their affected residential properties. At a minimum, the sound barriers shall be just tall enough to break the line of sight between vehicles traveling along this segment of roadway and the existing sensitive receptors to the east of the roadway. The sound barriers shall be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, boulders, or combination thereof). The reflectivity of each sound barrier shall be minimized to ensure that traffic noise reflected off the barrier does not contribute to an exceedance of applicable noise standards at other off-site receptors. The level of sound reflection from a barrier can be minimized with a textured or absorptive surface or with vegetation on or next to the barrier. All barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the character of the surrounding area, and not become the dominant visual element of the area. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose "any fact materially affecting the value and desirability of the property" (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant</p>	Noise barriers required under this mitigation measure shall be identified in small lot subdivision map submittals and improvement plans for development along Del Paso Road and Sorento Road.	City of Sacramento Community Development Department and Project applicant		

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<p>agrees to install a sound barrier, as described above.</p> <ul style="list-style-type: none"> <li>▲ The majority of residences along the east side of the segment of Sorrento Road from Del Paso Road to East Levee Road have ingress and egress points (driveways) along the roadway of concern, thus, preventing continuous sound barriers from being constructed. Therefore, in addition to the sound barriers described above, the applicant in coordination with the City shall offer the owners of all the residences with driveways along this roadway segment the installation of solid driveway gates to provide additional noise attenuation where sound barriers are not able to be constructed. The driveway gates must be constructed of solid material (e.g., wood, metal, or combination thereof) and designed to ensure maximum noise attenuation. The owners of the affected properties may choose to refuse this offer; however, the offer shall be made available to subsequent owners of the property if change of ownership occurs before project construction is complete. If an existing owner refuses these measures, a deed notice must be included with any future sale of the property to comply with California state real estate law, which requires that sellers of real property disclose “any fact materially affecting the value and desirability of the property” (California Civil Code, Section 1102.1[a]) and shall indicate that the applicant agrees to install a driveway gate, as described above.</li> </ul> <p>Because a sound wall already exists along Del Paso Road on the roadway segments that would experience an exceedance of the City exterior noise compatibility standards, no feasible mitigation measures have been identified.</p>				
<p><b>Mitigation Measure 5.9-4: Reduce transportation noise exposure to sensitive receptors</b></p> <p>For new sensitive receptors developed as part of the project and that would be located within 282 feet of the centerline of Del Paso Road, within 278 feet of the centerline of Del Paso Road, within 80 feet of the centerline of Club Center Drive, or within 90 feet of the centerline of Street “G” (i.e., the distance from the centerline that is estimated, based on the noise modelling, to result in exceedance of the City of Sacramento exterior noise compatibility standard of 60 CNEL for low density residential), any or all of the following design criteria shall be adhered to:</p> <ul style="list-style-type: none"> <li>▲ Where feasible, locate new sensitive receptors such that the outdoor activity area (e.g., balcony or porch) is on the opposite side of the structure from major roadways such that the structure itself would provide a barrier between transportation noise and the outdoor activity areas.</li> <li>▲ Locate new sensitive receptors with other buildings/structures between the sensitive land use and nearby major roadways.</li> <li>▲ If new sensitive receptors cannot be oriented or shielded by other structures, then</li> </ul>	Noise attenuation measures required under this mitigation measure shall be identified in small lot subdivision map submittals and improvement plans.	City of Sacramento Community Development Department and Project applicant		

