REPORT TO COUNCIL
City of Sacramento

35

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915 I Street, Sacramento, CA 95814-2604

Public Hearing
July 15, 2008

Honorable Mayor and
Members of the City Council

Title: Appeal of the 'Metropolitan' Project (P05-205)

Location/Council District: 910 10th Street (northeast corner of 10th & J Streets), Council District 1

Recommendation: Conduct a public hearing and upon conclusion: 1) adopt a **Resolution** certifying an Environmental Impact Report (EIR) and approving the Mitigation Monitoring Program (MMP) under the California Environmental Quality Act; and 2) adopt a **Resolution** approving the 'Metropolitan' Project. This project is before the City Council for a de novo hearing on appeal.

Contact: Michael York, Associate Planner, (916) 808-8239; Evan Compton, Senior Planner, (916) 808-5260, Greg Bitter, Principal Planner, (916) 808-7816

Presenters: Evan Compton, Senior Planner, (916) 808-5260, Greg Bitter, Principal Planner, (916) 808-7816

Department: Development Services

Division: Current Planning

Organization No: 4885

Description/Analysis

Issue: The Metropolitan Project is a proposed high-rise tower, consisting of 320 residential condominium units **or** 190 residential condominium units/190 hotel rooms on 0.96+/- acres in the Central Business District Special Planning District (C-3-SPD) zone. The Planning Commission certified the EIR and approved the project on May 22, 2008 for development under either scenario. The following entitlements were approved:

A. Environmental Determination: Environmental Impact Report;
B. Mitigation Monitoring Plan;
C. Tentative Map to designate the parcel for condominium purposes;
D. Special Permit for a major project of 75,000 square feet or more in the Central Business District Special Planning District (C-3-SPD) zone;
E. Special Permit for 320 condominium units or Special Permit for 190 condominium units/190 hotel rooms in the Central Business District Special Planning District (C-3-SPD) zone;
F. Special Permit to allow tandem parking;

G. Variance to reduce parking maneuvering area from 26 feet to 25 feet within the parking garage.

Appeals were filed on the project on the grounds that CEQA procedures were not followed correctly, the EIR is inadequate in areas relating to greenhouse gases, energy conservation, storm water flows, hotel operations, traffic, and parking, and that the hotel user is not known.

Policy Considerations: The proposed project is consistent with the land use designations and applicable policies of the General Plan and Central City Community Plan, as well at the Central City Housing Strategy and Smart Growth Principles to increase densities in the Central Business District, create a vibrant 18 hour city, provide a better jobs/housing balance and provide ownership housing in the Central City. The project supports transit ridership by increasing residential densities within ¼ mile of an established light rail transit station.

Committee/Commission Action: The Project was approved at Planning Commission on October 25, 2007. The project was then appealed to City Council on the grounds that the DEIR should have been re-circulated. The Project was also called-up by the Mayor. The Project was then heard at City Council on January 8, 2008 directing the re-circulation of the Draft Environmental Impact Report (DEIR) prior to re-hearing by the Planning Commission and Design Commission. The appeal was withdrawn based on the project being sent back to the Planning Commission and Design Commission. The DEIR was re-circulated for 45 days. On May 22, 2008 the Planning Commission heard and considered the actions requested. The Planning Commission certified the Environmental Impact Report (EIR) and voted to support the request, subject to conditions (5-2-0). The Planning Commission approved development under either scenario. The Design Commission hearing is scheduled for July 16, 2008 and is only for approval of the design of the hotel/condominium scenario.

An appeal of the Planning Commission's May 22, 2008 decision was filed by William Kopper on May 28, 2008 and Local 49 on June 2, 2008. The hearing before the City Council is a de novo hearing on the project.

Environmental Considerations: In accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15081, the City, as Lead Agency, determined that an Environmental Impact Report (EIR) should be prepared for the proposed project. The Draft EIR identified significant impacts due to short-term construction increases in PM10 emissions, potential loss or degradation of unknown prehistoric or historic resources, potential alteration or demolition of historic resources, disturbance of potentially contaminated soils during construction, construction noise at sensitive receptors, architectural damage to historic structures due to construction-induced vibration, exposure of new sensitive receptors to excessive interior noise levels, impacts to the Combined Sewer Service System due to construction dewatering, increased traffic on freeway mainlines and interchanges, temporary disturbance of various transportation modes during construction, and light and glare on roadways and sidewalks. Mitigation measures were identified to reduce project impacts to a less than significant impact; however, approval of the project will

result in significant and unavoidable impacts due to temporary construction noise at sensitive receptors, and increased traffic on freeways. A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached (Attachment 6, Exhibit B). The Environmental Impact Report evaluates both development scenarios.

Rationale for Recommendation: The project is consistent with the objectives of General Plan and Central City Community Plan policies to increase densities in the Central Business District to create a vibrant 18 hour city, provide a better jobs/housing balance, and provide ownership housing in the Central City. The impacts of the project were properly analyzed in the EIR and mitigation measures are required where feasible.

Financial Considerations: The project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: _____ for
David Kwong
Planning Manager

Approved by: _____ for,
William Thomas
Director of Development Services

Recommendation Approved:

_____
for Ray Kerridge
City Manager

Table of Contents:

There are currently five buildings located on the proposed project site. The buildings include the seven-story Plaza Building (circa 1906) at 921 10th Street, the three-story RCA Building (circa 1940) at the corner of 10th & J Streets, the three-story Biltmore Hotel (circa 1850) on J Street, the two-story Broiler Restaurant Building (circa 1850) on J Street, and the former State Office Building (circa 1965) also on J Street. All five of these building will be demolished to accommodate the proposed project. None of these buildings are listed on the City's Official Listing of Structures and Preservation Areas with Architectural or Historical Significance, and are reviewed as to their significance within the environmental document prepared for the project.

In the 1990's, a high rise was planned on the project site to accommodate a larger concentration of City agencies. The City ultimately constructed new City offices behind the historic City Hall on I Street.

In 2002, a developer came forward and requested an Early Policy Review on the historic nature of the Biltmore Hotel and the demolition of the building. At this time the developer was not pursuing a development on the site. The City Council voted to table the item until such a time that a project was proposed on the site. The buildings on the site have been vacant for several years, with the exception of 921 10th Street. Since then the vacant buildings have become significantly deteriorated. The project site was purchased by the current developer in 2005.

The Metropolitan project was submitted as both a Planning application (P05-205) and a Design Review application (DR05-402) on December 16, 2005 for the development of a 39 story high-rise tower consisting of 320 residential condominiums and approximately 13,000 square feet of retail uses. The entitlements were determined to be the following: A) Certification of the Environmental Impact Report; B) Adoption of the Mitigation Monitoring Plan; C) Tentative Map for condominium purposes; D) Special Permit for alternative housing; E) Special Permit for Major Project over 75,000 square feet; F) Special Permit to allow tandem parking; and G) Variance to reduce the required maneuvering area.

In March and April of 2006 the scope of work regarding the Environmental Impact Report was being reviewed by the City of Sacramento Environmental Services section. On April 10, 2006 the City issued a notice to proceed on the traffic study based on the scope of work for the Environmental Impact Report (EIR). It was anticipated the EIR would be finalized by October 2006 to allow for Planning Commission consideration in November 2006. The Draft Environmental Impact Report (DEIR) was circulated for public review and comment from July 11, 2006 to August 24, 2006.

The project was heard at the Design Review and Preservation Board (DRPB) on August 16, 2006 for review and comment. From that meeting the Board identified the following issues: 1) revisit the plaza design, 2) strengthen the base of the building, 3) avoid monotony at the tower, 4) provide more contrast in color, 5) reduce the massing at street level, 6) elaborate on the material types.

On November 15, 2006 the tentative map for the project was approved at the Subdivision Review Committee (SRC). Also, in November 2006 the FEIR was ready to be circulated.

Planning Commission was tentatively scheduled to consider the project on December 14, 2006. This hearing was continued to allow the applicant time to provide project revisions based on the DRPB's original comments. In early 2007 it was determined that the project should be heard by both the Planning Commission and the newly formed Design Commission for review and comment to give both commissions the opportunity to comment on the design changes.

In May of 2007 the applicant informed staff of a second development scenario that included a hotel component. The number of hotel rooms and condominium units were to be determined by what would fit within the parameters of the impacts identified in the existing EIR.

In May 2007, and subsequent to the release of the DEIR (July 2006), the applicant requested revision of the project description to include a second project option – the Mixed-Use Hotel option. This option would construct a maximum of 190 residential units and 190 hotel rooms in a building similar to that described in the Draft EIR. The mix of uses for the option was determined by the traffic analysis for the original project, with the goal to have the traffic generated by the option be the same, or slightly less than, the original project. The FEIR included analyses for all technical issue areas in the DEIR as to whether the option would alter impacts and mitigation measures outlined in the DEIR. The determination was that the impacts would be the same or slightly less and that no change in mitigation was necessary.

The revised project was heard by the Design Commission on June 20, 2007 for review and comment in order to provide this Design Commission an opportunity to review and comment on the project. The final summary of comments from the 6-20-07 meeting were: 1) Trellis design needs further integration into plaza design; 2) Plaza design needs to integrate entry as well as shading for solar gain at the corner; 3) Strengthen the base of the building; 4) Parking on J Street needs to be revisited in regards to material and interaction with the street; 5) Balcony design is good, but will entertain options to the balcony design; 6) Column proportions at the street wall need further review in regards to the pedestrian. A modification to the project for a potential condominium/hotel scenario was discussed at the hearing, but plans for this development scenario were not available for this meeting.

The project was heard by the Planning Commission on June 28, 2007 for review and comment in order to provide the commission an opportunity to review and comment on the project prior to the formal hearing. The Planning Commission was mainly concerned with the street wall of the building on both 10th and J Streets and the lighting effects from the garage. The Planning Commission was also concerned that the same architect was designing two high rises across the street from each other and wanted to ensure there would be adequate variation between the two buildings. The Planning Commission's comments were then forwarded to the Design Commission. A modification to the project for a potential condominium/hotel scenario was again discussed at the hearing, but plans for this development scenario were not available for this meeting.

On October 25, 2007, the Planning Commission considered both development scenarios for the project, the condominium/retail and condominium/hotel scenarios. Both of these scenarios were approved by the Planning Commission, as all the previously identified issues and concerns had been addressed in the overall project design. This approval was subsequently appealed to City Council and called-up by the Mayor.

The project had been scheduled for hearing at Design Commission on November 29, 2007. Due to the appeal and call-up status of the Planning Commission decision, the project was going to be withdrawn from the Design Commission agenda, but was heard as a review and comment item. After considering the project, the Design Commission made an intent motion to approve the project with the inclusion of refinements to the design. The following is summary of Design Commission comments from the November 29, 2007 hearing: 1) Prefer more detail on the 10th Street like the J Street; 2) 10th Street podium wall needs more depth and articulation of the fenestration; 3) Better articulation is needed at blank walls located at the main entry; 4) Need to revisit landscaping/plaza/seating areas by refining and reintroducing previous elements proposed; 5) Need to celebrate the main entry, a grander better delineated place of entry, more sense of place; 6) J Street street-wall needs additional reveals, further detailing, and planar changes. Glazing and mullion treatments need to be further articulated and the patterns varied along J Street; 7) Had concerns that the glass corner element is too similar to Cathedral Square; 8) Similarities between Metropolitan and Cathedral Square are differentiated through color and the curtain wall treatment; 9) Balconies should wrap the corners to better integrate into the design; 10) Had concerns with the massing of upper tower between floors 8-17 and also 18-35; 11) Top of the building needs further refinements to differentiate this building from others; 12) Air intakes and grilles need to be carefully located and shown on next plan set submitted to Design Review; 13) Utilities should be integrated into the building and not in the public right of way; 14) Clarify that there are two separate designs proposed clearly for easy comparison; 15) Intent motion to approve the project with modifications that were requested at the hearing in addition to staff's Conditions of Approval.

The appeal and call-up of the project was then heard at City Council on January 8, 2008. The Council directed staff that the Mixed Use Hotel option be included in the DEIR, and that the DEIR be circulated for public review, the re-circulation of the Draft Environmental Impact Report (DEIR) and upon conclusion of the public review period and formulation of a new Final EIR (FEIR) have the Planning Commission and Design Commission re-hear the project. The appeal was withdrawn based on the project being sent back to the Planning Commission and Design Commission. A Revised DEIR was prepared in accordance with Section 15088.5 of the CEQA Guidelines and the DEIR was re-circulated for 45 days.

At the close of the public review period, a FEIR was prepared that addressed the comments received on both the 2006 DEIR and the 2008 Revised DEIR. The project (including both development scenarios) was heard and approved by the Planning Commission on May 22, 2008. This approval was subsequently appealed to City Council based on the inadequacy of the EIR in areas relating to greenhouse gases, energy conservation, storm water flows, hotel operations, traffic, and parking, and that the exact user of the commercial use is not known.

The Design Commission hearing for approval of the hotel/condominium scenario only is currently scheduled for July 16, 2008.

Attachment 2 – Staff responses to appeal letter

The following are staff responses to a letter, dated May 29, 2008, authored by Mr. William Kopper, Attorney at Law, on behalf of the appellants. The letter is regarding the, "Appeal of Planning Commission Approval for the Metropolitan Project (P05-205), Approval Date: May 22, 2008.

On Pages 2 and 3 of the appeal letter (Attachment 4) is the list of ten items upon which the action of the City Council was appealed. The following is a summary of Mr. Kopper's items and *staff responses* that reflect the numbering in Mr. Kopper's letter.

1. EIR did not consider feasible mitigation measures reduce the project's energy use and greenhouse gases. *The standard of significance for energy is whether a project would result in the "use of non-renewable resources in a wasteful and inefficient manner". The proposed project would comply with all requirements for energy conservation, such as Title 24, and would include additional features to reduce its energy demand, such as appliance energy efficiency standards and diesel-engine idling restrictions (see Page 5.1-6 of the Revised DEIR). Project-specific mitigation is not necessary because the project would not result in a significant impact. Due to the nature of global warming, there is no basis for determining what is locally and regionally cumulatively considerable that would typically lead to a CEQA threshold of significance (see Page 5.1-4 of the Revised DEIR).*

2. The City did not follow CEQA procedures in the circulation of the Final EIR. *The City did comply with CEQA procedures, in particular Section 15132(b) of the CEQA Guidelines, in that all comments and responses to all comments received on the Final EIR (2006 and 2008) were included in the 2008 Final EIR. In accordance with PRC Section 21092.5, the lead agency is to provide written proposed responses to each public agency withich commented on the EIR. The Lead Agency must provide the response at least 10 days prior to certification of the EIR. On May 12, 2008, the City faxed responses to the commenting public agencies, which met the 10-day review period. Mr. Kopper's response was faxed the next day. Because Mr. Kopper did not represent a public agency, the City was not required to send him the proposed responses; however, as a matter of policy the responses were faxed to him. The notice mailed to Mr. Kopper on May 12, 2008 was notification of the public hearing for the project. The notice erroneously stated that the EIR was available for review. The City's template for the public hearing notice was subsequently revised by City staff to remove the statement about the availability of the EIR. The Final EIR presented to the City Planning Commission was a complete document in compliance with Section 15132(b) of the CEQA Guidelines.*

3. The City failed to respond to comments that were labeled in the Final Environmental Impact Report as M-3 and M-11. *As mentioned in Response to Comment M-3 and M-11 in the FEIR, The site plan was reviewed by City's Development Engineering staff and found to be acceptable to the engineering standards. Queuing analysis were conducted to determine whether typical peak hour operation of the motor court would cause queuing into adjacent city street. For the hotel uses, the critical time period for entry to the motor court and the parking garage is during the A.M peak hour, as it is during this period the largest volume of entering traffic is anticipated. It is estimated that 51 vehicles will enter the garage during this hour. Assuming the 60% of the entering vehicles will be using the passenger pickup/drop of or valet parking spaces available, with an average service time is 3 minutes per vehicle, is expected at a better than 99 percent probability that a maximum of 3 cars will be at the drop off/ pick up area. The site plan provides 5 spaces for pick up/drop off passenger area*

   For residential garage, the critical time period for entry to the parking garage is during the P.M. peak hour, as it's during this period that the largest volume of entering traffic is anticipated. It is estimated that 44 vehicles will enter the garage during this hour. Assuming one entrance lane and gated entry control with an average service time of seven seconds per vehicle, is expected at a better than 99 percent probability that a maximum of one vehicle will be at the entry gate. .The site plan provides adequate space to locate the entry gate to allow for the queuing of two or more vehicles without extending into the adjacent alley. Further more, the site plan provides 3parking spaces for short term parking spaces for residential drop off/ pick up in the motor court area.

4. The EIR does not include a reasoned and good faith analysis related to rejection of feasible energy conservation measures. *See staff response No. 1, above. The Final EIR responds to the comments of Messrs Ehrlich and Hunt. Their comments, in general, state disagreement with the City's policies regarding energy conservation and efficiency for individual projects.*

5. The EIR does not include adequate information about storm water flows and mitigation of increased storm water and wastewater flows. *Page 5.5-3 of the Final EIR includes an analysis of how storm water and wastewater flows would be mitigated if needed City-wide the Combined Sewer Service System improvements are not made at the time needed by the Metropolitan project. The project would be required to either store project flows or pay the City's Combined System Development Fee to provide additional capacity in the City's system.*

6. The Project EIR fails to include an updated traffic analysis. *The traffic study was prepared shortly after the Notice to Proceed for the DEIR was published. Therefore, the traffic study used the available information at that time. The Metropolitan EIR analyzed the traffic in the baseline scenario with the proposed project trips and the cumulative scenario assumes the cumulative impacts of several projects in the downtown area known at the time the DEIR prepared to be most foreseeable. At this time, several projects of that list are not anticipated to be approved or are on hold. Therefore, the traffic study is considered conservative and no further action is required.*

7. <u>The Project does not include adequate parking for the condominiums, the hotel rooms, the restaurant, the banquet facilities, and the conference facilities.</u> *The proposed number of parking spaces in both scenarios complies with the City Zoning Ordinance. The City Zoning Ordinance residential parking ratio requires one (1) space per residential unit plus one (1) space per 15 units. Based on this ratio, the 320 condominium project scenario requires 342 parking spaces. The project provides 500 parking spaces under this scenario, a surplus of 158 parking spaces. The City Zoning Ordinance hotel parking ratio requires one (1) space per two (2) hotel rooms plus parking for additional services (restaurant, banquet facilities, etc.). The additional services parking requirement was based on 20,500 square feet of additional service space at one (1) space per 500 square feet for a total of 41 spaces. Based on the hotel ratio and the residential ratio, the 190 condominium/190 hotel room project scenario requires 339 parking spaces. The project provides 475 parking spaces under this scenario, a surplus of 136 parking spaces.*

   Based on the City Zoning Ordinance the project is adequately parked with a surplus of parking in either scenario. The surplus parking spaces can be used for visitor parking, valet parking for commercial retail uses in the building, or potentially as off-site parking for other uses in the area. A few surplus spaces could also be utilized for motorcycle/moped parking.

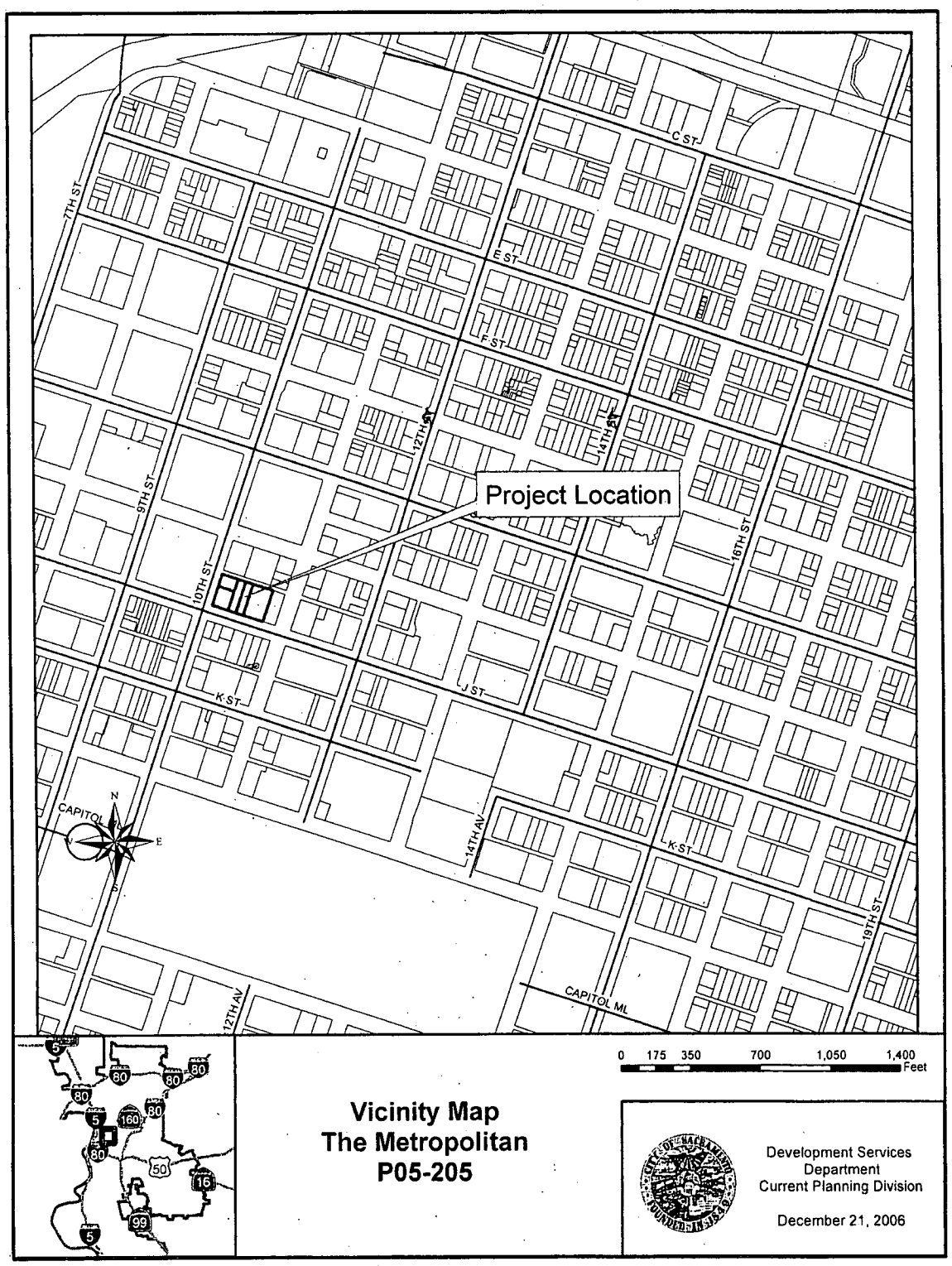
8. <u>The traffic study was not updated for the combined Hotel/Condominium Project.</u> *As mentioned on the RDEIR, page 5.6-1, the potential amount of traffic generated by hotel and residential uses was used to determine the number of residential and hotel units for this option so that both the mixed use Hotel option and the Residential Option generate similar amount of traffic. For this reason, the Mixed Use Hotel would include 190 residential units and 190 hotel rooms. The trip comparison presented on Table 2, Appendix B of RDEIR, shows the Hotel Mixed Use alternative produces a net reduction in vehicle trips. Because there is a predominate net decrease in trips for the Mixed Use Hotel Option, the City anticipates there would be no new traffic impacts associated with this option beyond what was analyzed in the DEIR.*

   Regarding trip generation figures for the restaurant or the convention facilities, trip generation of the Mixed Use/ Hotel Option is based upon information compiled by the Institute of Transportation Engineer (Trip Generation Seventh Edition, Trip Generation Handbook). According to ITE, Land Use 310 (Hotel), the description for hotels is: Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities and other retail and service shops(page 541, Trip Generation 7th edition, Volume 2).