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<p>design and building materials shall be chosen such that, at a minimum, 25 dBA of exterior-to-interior noise attenuation would be achieved, so that interior noise levels comply with the City of Sacramento interior noise standard of 45 L<sub>dn</sub>.</p> <p>▲ Setback sensitive receptors from major roadways at a distance that will not result in the exceedance of the City of Sacramento exterior noise compatibility standard of 60 CNEL for low-density residential land uses.</p> <p>If, and only if, implementation of the above measures do not reduce transportation-related noise levels to comply with the City of Sacramento exterior noise compatibility standard of 60 CNEL for low density residential, then as part of improvement plans for land uses along Del Paso Road, Elkhorn Boulevard, National Drive and Club Center Drive, landscaped noise barriers that demonstrate compliance with City noise standards (interior and exterior) shall be implemented. The project developer will be required to demonstrate compliance with this mitigation measure and whether noise barriers are ultimately required.</p>				
<b>PUBLIC SERVICES AND RECREATION</b>				
<p><b>Mitigation Measure 5.10-1a Payment of fees</b> The project applicant shall pay the necessary project-specific fire service impact fees associated with fire protection services which will be established in the Panhandle PUD Public Facilities Finance Plan.</p>	As part of small lot subdivision map submittals for each phase of development.	City of Sacramento Community Development Department and Project applicant		
<p><b>Mitigation Measure 5.10-1b Panhandle PUD Public Facilities Finance Plan</b> The Panhandle PUD Public Facilities Finance Plan shall include all necessary public facility improvements (e.g., fire, law enforcement, water, wastewater, parks, roadways, and libraries) intended to solely serve the PUD as well as its fair-share contribution to public facilities that serve the North Natomas Community Plan area as identified in the North Natomas Nexus Study and Finance Plan 2008 Update. The Panhandle PUD Public Facilities Finance Plan shall ensure that public facilities and equipment required to service the project are in place concurrent with site development.</p>	Prior to the approval of the first small lot subdivision map submittals.	City of Sacramento Community Development Department and Project applicant		
<b>TRANSPORTATION AND CIRCULATION</b>				
<p><b>Mitigation Measure 5.11-1: Implement construction traffic management plan.</b> Before the commencement of construction, the applicant shall prepare a construction traffic management plan to the satisfaction of the City's Traffic Engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on roadways are maintained. At a minimum, the plan shall include:</p> <p>▲ Description of trucks including: number and size of trucks per day, expected arrival / departure times, truck circulation patterns. Truck routes will be limited to using Del</p>	The construction traffic management plan will be required for each phase of development and will be shown on improvement plans.	City of Sacramento Public Works Department and Contractor		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
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<p>Paso Road and Elkhorn Boulevard to access and depart the project.</p> <ul style="list-style-type: none"> <li>▲ Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, specific signage.</li> <li>▲ Description of street closures and/or bicycle and pedestrian facility closures including: duration, warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control.</li> <li>▲ Description of access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses.</li> <li>▲ Provisions for parking for construction workers.</li> </ul> <p>The traffic management plan shall address all means to minimize temporary impacts from roadway and travel lane disruptions. Adequate emergency response access shall be maintained throughout development of the project. Where the project work area encroaches on a public ROW and reduces the existing pedestrian path of travel to less than 48 inches wide, alternate pedestrian routing shall be provided during construction activities. Additionally, access to all nearby parcels shall be maintained during construction activities.</p>	Mitigation measures shall be included in all construction documents for implementation during construction.			
<p><b>Mitigation Measure 5.11-2: Intersection improvements.</b> The project developer shall implement the following intersection improvement:</p> <ul style="list-style-type: none"> <li>▲ Install a traffic signal at the intersection of Sorento Road/Del Paso Road. This intersection meets the peak hour traffic warrant during the a.m. peak hour. This improvement shall be incorporated in the project's public facilities financing plan and installed before deficient operations of the intersection.</li> </ul>	<p>The City will verify that this improvement is in the project's public facilities financing plan prior to the approval of the first small lot subdivision map submittals.</p> <p>The improvement shall be installed prior to deficient operation of the intersection.</p>	City of Sacramento Public Works Department and Project applicant		
<p><b>Mitigation Measure 5.11-3a: Roadway segment improvement.</b> The project developer shall implement the following improvements:</p> <ul style="list-style-type: none"> <li>▲ Elkhorn Boulevard – SR 99 to Marysville Boulevard – Widen to four lanes. This improvement will be incorporated in the project's public facilities financing plan for fair-</li> </ul>	The City will verify that this improvement is in the project's public	City of Sacramento Public Works Department and		



Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
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share contribution and in place before deficient operation.	facilities financing plan prior to the approval of the first small lot subdivision map submittals.  The improvement shall be installed prior to deficient operation of the roadway.	Project applicant		
<p><b>Mitigation Measure 5.11-3b: Development of a neighborhood traffic management plan.</b> The project developer shall prepare neighborhood traffic management plans for the following roadway segments for review and approval by the City:</p> <ul style="list-style-type: none"> <li>▲ Regency Park Circle – North of Club Center Drive</li> <li>▲ Danbrook Drive – South of Club Center Drive</li> <li>▲ Sorento Road – North of Del Paso Road</li> </ul> <p>The neighborhood traffic management plans shall be implemented to address the impacts of increased traffic volumes on this street. The plans shall be developed in accordance with City practices, including the involvement of the neighborhood. The plans will focus on travel speed and safe pedestrian crossings, and may include elements such as chokers, pedestrian islands, curb extensions, and speed humps.</p>	Prior to project roadway connections to each of the impacted roadways identified in the mitigation measure.	City of Sacramento Public Works Department and Project applicant		
<p><b>Mitigation Measure 5.11-7: Transit service improvements</b> The project developer shall join the North Natomas Transportation Management Association and will coordinate on feasible measures to provide transit information and services to project residents that is phased with development and transit demand. The project developer will provide proof of compliance with this mitigation measure with each small lot subdivision map submittal.</p>	As part of small lot subdivision map submittals for each phase of development.	City of Sacramento Public Works Department and Project applicant		
<p><b>Mitigation Measure 5.11-11: Cumulative roadway segment improvements to Elkhorn Boulevard.</b> The project developer shall implement the following measures within the within the study area:</p> <ul style="list-style-type: none"> <li>▲ Elkhorn Boulevard – Sageview Drive to East Levee Road – Widen to six lanes. This improvement will be incorporated in the project’s public facilities financing plan for fair-share contribution and in place before deficient operation.</li> </ul>	The City will verify that this improvement is in the project’s public facilities financing plan prior to the approval of the first small lot subdivision map submittals.	City of Sacramento Public Works Department and Project applicant		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
	The improvement shall be installed prior to deficient operation of the roadway.			
<b>URBAN DESIGN AND VISUAL RESOURCES</b>				
<b>Mitigation Measure 5.12-2: Light fixture design</b> Outdoor lighting for community parks/sports facilities shall be designed to be turned off when not in use where security and safety is not a concern. This requirement shall be included in lighting plans submitted to the City as part of the improvement plans. Light fixtures for sports fields that are planned to be lighted shall be directed away from residential areas and roadways to reduce light spillover and glare. Light fixtures shall be designed to limit illumination to the sports fields and shall demonstrate that the illumination of adjacent residential properties will not exceed 1.0 foot-candles. These lighting requirements will be included in the Panhandle PUD Guidelines.	As part of small lot subdivision map submittals and improvement plans for each phase of development.	City of Sacramento Community Development Department and Project applicant		