9. <u>The Project EIR fails to include an analysis of the impacts of the truck loading facilities in the alley.</u> *The project is required to install signs in the alleyway to prohibit loading and unloading in the alley during peak hours (A.M and P.M) to the satisfaction of the City's Development Services Division -Condition D-F- 11.*

10. The Project EIR should complete an updated traffic study that addresses the impacts of the hotel on traffic in the alley way. *Please see Response to Comment M-3in the FEIR and see staff response to number 3 and 8 above.*

Attachment 3 – Vicinity Map

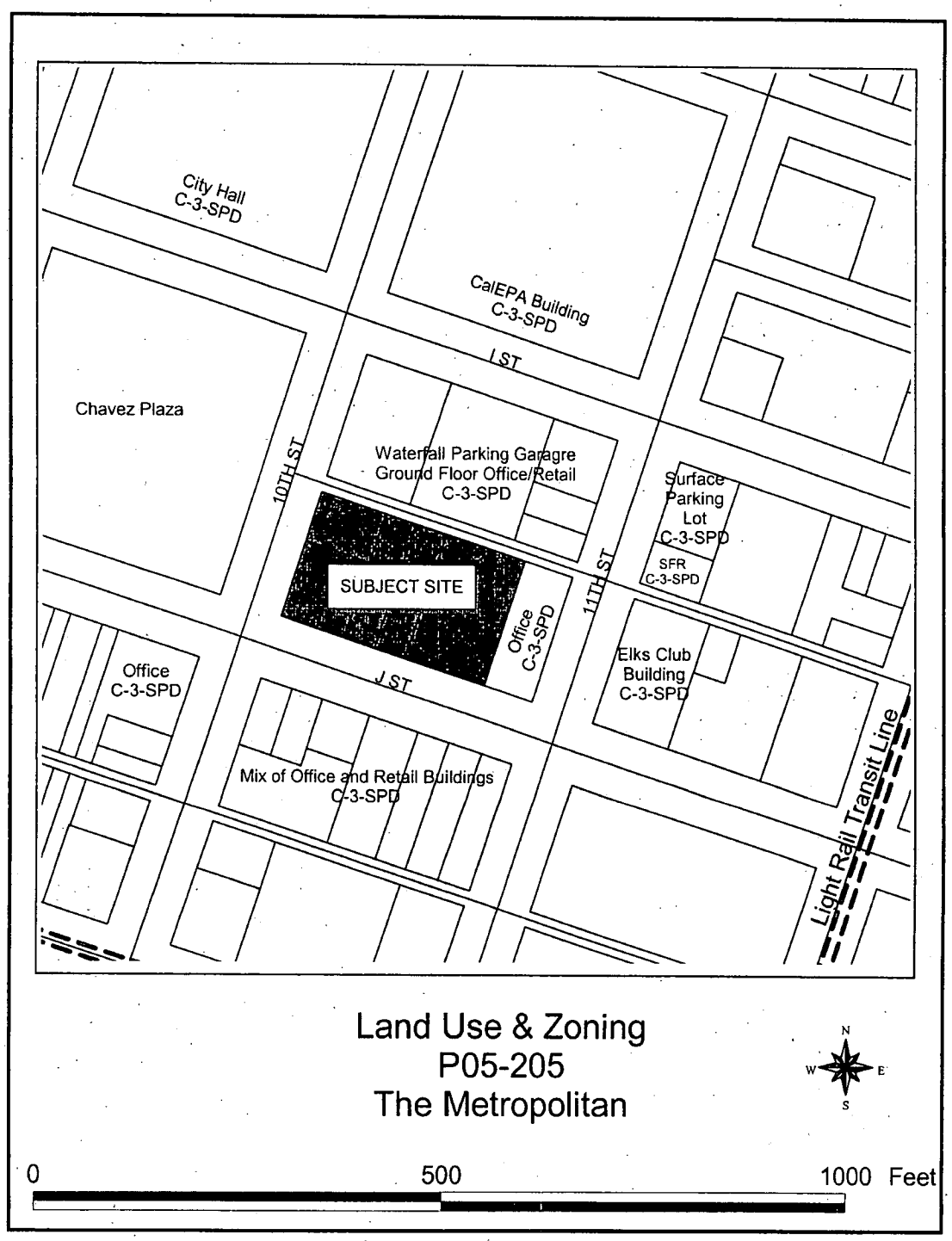


Vicinity Map
The Metropolitan
P05-205

Development Services
Department
Current Planning Division

December 21, 2006

Attachment 4 – Land Use & Zoning Map



City of Sacramento Development Services — We Help Build A Great City

Development Services Department
300 Richards Boulevard 3rd Floor, Sacramento, CA 95811
Help Line: (916) 808-5656
www.cityofsacramento.org/dsd

CITY OF SACRAMENTO DOWNTOWN PERMIT CENTER

JUN 02 2008

RECEIVED

Appeal Decision
City of Sacramento Planning Commission

Date June 2, 2008

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning Commission on May 22, 2008 (date) (hearing date), for project number P 05-205.

X	Special Permit	for	hotel/condo option (Item E)
	Variance	for	
	"R" Review	for	
	Other	for	

X Granted by the City Planning Commission
Denied by the City Planning Commission

Property Location: 921 10th Street

Grounds For Appeal: (explain in detail, you may attach additional pages)
Please see attached

Appellant: Daisy Mera (please print) Daytime Phone: (916) 564-4949

Address: 1804 Tribute Rd. suite K. Sacramento 95815

Appellant's Signature: Daisy Mera

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY			
Filing Fee Received: Applicant ($1,192)		Or Third Party ($298)	
Received By:		Date:	
Distribute Copies to: Planning Director		Zoning Administrator	
Planning Commission Clerical Support Staff		Original & Receipt in File	

(916) 808-5656 CALL 打電話 · Hablamos español · Мы говорим по русски · พวกเราพูดภาษาลาว · Peb hais lus Hmoob · Chúng tôi nói tiếng Việt

DSD-0066 Rev. 05/2008

UNITE HERE LOCAL 49

1804 Tribute Road, Suite K • Sacramento, California 95815
Telephone (916) 564-4949 • FAX (916) 564-4950

June 2, 2008

City Clerk
City Council
City of Sacramento
915 I Street
Sacramento, CA 95814

RE: Appeal of Planning Commission Approvals
for the Metropolitan Project (P05-205)
Date: May 22, 2008

Dear Members of the City Council and the City Clerk:

On May 22, 2008, the Planning Commission of the City of Sacramento approved several items concerning the Metropolitan Project (P05-205) to be located at 921 10th Street including the following:

Item E: Special Permit for 320 condominium units or Special Permit for 190 condominium units/190 hotel rooms in the Central Business District Special Planning District (C-3-SPD) zone

I, Daisy Mera, a resident of the City of Sacramento and a representative of UNITE HERE! Local 49 appeal the action of the Planning Commission of the City of Sacramento to approve the aforementioned item on the following grounds:

The City Planning Commission's action to approve a special permit for both a hotel/condo option without retail and for a condo with retail creates a difficult project for the public to gauge what exactly will be developed at 921 10th Street. The multiple and different project descriptions underscore the fact that many basic questions persist about the exact nature of this proposal. This project does not meet the requirements of Sacramento Zoning Code, including the requirement that the project allow the public to "determine the exact nature and extent of the use."

Sincerely,

Daisy Mera

Daisy Mera
UNITEHERE Local 4
1804 Tribute Road Suite K
Sacramento, California 95815

Attachment 6 – William Kopper Appeal Letter

CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

PLANNING DIVISION
916-808-5419

APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION

DATE: 5/28/2008

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission on _____ **(hearing date), for project number (P#)** P05-205 **when:.**

X	Special Permit	for	See attached
	Variance	for	
	"R" Review	for	
X	Other _____	for	See attached

was: X Granted by the City Planning Commission

_____ Denied by the City Planning Commission

Grounds For Appeal: (explain in detail, you may attach additional pages)
See attached.

⇒ Property Location: 921 10th Street

⇒ Appellant: William D. Kopper Daytime Phone: (530) 758-0757

⇒ Address: 417 E Street, Davis, CA 95616

⇒ Appellant's Signature: [signature]

THIS BOX FOR OFFICE USE ONLY

FILING FEE: ____ **$1,192.00 By Applicant** **RECEIVED BY:** _____
____ **$298.00 By Third Party** **DATE:** _____

Distribute Copies to CAS; DK; Project Planner; Mae Saetern (original & receipt)
P# _____ **Forward to City Clerk:** _____

William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Paralegal
Kristin Rauh

May 29, 2008

City Clerk
City Council
City of Sacramento
915 I Street
Sacramento, CA 95814

RE: Appeal of Planning Commission Approval for the Metropolitan Project (P05-205)
Approval Date: May 22, 2008

Dear Members of the City Council and City Clerk:

On May 22, 2008, the Planning Commission of the City of Sacramento took the following actions with regard to the Metropolitan Project (P05-205) to be located at 921 10th Street:

A. Certified the Environmental Impact Report for the Metropolitan Project;

B. Adopted a mitigation monitoring plan;

C. Approved a tentative map to designate the parcel for condominium purposes;

D. Approved a special permit for a major project of 75,000 square feet or more in the Central Business District's Special Planning District (C-3-SPD) Zone;

E. Approved a special permit for 320 condominium units or special permit for 190 condominium units/190 hotel rooms in the Central Business District's Special Planning District (C-3-SPD) Zone;

F. Approved a special permit to allow tandem parking;

G. Approved a variance to reduce parking maneuvering area from 26 feet to 25 feet within the parking garage;

H. Adoption of City Planning Commission Record of Decision Findings of Fact and Conditions or Approval of the Metropolitan Project (P05-205) including adopting Statement of Overriding Considerations.

Gene Moe, Karl H. Mindermann, and Jeffrey S. Linn, all residents of the City of Sacramento, and Sacramento Citizens of the Down Town, a California Unincorporated Association, hereby appeal all of the above actions by the Planning Commission to the City Council of the City of

Sacramento. We have attached to this appeal the appeal fee of $298.00, in the event the City does not provide to us the credit we are owed. We have determined the appropriate fee from the City of Sacramento website. The appeal is based on all the issues in Petitioners' letter of May 21, 2008, which is attached to this letter, and all of the previous letters submitted, including Mr. Daniel Smith's letter dated October 24, 2007, the letter of Mr. Daniel Smith dated August 17, 2007, and the letter of Mr. Marshall Hunt dated October 23, 2007. Mr. Moe, Mr. Mindermann, Mr. Linn, and Sacramento Citizens of the Down Town appeal the action of the City Council based upon the following grounds:

1. The EIR is inadequate because it fails to consider feasible mitigation measures to reduce the Project's energy use and also reduce greenhouse gases.

2. The City failed to follow CEQA procedures. The Final Environmental Impact Report was improperly circulated. The City noticed the availability of the Final Environmental Impact Report on May 2, 2008. A notice was mailed by the City of Sacramento, Department of Developmental Services to the Offices of William D. Kopper on May 12, 2008, and received on May 13, 2008. Contrary to the Notice, the Final Environmental Impact Report had not yet been prepared and was not available at the City offices. The Final Environmental Impact Report was only prepared on May 19, 2008, and at that time posted on the City website, three days before the hearing on the FEIR. The Final Environmental Impact Report did not comply with CEQA Guidelines §15132(b) because it did not include all the comments. It was later posted on May 20, 2008. The City failed to comply with CEQA in that it did not provide responses to comments to agencies and individuals who commented on the Project 10 days prior to the hearing on the Final Environmental Impact Report.

3. The City failed to respond to comments that were labeled in the Final Environmental Impact Report as M-3 and M-11. The comments suggested that the second parallel alley, which composes part of the motor court, had not been analyzed in a traffic study. The expert evidence indicated that because of the size of the hotel, including a large restaurant and kitchen and banquet facilities, it was likely that during conferences and major events the motor court and second parallel alley would not accommodate all of the hotel traffic. The lack of adequate capacity would cause hotel traffic to queue out of the alley into the surrounding streets, with associated traffic impacts. The Environmental Impact Report failed to consider these impacts or to complete a level of service analysis of the intersection between the alley and 10th Street.

4. The Project EIR fails to include a reasoned and good faith analysis related to rejection of feasible energy conservation measures. The Project EIR erroneously takes the position that the Project will have no impact on energy consumption. This position is clearly incorrect in light of the report of Mr. Charles Erlich and Mr. Marshall Hunt.

5. The Project EIR fails to include adequate information about storm water flows from the Project and how storm water flows and waste water flows will be mitigated if the CSS is not expanded by the time the Project is constructed.

6. The Project EIR fails to include an updated traffic analysis. The Downtown Traffic Study was updated for the Township 9 Project and Railyards Project. Subsequently, all new projects

were based upon the updated Downtown Traffic Study. The Project EIR fails to include the updated Downtown Traffic Study, even though commenters have repeatedly indicated that the EIR was based upon the outdated 2006 Downtown Traffic Study. Both Mr. Daniel Smith and Caltrans pointed out when the Draft Environmental Impact Report was first circulated that the 2006 Downtown Traffic Study was based on outdated information.

7. The Project does not include adequate parking for the condominiums, the hotel rooms, the restaurant, the banquet facilities, and the conference facilities. The calculation of the parking requirements for the Project does not comply with the City Zoning Ordinance. The Project is under parked according to the standard of significance of the City Zoning Ordinance, and there will be accompanying traffic impacts related to the lack of sufficient parking. The Project EIR fails to address these traffic impacts related to inadequate parking.

8. The traffic study was not updated for the combined Hotel/Condominium Project. The traffic study for the Hotel/Condominium Project includes no trip generation figures for the restaurant or for the convention facilities. The trip generation rates related to the revised Project, including the 2030 cumulative conditions, are vastly understated.

9. The Project EIR fails to include an analysis of the impacts of the truck loading facilities in the alley. The use of the truck loading facilities will be greatly increased due to the mixed use hotel option. However, the EIR assumes that truck loading will be the same as for the condominium option. This assumption is not realistic and is not based on fact. The analysis does not comply with CEQA.

10. The Project EIR should complete an updated traffic study that addresses the impacts of the hotel on traffic in the alley way.

Sincerely,

WILLIAM D. KOPPER
Attorney at Law

WDK/wrn
enclosures

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Paralegal
Kristin Rauh

May 21, 2008

Planning Commission
City of Sacramento
915 I Street
Sacramento, CA 95814

RE: The Metropolitan Project Final Environmental Impact Report

Dear Members of the Planning Commission:

I represent Gene A. Moe, Karl H. Mindermann, and Jeffrey S. Linn, and Sacramento Citizens for Downtown, a California Unincorporated Association. These are their comments on the Final Environmental Impact Report for The Metropolitan Project ("FEIR"). We incorporate the comments of all other individuals into these comments. My clients oppose the Project. In addition to the comments included in this letter, we incorporate the traffic comments prepared by Daniel Smith, which are attached. Our comments are as follows:

1. Failure to Follow CEQA Procedures.

On May 2, 2008, the City of Sacramento issued the attached Public Notice stating in part, "A copy of the [Final Environmental Impact Report for The Metropolitan Project] may be reviewed or obtained at the Development Services Department, 300 Richards Boulevard, 3rd Floor, Sacramento, California." This Notice was mailed by the City of Sacramento Department of Development Services to my office on May 12, 2008, ten days after the Notice was prepared. The Notice arrived in the Law Offices of William D. Kopper on May 13, 2008. On the same day, I sent our courier, Mr. George Ortiz, to the Department of Development Services at 300 Richards Boulevard in order to retrieve a copy of the Final Environmental Impact Report for The Metropolitan Project. (See Exhibit B.) When Mr. Ortiz arrived at the office of Development Services, he was informed that the Final Environmental Impact Report was not yet prepared, but would be posted on the City of Sacramento website. (See Exhibit B.) The Final Environmental Impact Report was finally posted on the City's website on May 19, 2008, three days before the hearing on the FEIR. The Final Environmental Impact Report lacked letters I-M. In accordance with CEQA Guidelines §15132(b) the Final Environmental Impact Report is required to have all of the comments. (See Exhibit C.) Finally on May 20, 2008, two days before the hearing, it appears that the City's website was updated to include the comments in the website version of the Final Environmental Impact Report.

The City's conduct in noticing and circulating the Final Environmental Impact Report does not comply with the requirements of CEQA. The cases interpreting CEQA have stated that the

Legislative intent of CEQA is as follows: "Full compliance with the letter of CEQA is essential to the maintenance of its important public purpose." (*Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604, 622.) Further, "[W]e must be satisfied that [administrative] agencies have fully complied with the procedural requirements of CEQA, since only in this way can the important public purposes of CEQA be protected from subversion. At least, when these particular provisions go to the heart of the protective measures imposed by the statute, failure to obey them is generally prejudicial; to rule otherwise would be to undermine the policy in favor of the statutes strict enforcement." (*Id.* at pages 622-623.) Depriving the public of the opportunity to comment "thwarts the Legislative intent underlying CEQA." (*Ultramar Inc. v. South Coast Air Quality Management District* (1993) 17 Cal.App.4th 689, 700.) In the *Ultramar* case the South Coast Air Quality District circulated an incomplete Draft Environmental Impact Report. The court held that there was no compliance with CEQA's notice provisions because the Draft Environmental Impact Report was incomplete. In this case, the City chose to give notice of the Final Environmental Impact Report and make it available prior to the City taking action on the Final Environmental Impact Report. However, the Notice provided was false and misled the public as to the availability of the FEIR. Moreover, the City posted an incomplete FEIR on the City's website. Attorney William D. Kopper specifically asked Jennifer Hagman, Senior Planner, to renotice the hearing on the Final Environmental Impact Report so that members of the public would have a complete FEIR and the time set forth in the original Notice (20 days) to review the FEIR. Ms. Hagman refused to renotice the hearing on The Metropolitan Project FEIR. These actions violated CEQA. Once the City undertook to provide notice and to furnish the public with the FEIR, the City was not entitled to provide false, unclear, and confusing notices and documents.

2. Failure to Respond to Comments.

The written responses to comments must describe the disposition of any "significant environmental issue" raised by the commenters. (Public Resources Code §21091(d)(2)(B); CEQA Guidelines §15088(c).) The response must be detailed and must provide a reasoned, good faith analysis. (CEQA Guidelines §15088(c).) The responses to comments on a draft EIR must state reasons for rejecting suggestions and comments on major environmental issues. "Conclusory statements unsupported by factual information" are not an adequate response; questions raised about significant environmental issues must be addressed in detail. (CEQA Guidelines §15088(c); *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348.)

In *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 722-732, the court rejected responses to comments in an FEIR because the FEIR failed to quantify how much water the Department of Water Resources could deliver in wet years, average years, and periods of drought. The court concluded that "the requirement of a detailed analysis in response [to comments] ensures that stubborn problems or serious criticism are not swept under the rug." (*Id.* at page 723.)

Specific, detailed responses, supported by a reasoned analysis, are particularly important when the EIR's impact and analysis is criticized by experts or other agencies with expertise in the area. At a minimum, the final EIR must acknowledge the conflicting opinions and explain why suggestions made in the comments have been rejected, supporting its statements with relevant data. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th

1344, 1367, 1371.) In light of these standards, the FEIR fails to adequately respond to comments.

A. Comments M-3 and M-11. Comments M-3 and M-11 address whether the "motor court" and second parallel alley will function adequately and not cause cars accessing the hotel to cue out into the alley and surrounding streets causing traffic impacts. Further, these comments state that the RDEIR did not analyze the needs of "short term hotel reception and hotel function room parking near the main hotel entrance." In comment M-11 Mr. Dan Smith, a certified traffic engineer, and one of the founding partners of DKS Associates, commented that:

> The proposed hotel includes an 11,000 square foot restaurant including a 4,000 foot kitchen that appears scaled to also service the 23,300 square foot function rooms. Although the RDEIR is deficient in failing to provide any potential occupancy statistics for these public spaces, we estimate the restaurant could seat in excess of 300 diners and that the function rooms could accommodate over 750 persons for meetings or banquets.
>
> Neither the RDEIR nor the environmental documents that preceded it has provided any analysis of whether or not the approximately 72 feet of short-term parking (equivalent to about 3.5 parking spaces) in the approximately 110 feet of passenger loading zone (equivalent to about 5.5 parking spaces) that are incorporated into mixed use hotel option are adequate to meet the needs of residents, hotel guests plus the surge of traffic of others dining at the restaurant or attending meetings and banquets in the hotel function rooms. The RDEIR is deficient until such an analysis is performed.

In response to comment M-3 the FEIR states "The City's Development Engineering and Finance Department reviewed and approved the proposed site plan." The comment shows that there was no traffic engineering completed to determine whether in fact the motor court proposal would be adequate to address the much larger flow of traffic during peak periods associated with the hotel. In response to comment number M-11, the Final EIR cites the revised DEIR which states "trip distribution patterns would be the same as the proposed project." The City further states "the traffic study prepared specifically for the mixed-use hotel option included an analysis of the anticipated traffic generated by the restaurant." This statement is clearly false. The trip generation calculations were included in Appendix B, which is reproduced as attachment D. Table 1 of Appendix B includes the land use assumptions for the trip generated calculations. The original Project is assumed to have 13,000 square feet of retail space and 320 condominium units. The revised Project is assumed to have no retail space and 190 condominium units and 190 hotel rooms. The traffic engineers did not calculate any traffic related to a restaurant use or conference room use. The remainder of Appendix B includes intersection calculations that were completed in 2006 prior to the first disclosure of the hotel option in the Final Environmental Impact Report draft dated July 30, 2007. The Final Environmental Impact Report fails to address a real concern about creating a severe traffic impact by placing a hotel ingress and egress on a small narrow alley in a building that will have a large restaurant and conference facilities. The authors of the EIR were required to complete traffic engineering to show that such a design would not have significant impacts on traffic, and if

significant impacts were discovered then the City was required to prepare mitigation measures.

An unsubstantiated conclusion that an impact is not significant, without supporting information or explanatory analysis, is insufficient. (See *Protect the History* Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099, 1111.)

B. Comment M-4. The City refuses to address whether the Project has a significant or insignificant impact on global warming. The City fails to consider this impact at all in violation of CEQA. The City is required to address whether the Project's impact on greenhouse gases and global warming is significant or insignificant. Clearly, the report of Charles Erhlich establishes that the Project, as a typical highrise, will consume a great quantity of energy with associated greenhouse gases. It is not reasonable for the City to conclude that this is not a significant impact under CEQA. Therefore, the City is required to address feasible mitigation measures under the CEQA statute and guidelines. A mitigation measure is "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Public Resources Code §21061.1; CEQA Guidelines §15364.) In keeping with the statute and guidelines, an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evince good faith and a reasoned analysis. (*Los Angeles Unified District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029, 1030.) The Project EIR is deficient because it does not address feasible energy conservation measures or feasible measures to reduce the Project's impact on greenhouse gases. The City's contention that there is no evidence that the Project will not have an impact on use of non-renewal resources and will not have a significant energy impact under CEQA is without foundation or evidentiary support.

C. Stormwater Flows. Comment M-5 is directed to the lack of information about the City's ability to accommodate stormwater flows from the Project. The Project EIR is required to provide sufficient information so that the readers of the Environmental Impact Report can determine whether the stormwater flows and wastewater flows from the Project will cause an exceedance of the capacity of the CSS. The EIR has failed to provide the drainage and sewer flow calculations. Essentially, the City has asked the public to accept impermissible future mitigation. The future mitigation may be "on-or off-site improvement to store water during storm events". The public is deprived of an opportunity to review those proposed mitigation measures because they have not been described in any detail. Moreover, these mitigation measures may have environmental impacts.

D. Failure to Update the Traffic Analysis. In comment M-7 we stated that the cumulative impacts section of the Draft Environmental Impact Report and Revised Draft Environmental Impact Report did not include the two largest projects in the area that will have the most impact on downtown traffic - - the Railyards Project and the Township 9 Project. The FEIR dodges this issue by stating: "The approved project for the Railyards (2007 project) and the Township 9 (2007 project) considered the cumulative impacts of traffic in the downtown area and included the proposed Metropolitan Project." This is obviously nonresponsive. Commenters here are not concerned about either the Railyards EIR or the Township 9 EIR, but The Metropolitan Project EIR. As previously stated, the traffic impact analysis for the mixed-use hotel option was not

properly completed because there was no trip generation figures for the restaurant or for the convention facilities. Because the DEIR was revised, the Project EIR was required to take into account the cumulative impacts of known projects including the Railyards and Township 9. The FEIR does not provide an answer, let alone a satisfactory answer, to these concerns.

The same comments are raised in comment M-9 by Mr. Daniel Smith. Since the City has recirculated the Draft Environmental Impact Report and prepared a new section on traffic, the City is required to include updated information on traffic impacts, which address both the Township 9 and the Railyards Project. Response to comment M-9 is not adequate because it does not address the impacts of the Township 9 Project and the Railyards Project and the 2030 cumulative conditions. In the 2030 cumulative conditions, the addition of traffic from the Railyards and Township 9 will have a significant impact on intersections that are also affected by The Metropolitan Project. Because this information has not been included in the RDEIR or the Final Environmental Impact Report, the EIR information is incomplete. The decisionmakers voting on the Project do not have sufficient information to determine the environmental impacts of the Project.

E. Inadequate Parking. In comment M-12 Mr. Smith notes that the RDEIR did not take into account the parking spaces necessary for the restaurant facility, the banquet hall, the meeting spaces, and the workforce for the hotel. The City's parking ordinance (City Code Section 17.64.020) requires 1 parking space per 3 seats of restaurant. The closest category to the hotel conference facilities is lodge hall, which requires 1 space per 100 gross square feet. Because there will be 23,000 square feet of conference space, the City Zoning Ordinance requires 230 parking spaces just for the conference facilities. The EIR does not provide parking either for the restaurant facility or the conference facilities. Therefore, the Project does not provide adequate parking. As stated in the attached letter of Daniel Smith, Certified Traffic Engineer, the failure of the City to provide adequate parking for the Project is likely to have significant adverse impacts on traffic off-site. These impacts were not addressed in the Environmental Impact Report.

F. Truck Loading Facilities. The Project EIR does not provide information about the truck loading facilities. As previously pointed out to the City "a curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposals benefits against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposed project (i.e., the "no project" alternative) and weigh other alternatives in the balance. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at 192-193.) Members of the public can not comment on whether there will be serious traffic impacts related to the truck loading bay facility, without a description of the truck loading bays and facility in the RDEIR and the number of daily deliveries. As Mr. Smith pointed out in his comments, there will clearly be a much greater demand for truck loading facilities with the mixed-use hotel option then with the residential option. The Project EIR fails to provide information about the truck loading bays and whether they will work without impacting traffic in the alley and the surrounding streets. The EIR is nonresponsive and does not include sufficient information for the public and decisionmakers to analyze the Project impacts. The Project EIR responds: "issues related to site design, including size of loading bays, is a planning issue and not an environmental issue." This statement is not correct because the truck loading bays and their operations may have a significant impact on traffic circulation. The response to comments with respect to the truck loading facilities is inadequate as a matter of law.

G. Secondary Project Alley Intersection. In Mr. Dan Smith's comments (M-14) he addresses the new secondary project alley intersecting 10th Street just 14 feet from the intersection of the existing alley with 10th. He states the combined intersection will be an operationally complex location having potential level of service and safety implications. The new design of the alley created a new potential environmental impact on traffic circulation. Mr. Smith states that: "With the more intense traffic use of the alley due to the traffic associated with the hotel, restaurant and banquet-meeting facilities, and the more complex dual alley configuration at the intersection with 10th Street, there must be a formal level-of service/operations evaluation of the intersection and the RDEIR is deficient until one is provided." This potential new impact should have been evaluated in the traffic study for the RDEIR. Petitioners have certainly met their burden of proof of providing evidence of a fair argument that an impact may occur at the intersection of the alley and 10th Street. The FEIR's response that "issues related to site design, including separation between access points, is a planning issue and not an environmental issue," is nonresponsive and does not comply with CEQA. Mr. Smith, a traffic engineer, points out that there may be a significant impact on level of service because of the proposed design. The Environmental Impact Report was required to address this issue. The City's response is nonresponsive and a violation of CEQA.

3. Inaccuracy of the City's 2006 Traffic Study.

A. Flaws in Existing Traffic Database. In comment M-15 Mr. Smith points out that the traffic analysis performed for the residential development option that is now relied upon for the mixed-use hotel option was based on the City's downtown traffic study circulated in 2006. In Caltrans comments on the Draft Environmental Impact Study, comment C-3E through C-3I, Caltrans points out that the existing conditions used by the authors for the 2006 downtown traffic study were between 25% and 45% lower than Caltrans volumes and SACMET model volumes. These comments were not satisfactorily answered by the FEIR. In comment G-10 Mr. Dan Smith points out that the DEIR unreasonably reduces the Project trip generation. This comment was also not answered.

It is clear that the 2006 Downtown Traffic Study was inadequate. In February of 2008, the City released the Draft Environmental Impact Report for the 831 L Street Project, which is approximately 2 blocks away from The Metropolitan Project. Appendix G included an updated Downtown Traffic Study, which was also provided for Township 9 and the Railyards Project. This updated Downtown Traffic Study should have been considered for The Metropolitan Project. We have attached the updated traffic study as Exhibit F. A simple comparison between the charts in Exhibit F and Appendix G of the Draft Environmental Impact Report shows that the existing traffic on I-5 is vastly understated in The Metropolitan Project EIR. For example on I-5 south of the US 50 onramp the updated study (Exhibit F) shows that in the morning existing traffic is 4,656 units per lane compared to 3,417 units per land in the 2006 Downtown Traffic Study. The baseline Level Of Service is D in the morning instead of C as reported in the 2006 study. The baseline in the morning north of US 50 onramp in the northbound direction is Level Of Service F with the updated figures in comparison to Level Of Service D in the 2006 study. The updated numbers show the existing conditions are far worse then reported in the 2006 downtown traffic study. This is because the 2006 traffic study was based on incorrect numbers. An Environmental Impact Report based on inaccurate data is not sufficient. Even after the inaccuracies were pointed out to the City of Sacramento, the City did not update and improve the traffic study. In addition, the 2008 traffic impact study for the

downtown area attached as Exhibit F shows that the cumulative traffic conditions are far worse then reported in the 2006 downtown traffic study that was relied upon in The Metropolitan Project DEIR and FEIR. The City had a duty to update the cumulative data so that it was accurate and the public and decisionmakers would have accurate information to make decisions.

B. Energy Impacts. The Final Environmental Impact Report in addressing energy impacts incorrectly assumes that the City does not have to apply Appendix F of the CEQA Guidelines to The Metropolitan Project. The Metropolitan Project will use large quantities of energy as set forth in the report of Charles Ehrlich. There is no reasonable basis to conclude that this use of energy, in today's environment of energy shortages, is not a significant impact. The City was required to implement Appendix F and adopt all feasible mitigation measures to reduce the Project's energy use.

Sincerely,

WILLIAM D. KOPPER

WDK:kgr

SMITH ENGINEERING & MANAGEMENT

October 24, 2007

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Subject: The Metropolitan Project FEIR

P06006

Dear Mr. Kopper:

Per your request, I have reviewed the transportation and circulation component of the final environmental impact report (hereinafter "the FEIR") for the Metropolitan Project in the City of Sacramento (hereinafter "the City") dated October 10, 2007. I have previously commented on the DEIR for this project and also commented in a letter dated August 17, 2007 on the version of the FEIR dated July 30, 2007 that was circulated, but has apparently been withdrawn, though without mention in this FEIR. Most of the comments my August 17, 2007 letter remain applicable to the current FEIR. This review constitutes a supplement to the comments contained in my August 17, 2007 letter and is specific to the Mixed Use Hotel Option for the project that has now been belatedly inserted in the FEIR and to the additional changes in the FEIR that have been made in the current release of the document. My qualifications to perform this review are documented in the August 17, 2007 letter. My comments on the subject FEIR follow.

The FEIR Is Improperly Circulated

Introduction of a completely new project alternative, the Mixed Use Hotel Option, at the FEIR stage deprives the public of reasonable opportunity to comment on this alternative. Although the FEIR opines that the impacts of this alternative are the same as or less than those of the original subject project, this conclusion is apparently based on nothing more than a superficial comparison to the number of residence units and total square footage in the originally proposed Residential Option. In the section below we demonstrate that the new project option involves fundamentally different potential impacts than the original project studied. Consequently, the public deserves the full review period ordinarily granted for a draft EIR and the document should be recirculated as a revised draft EIR.

FEIR Fails To Evaluate Potentially Significant Effects of Mixed Use Hotel Option on Traffic, Parking, Pedestrian Pick-Up/Drop-Off and Loading Operations At Project Site

The site plan for the new Mixed Use Hotel Option includes what is essentially a new east-west alley located parallel to and only about 14 feet from the design limits of the existing alley that runs between 10'th and 11'th Streets along the project's north side. In the Mixed Use Hotel Option, the existing alley, enhanced by a 4 foot widening along the hotel's frontage continues to be used for access and egress to the project's loading docks, access and egress to all above-ground floors of the project's parking, for egress from the projects subsurface parking garage area and for egress from the new secondary alley. The new secondary alley provides access to the subsurface portion of the project's parking garage, to a new short term parking bay, and to a new passenger pick-up/drop off area. Egress from these areas is dependent on the existing alley.

The proposed hotel includes an 11,000 square foot restaurant including a 4000 foot kitchen that appears scaled to also service the 23,300 square foot hotel function rooms. Although the FEIR is deficient in failing to provide any potential occupancy statistics for these public spaces, we estimate the restaurant could seat in excess of 300 diners and that the function rooms could accommodate over 750 persons for meetings or banquets.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the approximately 72 feet of short term parking (equivalent to about 3.5 parking spaces) and the approximately 110 feet of passenger loading zone (equivalent to about 5.5 parking spaces) that are incorporated into the Mixed Use Hotel Option are adequate for the needs of residents, hotel guests plus the surge traffic of others dining at the restaurant or attending meetings and banquets in the hotel function rooms. The FEIR is deficient until such an analysis is performed.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the parking provisions of the Mixed Use Hotel Option are adequate for the needs of residents, hotel guests, plus the parking needs of others patronizing the restaurant or attending meetings and banquets in the hotel function rooms. The Hotel with the large restaurant and banquet/meeting facilities would require a much larger staff than the Residential Option. No consideration has been given to the parking demand of the enlarged workforce. The FEIR is deficient until a specific parking analysis of the Mixed Use Hotel Option is performed.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the same sized truck loading bay (about 20 feet wide, enough to simultaneously accommodate 2 large trucks with difficulty) that was proposed to serve the Residential Option would be adequate to service the much more demanding truck loading needs of the Mixed Use Hotel Option, with all the added demands of hotel housekeeping, food and banquet service and meeting support services. The FEIR is deficient until such an analysis is performed

With the new secondary project alley intersecting 10th Street just 14 feet from the intersection of the existing alley with 10'th, the combined intersection thus created will be an operationally complex location having potential level of service and safety implications. The FEIR and the DEIR that preceded it never performed a formal analysis of the intersection of the alley with 10th street for the Residential Option. With the more intense traffic use of the alley due to the traffic associated with hotel, restaurant and banquet/meeting facilities, and the more complex dual-alley configuration of the intersection with 10th Street, there must be a full formal level-of-service/operations evaluation of this intersection and the FEIR is deficient until one is provided.

FEIR Proposes Non-responsive Mitigation Measure To Significant Impacts On Freeway System, Fails To Implement Feasible Mitigation Measures for Those Impacts, and Fails To Inform of Conflicting Opinion of Responsible Agency

The EIR discloses that the project would have significant project and cumulative impacts on the freeway system serving downtown Sacramento including impacts on mainline segments, merge/diverge/weave areas and on freeway ramp queues in all three periods of analysis studied – baseline (2008), near term (2013) and long-term (2030). As attempted partial mitigation, the FEIR now proposes that the project pay fair share fees toward the construction of the Downtown-Natomas-Airport light rail transit extension project (DNA LRT).

However, the notion that contributing partial funding to DNA LRT mitigates the projects freeway system impacts is entirely a fiction. The initial operable segment of DNA (running only as far as Richards Boulevard) is optimistically scheduled for completion by 2013. The Natomas and Airport portions of the line would not be completed until sometime after 2020. Hence, DNA LRT will not be in service to provide any mitigation to the projects freeway impacts in the baseline (2008) period and will not be completed far enough to divert any traffic from the freeway system in the near term (2013) analysis period. Furthermore, The EIR's transportation and circulation analysis for the 2013 and 2030 periods *assumed all reasonably feasible diversion of travel to transit including the DNA line before the project's freeway traffic impacts were compiled.* If the purported mitigation had already diverted all travel it could practically attract before the

traffic impact is compiled, it is pure nonsense to pretend that it is a mitigation measure that could further reduce freeway traffic and impacts. Project fair share fee payments to the DNA project may be reasonable as a *transit mitigation* but not as a mitigation for freeway system impacts.

Caltrans has proposed feasible mitigations to the central area freeway system impacts. The City has attempted to characterize those proposed mitigations as infeasible. Caltrans has convincingly refuted that attempted characterization, most specifically in a letter of comment on the 500 Capitol Mall DEIR from Caltrans District 4 Director Jody Jones dated November 27, 2006. This has threefold importance:

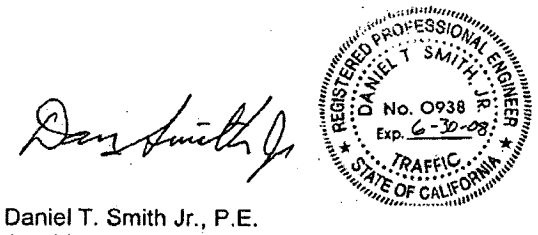
1. The City cannot characterize the projects freeway system impacts as "unavoidable'.
2. Because CEQA Article 21002 prohibits approval of projects having significant impacts without implementing all feasible mitigation measures, the City cannot approve the subject project without such actions as requiring it to pay fair share mitigation fees toward implementing the proposed freeway mitigations.
3. The FEIR is deficient in failing to disclose to the public the difference of opinion on these matters of Caltrans, a Responsible Agency.

Conclusion

This completes my current comments on the Metropolitan FEIR. For the above-stated reasons, and for additional reasons stated in my letter of August 17, 200y,I do not believe the FEIR is adequate for certification. Furthermore, I believe that proper analysis of issues associated with the new Mixed Use Hotel Option would retire recirculation of the document in draft status.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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November 27, 2006

06SAC0207
03-Sac-05 PM 23.425
500 Capitol Mall (P05-108)
Draft Environmental Impact Report
SCH# 2005112038

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

Dear Mr. Johnson:

Re: DEIR for 500 Capitol Mall (SCH No. 2005112038)

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the 500 Capitol Mall Project (Project) (SCH No. 2005112038). The Project is one of eight high-rise projects that were included in the recently completed Downtown Traffic Study (dated June 2006). It is exciting to see the potential of Downtown Sacramento being realized. Because the State highway system provides the primary access to the government, job, and entertainment centers located in the city center, we want to reiterate our desire to work cooperatively with the City of Sacramento to identify potential mitigations for the impacts to the State highway system, that will accompany the planned growth, to ensure that an appropriate level of access and mobility are retained. 5-1

The Project is the first submitted to Caltrans for review that includes the Downtown Traffic Study as a basis for its transportation analysis for the environmental impact assessment. Caltrans supported the concept of a consolidated Downtown Traffic Study as an opportunity for all parties to efficiently analyze the impacts of cumulative development and to develop a more comprehensive approach to mitigation for the impacts. We presume that the City of Sacramento (City) intends to consistently apply the results of the Downtown Traffic Study to all projects that were part of the study and to also use the study's results in evaluating additional downtown projects. We are concerned that study does not fulfill its promise and would like to work with the City to modify the findings. 5-2

The City found the Project's impacts to the State highway system mainline to be significant and unavoidable. Caltrans must disagree with this finding. Although the impacts are significant, they are not unavoidable and there are ways the impacts can be reduced and mitigated. Feasible, nexus based measures are available to mitigate the Project's direct and cumulative impacts to the State highway system mainline. The Project, and other projects included in the Downtown Traffic Study, should contribute proportionally towards reasonable mitigation measures. 5-3

As noted on Page 5.6-40, the City and Caltrans discussed possible mitigation measures for the Project. Caltrans subsequently submitted mitigation projects that we consider appropriate for mitigation via proportional share funding contributions to the projects: 5-4

- Two High Occupancy Vehicle (HOV) lane projects on Interstate 5 serving Downtown Sacramento from the north and south, and
- Widening the Interstate 5 bridges crossing the American River, just north of Downtown.

As reported in the DEIR, Caltrans provided cost estimates to the City for these projects and is available to provide further detail regarding the scope, schedule and cost for each of the projects.

Two additional projects were discussed during our meeting, but Caltrans was unable to determine if the two projects are feasible and was unable to develop cost estimates within the time requirements of the DEIR release date. Caltrans has subsequently determined that one of these two projects (extending the northbound, outside lane between J Street and L Street) is likely feasible, but will require a Project Study Report to adequately scope the project. This potential mitigation project is substantially more complex than simply restriping the lanes. The other project, adding additional mainline freeway lanes through the Interstate 5 Boat Section in Downtown, is still being investigated. It will be several more months before we know if this potential project is feasible. 5-5

In finding that the three potential mitigation projects identified by Caltrans are not feasible (Page 5.6-41), the City misinterpreted the Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP), did not acknowledge that the projects are already included in the SACOG Metropolitan Transportation Improvement Program (MTIP) and did not acknowledge that the HOV lane projects are included in the voter-approved "Measure A" program in Sacramento County. 5-6

As noted in the City's discussion, the MTP is the long-range, financially constrained transportation plan for the SACOG region and includes projects to be constructed within the planning horizon of the Plan based on reasonably assured funding. The two HOV projects are included in the MTP for all phases through construction, not just preliminary engineering and environmental as stated on Page 5.6-41. One of the HOV lane projects extends across the American River Bridge to Downtown, and thus, the widening of Interstate 5 across the American River is also included in the MTP. 5-6 continued

There is also a companion document to the MTP that the City did not mention in its discussion, the SACOG Metropolitan Transportation Improvement Program (MTIP). The MTIP is the document that programs Federal funding for projects. The current MTIP includes funding for the preliminary engineering and environmental phase of the two HOV lane projects. As is the case with all high-cost transportation projects, such as the HOV lanes, the MTIP does not program funding for all phases of a project at the same time. Programming is implemented as project phases are completed. The City's statement that, "The proposed freeway improvement projects are not currently approved and funded" is not entirely correct. It is correct that the environmental documents for the projects have not been completed and approved, but the project concepts themselves have been approved for development phases and are active. 5-7

The lack of reference to Measure A is an important oversight regarding the assessment of mitigation project feasibility and funding. Measure A is a voter-approved transportation sales tax measure that identifies funding for a variety of transportation projects and specifically both of the HOV lane projects recommended by Caltrans as mitigation for the Project. Measure A will be providing 50% of the funding for the HOV lane projects. This status contradicts the City's statement that, "there is no fee or other funding mechanism currently in place for future funding." 5-8

Caltrans does not agree as is stated on Page 5.6-41 that "the City cannot determine either the cost of the proposed freeway improvement projects or the proposed project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure." Caltrans has provided the City with cost estimates for the three projects. The fair share proportionality determination is based on the Project's traffic study and should be readily determined from the information provided in the study. As the lead agency, the City is responsible for determining the fair share proportionality, but Caltrans is willing to assist the City to develop both interim and permanent processes for adequate mitigation that will not unnecessarily delay projects. 5-9

Page 5.6-41 includes a discussion of the adverse impacts of widening Interstate 5 through the Downtown section, commonly known as the "Boat Section." While Caltrans discussed the possibility of modifying the striping of the section so that it might accommodate an additional traffic lane in each direction, we have not proposed widening the actual pavement section by modifying the floodwall/levee or removing historic buildings in the Old Sacramento District. Although we agree that the widening project is not a feasible mitigation strategy, restriping the facility to add mainline lanes is currently being analyzed by Caltrans. 5-10

Caltrans disagrees with the statement on Page 5.6-41 that, "the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the proposed project on the three I-5 freeway mainline segments to a less than significant level." We reiterate that the three projects that we suggested are feasible, are actively being developed, are in regionally approved transportation planning documents, and have realistic prospects of full funding. Nexus based proportional share funding contributions from the Project and other pending Downtown projects are a logical and appropriate component of the full funding program. The HOV projects and expansion of the Interstate 5 bridges across the American River are specifically intended to serve peak-hour traffic going to Downtown Sacramento, including to new buildings such as the Project. 5-11

The City and Caltrans have limited opportunities to ensure that needed transportation improvements accompany growth. Our recent management consultation meetings with the City regarding major development projects have been productive and have emphasized the importance of a partnership approach to meeting the challenge of maintaining mobility in the Sacramento Region. We would like to continue and expand these efforts. We seek agreement between the City and Caltrans on a consultation and mitigation process that would eliminate much of the uncertainty that accompanies our review of projects, such as the 500 Capitol Mall Project. 5-12

Caltrans would be pleased to meet with the City and Project proponents to discuss and resolve these issues so that the Project can quickly move forward with assurance that impacts to the State highway system will be mitigated. To arrange for such a meeting, please contact Wayne Lewis at (530) 741-4337.

Sincerely,

Jody Jones

JODY JONES
District Director

"Caltrans improves mobility across California"

c: Fran Halbakken, City of Sacramento
Jerry Way, City of Sacramento
Mike McKeever, Sacramento Area Council of Governments
Brian Williams, Sacramento Transportation Authority
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Paralegal
Kristin Rauh

October 18, 2007

Planning Commission
City of Sacramento
Planning Department
915 I Street, 3rd Floor
Sacramento, CA 95814

RE: The Metropolitan Project

Dear Members of the Planning Commission:

I represent Gene A. Moe, Karl H. Mindermann, and Jeffrey S. Linn, all residents of the City of Sacramento. These are their comments on the Final Environmental Impact Report for The Metropolitan Project.. We incorporate into these comments, the comments of all other individuals and entities. My clients oppose The Metropolitan Project. In addition to the comments included in this letter, we incorporate the traffic comments prepared by Daniel Smith, the Cultural Resources comments completed by Barry Price, and the energy conservation comments prepared by Marshall Hunt. The consultants' comments are attached. Our additional comments are as follows:

1. Failure to Provide a Stable Project Description.

The project description must be accurate and consistent throughout an EIR. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *(County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposals benefits against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. (*Id.* at 192-193.)

Generally, when an agency changes a project midstream it reduces the size of the project or changes it in some way to reduce the severity of environmental effects. In the case of The Metropolitan Project, the Final Environmental Impact Report proposed a new Project: "Mixed-use hotel option". The Final Environmental Impact Report postulated a Project that would be the same size as the original Project but would have 190 hotel rooms and 190 residential condominium units, instead of the 320 condominium units originally proposed. Mixed-use hotel option was not presented in the Final Environmental Impact Report as another alternative that was considered and rejected by the City but as a Project also approved by the Final Environmental Impact Report.

The problem with the hotel option is that the Final Environmental Impact Report does not include any information about the traffic generation for a hotel, including taxi cabs, airport vans, and other vehicles that access a hotel on a regular basis. The comments of Daniel Smith on the Draft Environmental Impact Report already pointed out problems related to the use of the alley as ingress and egress to the parking garage for the condominiums. According to the newly proposed Project, the alleyway would serve as the main ingress and egress to the hotel. Taxi cabs would traverse the alley to pick up guests and drop off guests, guests coming to the hotel to check-in would have to access the hotel from the alley. The Environmental Impact Report needs to address the traffic to be generated into the alley and how the alley will be able to accommodate the traffic using the parking garage and also the hotel traffic. The Project Environmental Impact Report already requests a variance for turning radiuses in the alley. The EIR does not address whether there will be sufficient room for trucks accessing the hotel, buses accessing the hotel, and all the additional traffic to be able to use the alley without causing backups onto 10th and 11th Streets. Additional traffic analysis is necessary before the City can include that the Final Environmental Impact Report is satisfactory for the vastly changed Project.

2. <u>The Final Environmental Impact Report Fails to Adequately Respond to Comments</u>.

A Final Environmental Impact Report is required to provide reason and accurate information in response to comments.

The EIR's response to Comment No. G-1 is not adequate. Guideline §15086 does not just require the City to consult with SACOG, but the transportation department of public agencies which have transportation facilities within their jurisdiction which could be affected by the project. The Project will increase congestion on Sacramento downtown streets. This will affect facilities in West Sacramento, including the I Street Bridge and the intersections on the west side of the I Street Bridge in the City of West Sacramento. Gridlock on I-5 affects traffic flowing into I-5 from Yolo County. The City violated CEQA by failing to consult with the City of West Sacramento and Yolo County.

The EIR is non-responsive to Comment G-3. The EIR states as follows "As noted, the Project description identifies one of the requested entitlements as a variance to reduce the required maneuvering area from 26-25 feet. Final EIR Chapter 2, provides an additional sentence to clarify the Project description regarding the variance." These commenters could find nothing in Chapter 2 that clarified the variance. The authors of the EIR have the duty under CEQA to provide the clarification in response to the comment.

The authors of the EIR have created substantial confusion regarding the Project environmental documents. The authors of the Environmental Impact Report first released a Final Environmental Impact Report dated July 30, 2007. They then released a Second Final Environmental Impact Report dated October 10, 2007. The authors of the EIR have failed to indicate the differences between the July 30, 2007, draft and the October 10, 2007, draft. City needs to clarify the differences between the two drafts of the Final Environmental Impact Report. The public must have clear information in order to be able to accurately access and comment on the environmental documents for a project.

In Mr. Daniel Smith's comments, he stated that in order to determine whether the signal timing adjustments would have a positive impact on traffic circulation or in fact would have an overall negative impact on circulation in the core area, it was necessary to complete a signal system analysis. In response to the request for a signal system analysis to determine whether the timing changes would produce a net benefit or detriment, the authors of the EIR state as follows: "Optimization of the signal system timing is beyond the scope of the study and is not required to demonstrate the effectiveness of the mitigation measures." This is clearly a non-responsive answer to the comment. Mr. Smith did not ask for a signal system analysis to determine whether the signal system was optimized, but whether the signal timing changes would provide a net benefit or detriment to the overall circulation in the downtown core area. If the signal changes produced an overall detriment to traffic circulation in the core area, then the mitigation is meaningless. The authors of the Environmental Impact Report avoid responding to the question by rephrasing the comment in a manner in which it was not stated. The response to G-8 is non-responsive and a violation of CEQA.

In Comment G-9A: the authors of the EIR state that there will be low volumes of traffic in the alley approaches. Further, "the site distance limitations are an existing condition and are not caused by or exacerbated by the proposed project." The authors postulate because of the low volumes of traffic and slow speeds in the alleys that the site distance limitations would not cause dangerous conditions. However, the Project description is now changed and the Project includes 190 hotel rooms. There will be substantial taxi cab traffic, limousine service traffic, and van traffic to and from the hotel entrance in the alley. This added alley traffic will change the safety conditions with respect to the ingresses and egresses to the alleys. This impact was not studied or considered in the Draft Environmental Impact Report or in the Final Environmental Impact Report.

3. Energy/Greenhouse Gases.

The Final Environmental Impact Report includes a section on the Project's emission of greenhouse gases. The EIR acknowledges that the Global Warming Solutions Act requires projects in the State to reduce carbon dioxide emissions. The Attorney General of the State of California has provided several opinions that CEQA requires an agency to consider a project's impact on greenhouse gases.

The authors of the EIR postulate that the EIR does not need to consider greenhouse gases because the emissions for the Project may not be new emissions, but they may be emissions that might otherwise be produced somewhere else. This argument runs contrary to the growth model that is followed by the City of Sacramento. The City of Sacramento relies upon the SACOG growth model for the area, which predicts substantial new growth of population in the Sacramento area. The Metropolitan Tower is a residential Project that is intended to accommodate the greater growth in the Sacramento area. Therefore, it is appropriate to assume that all new growth is associated with additional and new carbon dioxide emissions. SMUD no longer has sufficient hydroelectric power available to provide electricity for the growth of the Sacramento area. All growth in the Sacramento area is dependent upon electricity that is generated by burning natural gas. The burning of natural gas produces greenhouse gases. It is therefore axiomatic that any measures that reduce energy consumption also reduce greenhouse gases.

The Final Environmental Impact Report for the Project takes the position that the Project does not have to reduce greenhouse gases and does not have to conserve energy, beyond the minimum Title 24 standards. As stated in the Final Environmental Impact: "There are no energy mitigation measures required for this project." (Page 4-93.)

The City's failure to require energy mitigation measures reflects the policy on the part of the City to allow development at the cheapest possible cost to the developer and to ignore the long-term costs to the Project users, the consumers, the public at large, and the environment. It reflects a profound disregard for the current global warming crisis that faces the world. However, most importantly, it ignores the requirements of the California Environmental Quality Act. Public Resources Code §21100(b)(3) clearly require an agency to consider and implement mitigation measures to reduce wasteful consumption of energy. (See *People v. County of Kern* (1976) 62 Cal.App.3d 761.)

The proposed Project includes 320 condominium units. However, according to the calculations of ENRG, LLC and Mr. Marshall Hunt, one of the leading professionals in the State in the field, the Project would use an equivalent amount of electricity of 720 homes, more than double the housing units that are provided by the Project. In light of the wasteful use of energy and consumption of power per housing unit, CEQA imposes on the City the requirement to adopt mitigation measures to reduce the Project's energy use. There are several options available to the City: 1) the City could require the Project to comply with gold or platinum (LEED) green building standards or could require the Project to adopt the many feasible mitigation measures that are proposed in the ENRG report and the report of Mr. Marshall Hunt.

Sincerely,

WILLIAM D. KOPPER

WDK:kgr
enclosures

SMITH ENGINEERING & MANAGEMENT

October 24, 2007

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Subject: The Metropolitan Project FEIR

P06006

Dear Mr. Kopper:

Per your request, I have reviewed the transportation and circulation component of the final environmental impact report (hereinafter "the FEIR") for the Metropolitan Project in the City of Sacramento (hereinafter "the City") dated October 10, 2007. I have previously commented on the DEIR for this project and also commented in a letter dated August 17, 2007 on the version of the FEIR dated July 30, 2007 that was circulated, but has apparently been withdrawn, though without mention in this FEIR. Most of the comments my August 17, 2007 letter remain applicable to the current FEIR. This review constitutes a supplement to the comments contained in my August 17, 2007 letter and is specific to the Mixed Use Hotel Option for the project that has now been belatedly inserted in the FEIR and to the additional changes in the FEIR that have been made in the current release of the document. My qualifications to perform this review are documented in the August 17, 2007 letter. My comments on the subject FEIR follow.

The FEIR Is Improperly Circulated

Introduction of a completely new project alternative, the Mixed Use Hotel Option, at the FEIR stage deprives the public of reasonable opportunity to comment on this alternative. Although the FEIR opines that the impacts of this alternative are the same as or less than those of the original subject project, this conclusion is apparently based on nothing more than a superficial comparison to the number of residence units and total square footage in the originally proposed Residential Option. In the section below we demonstrate that the new project option involves fundamentally different potential impacts than the original project studied. Consequently, the public deserves the full review period ordinarily granted for a draft EIR and the document should be recirculated as a revised draft EIR.

FEIR Fails To Evaluate Potentially Significant Effects of Mixed Use Hotel Option on Traffic, Parking, Pedestrian Pick-Up/Drop-Off and Loading Operations At Project Site

The site plan for the new Mixed Use Hotel Option includes what is essentially a new east-west alley located parallel to and only about 14 feet from the design limits of the existing alley that runs between 10'th and 11'th Streets along the project's north side. In the Mixed Use Hotel Option, the existing alley, enhanced by a 4 foot widening along the hotel's frontage continues to be used for access and egress to the project's loading docks, access and egress to all above-ground floors of the project's parking, for egress from the projects subsurface parking garage area and for egress from the new secondary alley. The new secondary alley provides access to the subsurface portion of the project's parking garage, to a new short term parking bay, and to a new passenger pick-up/drop off area. Egress from these areas is dependent on the existing alley.

The proposed hotel includes an 11,000 square foot restaurant including a 4000 foot kitchen that appears scaled to also service the 23,300 square foot hotel function rooms. Although the FEIR is deficient in failing to provide any potential occupancy statistics for these public spaces, we estimate the restaurant could seat in excess of 300 diners and that the function rooms could accommodate over 750 persons for meetings or banquets.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the approximately 72 feet of short term parking (equivalent to about 3.5 parking spaces) and the approximately 110 feet of passenger loading zone (equivalent to about 5.5 parking spaces) that are incorporated into the Mixed Use Hotel Option are adequate for the needs of residents, hotel guests plus the surge traffic of others dining at the restaurant or attending meetings and banquets in the hotel function rooms. The FEIR is deficient until such an analysis is performed.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the parking provisions of the Mixed Use Hotel Option are adequate for the needs of residents, hotel guests, plus the parking needs of others patronizing the restaurant or attending meetings and banquets in the hotel function rooms. The Hotel with the large restaurant and banquet/meeting facilities would require a much larger staff than the Residential Option. No consideration has been given to the parking demand of the enlarged workforce. The FEIR is deficient until a specific parking analysis of the Mixed Use Hotel Option is performed.

Neither the FEIR nor the DEIR that preceded it has provided any analysis of whether or not the same sized truck loading bay (about 20 feet wide, enough to simultaneously accommodate 2 large trucks with difficulty) that was proposed to serve the Residential Option would be adequate to service the much more demanding truck loading needs of the Mixed Use Hotel Option, with all the added demands of hotel housekeeping, food and banquet service and meeting support services. The FEIR is deficient until such an analysis is performed

With the new secondary project alley intersecting 10th Street just 14 feet from the intersection of the existing alley with 10'th, the combined intersection thus created will be an operationally complex location having potential level of service and safety implications. The FEIR and the DEIR that preceded it never performed a formal analysis of the intersection of the alley with 10th street for the Residential Option. With the more intense traffic use of the alley due to the traffic associated with hotel, restaurant and banquet/meeting facilities, and the more complex dual-alley configuration of the intersection with 10th Street, there must be a full formal level-of-service/operations evaluation of this intersection and the FEIR is deficient until one is provided.

FEIR Proposes Non-responsive Mitigation Measure To Significant Impacts On Freeway System, Fails To Implement Feasible Mitigation Measures for Those Impacts, and Fails To Inform of Conflicting Opinion of Responsible Agency

The EIR discloses that the project would have significant project and cumulative impacts on the freeway system serving downtown Sacramento including impacts on mainline segments, merge/diverge/weave areas and on freeway ramp queues in all three periods of analysis studied – baseline (2008), near term (2013) and long-term (2030). As attempted partial mitigation, the FEIR now proposes that the project pay fair share fees toward the construction of the Downtown-Natomas-Airport light rail transit extension project (DNA LRT).

However, the notion that contributing partial funding to DNA LRT mitigates the projects freeway system impacts is entirely a fiction. The initial operable segment of DNA (running only as far as Richards Boulevard) is optimistically scheduled for completion by 2013. The Natomas and Airport portions of the line would not be completed until sometime after 2020. Hence, DNA LRT will not be in service to provide any mitigation to the projects freeway impacts in the baseline (2008) period and will not be completed far enough to divert any traffic from the freeway system in the near term (2013) analysis period. Furthermore, The EIR's transportation and circulation analysis for the 2013 and 2030 periods *assumed all reasonably feasible diversion of travel to transit including the DNA line before the project's freeway traffic impacts were compiled.* If the purported mitigation had already diverted all travel it could practically attract before the

traffic impact is compiled, it is pure nonsense to pretend that it is a mitigation measure that could further reduce freeway traffic and impacts. Project fair share fee payments to the DNA project may be reasonable as a *transit mitigation* but not as a mitigation for freeway system impacts.

Caltrans has proposed feasible mitigations to the central area freeway system impacts. The City has attempted to characterize those proposed mitigations as infeasible. Caltrans has convincingly refuted that attempted characterization, most specifically in a letter of comment on the 500 Capitol Mall DEIR from Caltrans District 4 Director Jody Jones dated November 27, 2006. This has threefold importance:

1. The City cannot characterize the projects freeway system impacts as "unavoidable'.
2. Because CEQA Article 21002 prohibits approval of projects having significant impacts without implementing all feasible mitigation measures, the City cannot approve the subject project without such actions as requiring it to pay fair share mitigation fees toward implementing the proposed freeway mitigations.
3. The FEIR is deficient in failing to disclose to the public the difference of opinion on these matters of Caltrans, a Responsible Agency.

Conclusion

This completes my current comments on the Metropolitan FEIR. For the above-stated reasons, and for additional reasons stated in my letter of August 17, 200y,I do not believe the FEIR is adequate for certification. Furthermore, I believe that proper analysis of issues associated with the new Mixed Use Hotel Option would retire recirculation of the document in draft status.

Sincerely,

Smith Engineering & Management
A California Corporation

Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT

August 17, 2007

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Subject: The Metropolitan Project FEIR

P06006

Dear Mr. Kopper:

Per your request, I have reviewed the final environmental impact report (hereinafter "the FEIR") for the Metropolitan Project ("the project") in the City of Sacramento (hereinafter "the City") with particular reference to the responses to comment on the transportation and circulation component of the preceding draft environmental impact report (hereinafter 'the DEIR). I was one of those who formally commented on the DEIR. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and thirty-nine years experience as a traffic and transportation engineering consultant in the State. I have both prepared and reviewed the transportation and circulation components of numerous environmental documents and am familiar with the downtown Sacramento area. My current comments follow.

In its FEIR response, the City has identified our comments on the DEIR as Comments G-8 through G-11. We have maintained that identification system in these further comments.

Response to Comment G-8: Comment G-8 concerned the proposed mitigation of altering the timing of the phase-splits of the traffic signals at intersections where the DEIR found that the project would otherwise individually or cumulatively cause significant traffic impacts. Our comment noted that in a downtown grid system where the traffic signal timing is coordinated to provide progressive movement on major streets in both the north-south and east-west directions, it is inappropriate to suggest such timing changes as traffic mitigation without first determining whether or not the changes would wreak havoc on progressive traffic movement on the downtown system.

The City's response, that it is "common practice" to adjust signal timing to reduce delay at intersections is correct – but only within limits. Where signals are distant enough from others that they are not part of a coordinated system, the controlling jurisdiction has a very high level of flexibility to adjust the signal's timing to optimize its response to the patterns of traffic demand and minimize delay. However, when signals are operated in coordination with others, and especially when they are closely spaced in a coordinated grid street network such as the case in downtown Sacramento, that flexibility to make adjustments to optimize operations to minimize delay at individual intersections is much less because of the

need to time intervals of progressive flow along the major street corridors so that platoons of traffic through a whole series of intersections on the street system without stopping at all. If retiming to optimize individual intersections to minimized localized delay significantly decreases the intervals over which progressive flow is maintained, the net delay to drivers moving through the street grid can be greater than the net delay savings to drivers at the intersections that have been optimized in isolation. That is to say, if drivers have to stop more frequently at intersections, even though their average delay at the intersections where they are forced to stop is within acceptable limits, the net delay in passing through the system may be significantly increased. The only way to check whether this is happening is to do a system evaluation and such an evaluation has not been done. The City's assertion that the adjustments to signal timing would not significantly affect progression is unsubstantiated by analysis. The City really does not know whether or not the purported mitigations would truly mitigate the project's traffic impacts or is just spreading the traffic delay impact around in a different way.

It is recognized that many of the mitigations involving shifting a second or two from one intersection approach to another, changes that appear unlikely to seriously affect progressive flow and the existing phase splits do not support maintenance of a consistent progression interval anyway. However, other proposed mitigation changes are indeed potentially significant. Consider the intersection of 15'th and J. According to the DEIR, the signal at this intersection, like most in the downtown grid, operates on a 50 second cycle with half the green time allocated to 15th and half to J. The proposed cumulative traffic mitigation for the PM peak hour would reallocate about 5 seconds of green time in each signal cycle from the 15th Street approach to the J Street approach. This change demonstrably reduces delay that would occur at the individual intersection. But what it also does is reduces, by at least 20 percent, the length of the time interval in which vehicles in a platoon moving in concert with the coordinated signal progression will be able to stay within the progression. In the face of the obvious potential effect of changes on this scale, the responses statement that "the effects of adjusting the signal timing splits to improve efficiency would not significantly affect signal progression" is clearly unsubstantiated. While the City's claim in the response that "optimization of the signal system timing is beyond the scope of the study" may be true in regard to the scope of the contract of the City's traffic consultant, it is not true relative to the scope of a good faith effort to disclose impact required by CEQA. If the City is attempting to mitigate an impact of traffic delay through signal timing changes, it cannot claim to have done so without evaluating the reasonable possibility that it may have created an equivalent level of traffic delay in another way through the timing changes.

Response to Comment G-9a: This comment pertained to the adequacy of sight distance at the intersections with 10th and 11th Streets of the alley that would serve as the sole access and egress to the project's parking garage. Although the FEIR acknowledges that severe sight distance limitations do exist at these intersections, it dismisses them as existing conditions not caused by the project. This response ignores the fact that the project would greatly increase the amount of traffic subjected to the safety compromises inherent in sight distance limitations. Hence the project must be found to have a significant safety impact. The response also notes that the subject alley conforms to City standards for alleys. However, nothing in the existence of a City standard for alleys that formalizes City recognition of public rights of way that were designed for horsecarts implies any reasonable

modicum of safety inherent in use of the alley as the primary vehicular access/egress to a major high-rise development.

Response to Comment G-9b: This comment observed that the available turning radius at the project's loading dock area is inadequate for large single unit trucks and semi's and that such vehicles would have to load and unload on-street somewhere. The response does not dispute the inadequacy of the loading dock turn radius, but instead proposes to overcome the condition by posting obviously ineffective signage against on-street loading and unloading in the alley during peak hours and also inexplicably concludes that if there were on-street loading, things would somehow work out safely anyway. The response is inadequate. The project should be required to redesign its loading dock to provide adequate turning radius to permit off-street loading by the large vehicles that can be expected.

Response G-9c: This portion of our comment extensively described the operational and safety problems inherent at the project's access/egress point to and from the parking garage. The response concludes that at low vehicle speeds and with peak hour volumes involving a vehicle passage on the average of about one every 15 seconds, "no undue safety issues are anticipated". This sounds fine until one recognizes that with an *average interval* between vehicle passages of about 15 seconds, statistically there would be a *very high probability of numbers of nearly simultaneous* entry and exit movements and, since the geometry of the design forces the entry and exit movements into clearly conflicting paths and severely restricts sight distance, *significant safety issues can readily be anticipated.*

Response to Comment G-9d: This comment concerned pedestrian safety issues in the alley, given the sight distance restrictions. The response indicates that few pedestrians are anticipated in the alley and, without substantiating evidence, that other alleys downtown have not been pedestrian safety problems. However, we note that few alleys downtown currently serve as the primary vehicular access/egress to a major highrise project, so the purported historic and anecdotal experience has little relevance. The response is inadequate.

Response to Comment G-9e: This comment concerned operational issues at the garage gate in combination with certain design constraints within the garage near the access/egress point. The response does demonstrate adequate movement capability presuming that a quick-moving barrier-type gate common in office and retail-serving garages is employed for the project rather than the slower moving security-type gate that is ordinarily employed in predominantly residential-serving garages. However, the response does not directly address the maneuvering constraints inside the garage that we noted. Also, the findings regarding available queue storage space are based on the presumption that there would be no large vehicles loading or off-loading on-street, a presumption that is highly questionable given the inadequacy of the project's loading dock provisions and the inadequacy of the response to Comment G-9b.

Response to Comment G-10: This comment stated that, after discounting the proposed project's trip generation based on its downtown location and the high reliance on walking, transit and bicycle travel related to that downtown location and for internalization of trips related to the mixed use composition of the project itself, the further discounting of project trip generation due to some supposed interrelationship of its trips with those of other

concurrent downtown projects, some of them quite distant, in essence constituted a "double-discounting for the same downtown location-related walk, transit and bicycle related factors as had already been discounted. In response, the City has revised the analysis of the "baseline" and "baseline plus project" scenarios to eliminate the double-discounting in those scenarios. However, the response fails to revise the "cumulative" scenarios to eliminate the double-discounting or provide a reasonable explanation of why the double-discounting should be contemplated. In these regards, the response is inadequate.

Response to Comment G-11: In our original comments on The Metropolitan Project DEIR and in our comments on other project DEIR's in downtown Sacramento of about that same period, we observed that the City had too readily classified the significant project and cumulative impacts on the freeway system as "unavoidable" without the good faith effort to identify feasible mitigation required by CEQA. In response, the City consulted with Caltrans and, to the City's apparent surprise, Caltrans identified mitigation proposals that Caltrans considered feasible. Those mitigations include:

- Widening the Interstate 5 bridges of the American River north of downtown to provide an additional standard lane in each direction and re-establish standard shoulders.
- Two high-occupancy vehicle lane (HOV) projects on I-5 serving downtown Sacramento from the north and south, with HOV lanes from Garden Highway to the I-80 HOV lanes with direct connections and HOV lanes from the U.S. 50 interchange to Elk Grove Boulevard.

The City disclosed those Caltrans-proposed mitigations as response-to-comment in the FEIR for 800 K & L along with dismissive rationalizations for not considering the proposals as project mitigations and for continuing to regard the significant project and cumulative traffic impacts on the freeway system as "unavoidable".[1] The City included the identical dismissive discussion of the Caltrans mitigation proposals in the mitigation analysis section of the DEIR for the 500 Capitol Mall project (see DEIR pages 5.6-39 through 5.6-41). Now it again includes the same dismissive rationalization in this FEIR for The Metropolitan Project. However, this analysis of the mitigation and the conclusory assessment that the significant traffic impacts are "unavoidable" is simply an improper evasion of the CEQA obligation to mitigate significant impacts and completely ignores facts relevant to the issue that have been known to the City as long ago as November, 2006. In failing to address facts it has had knowledge of for more than nine months prior to the circulation of The Metropolitan FEIR, the City has acted improperly relative to its obligations under CEQA.

In its November 27, 2006 letter of comment on the 500 Capitol Mall DEIR, Caltrans forcefully and thoughtfully disputes the City's continued characterization of the significant project and cumulative impacts on the freeway system as "unavoidable". The following sections summarize Caltrans comments in the November 27, 2006 letter, summarize the City's response in the FEIR and highlight the critical inadequacies in the City's responses.

500 Capitol Mall Comment and Response 5-3: Caltrans states that the significant impacts are not unavoidable, that there are feasible measures to mitigate the significant impacts and

[1] See Comment D-13 at page 4-33 and Response-to-Comment D-13 at pages 4-83 through 4-85 of the Final Environmental Impact Report for the 800 K & L Streets Project.

that the subject project as well as other downtown projects can be required to make nexus-based fair share fee contributions to the mitigation.

The City's response in the current FEIR (Response to Comment 5-3) asserts that Caltrans and the City have no authority to impose fees to pay the cost of freeway improvements and that, without detailed plans for improvements in hand, nexus-based fees cannot be reasonably compiled.

This response is simply a non-factual effort to dodge a CEQA responsibility to mitigate that the City evidently wishes to enable its downtown projects to evade. Caltrans has the authority and procedural mechanisms in place to work with other agencies to develop mitigation projects on the State highway system. Furthermore, most nexus-based fee structures are established based on conceptual designs, well before detailed engineering plans of the improvements have been completed.

500 Capitol Mall Comment and Response 5-4: The Caltrans November 27, 2006 letter of comment asserts that adequate improvement plans and costs have been identified for purposes of establishing a nexus-based mitigation fee system. The City's response (Response to Comment 5-4) states that the proposed mitigations have not been subject to CEQA review, are not part of an adopted Caltrans capital improvement plan, are of "uncertain" feasibility and desirability, and that the proposal that the City adopt a mitigation fee structure to (in part) fund them would pre-ordain the outcome of any future CEQA review of the mitigation projects.

These objections in the City's response lack foundation. Transportation mitigations are often proposed prior to completion of CEQA review of the proposed mitigation and there is no CEQA requirement that a mitigation proposal must have already received CEQA clearance to be considered as mitigation. Caltrans is the State agency responsible for freeway construction and maintenance and Caltrans, the most knowledgeable agency, evidently has reasonable expectation that the proposed mitigation improvements are feasible. Given that, the City must document compelling evidence of infeasibility to label the proposals "infeasible" or of "uncertain feasibility"; the City has provided no such compelling evidence. Given the extensive significant project and cumulative traffic impacts that the project and downtown development will cause and that will affect all the public using the central area freeway system as disclosed in the FEIR (even despite its flawed existing traffic data base as described above), the inherent desirability of the proposed mitigations are obvious. The City must identify explicit and significant adverse consequences, which it has not done, to characterize the desirability of Caltrans mitigation proposals as "uncertain".

Finally, the City's statement that creating a mitigation fee structure to fund the freeway mitigation proposals would pre-ordain the outcome of any CEQA review is pure nonsense. Not only does it challenge the integrity of a responsible state agency, Caltrans, and the CEQA process; it runs counter the conventional practice re environmental clearance of most major transportation projects in California. Most State highway improvement projects, most major highway and transit projects of "self-help" sales tax counties (such as local Measure A in Sacramento County) and most transportation improvement programs funded by development impact fee structures have the projects identified and programmed for funding long before project development reaches a stage where CEQA review is performed. If the

City's objection on this point were taken seriously, it would bring a halt to virtually all major transportation improvements in California.

500 Capitol Mall Comment and Response 5-5: In this comment, Caltrans describes its opinions regarding the feasibility of the proposed mitigation projects. The City's response strangely addresses completely different issues. It states the obvious – that it does not have a nexus-based fee structure in place to address freeway impacts of downtown development, a response that is also immaterial since *the essence of Caltrans overall commerits in the matter is that the City should adopt the appropriate ordinances for such a fee structure so that downtown development can mitigate its significant traffic impacts.*

The response also claims that the mitigation improvements cannot be accomplished in a reasonable time and that therefore the City is not required to consider the mitigation measures Caltrans proposes. However, the City's claim that the mitigation cannot be accomplished in a reasonable time is contrary to fact, since the 7 to 10 year time frame for the projects in the MTP is entirely consistent with the 2013 time frame in the City's "near term" cumulative analysis.

500 Capitol Mall Comment and response 5-6: In this comment Caltrans notes that the HOV lanes including the American River Bridge widening are assured of funding through construction in the MTP. In its response, the City cites what it claims is a discrepancy between Caltrans current cost estimate and the cost estimate in the MTP as an uncertainty that makes it impossible to adopt a nexus-based fee to help implement the proposed mitigation. However, the City's response misrepresents the situation. *There is no confusion about the overall funding needed to implement the proposed mitigations. Caltrans cost estimate is the current cost estimate that the City would need to consider in development of a nexus-based fee.* It is commonplace for cost estimates made after additional design development has occurred to be different from the "place-holder cost estimates" that are initially employed when a project concept is first identified for funding in a capital improvement plan.

500 Capitol Mall Comment and Response 5-7: Caltrans comment notes that the HOV projects have preliminary approval for federal funding through construction and that funding is virtually certain as long as the ordinary sequential process steps in project development (including CEQA review) are followed. The City response attempts to characterize that funding certainty as an uncertainty.
The response attempts to characterize HOV lanes as unsafe when fact is that Caltrans, the Federal Highway Administration and the American Association of State Highway and Transportation Officials (AASHTO) have design standards for HOV lanes that they consider make HOV lanes reasonably safe for public use.

The City response also attempts to characterize the HOV lanes as being potentially counter to City policy to encourage use of public transit and other non-auto transportation modes. This absurd suggestion ignores the fact that the preponderance of carpool users (HOV lane users) are long distance travelers (hence HOV lanes would by no stretch of the imagination affect the choices of those who might walk or use bicycle) and are travelers in corridors or with origin-destination pairs that are not well served by transit (hence unlikely to use transit in any case). The response also ignores the fact that HOV lanes are a benefit to transit in

that buses can also use the HOV lanes to provide patrons with travel times more competitive with those achievable via single occupant autos.

The City response on this item closes with the irrelevant conclusory opinion that freeway mainline improvements such as the proposed mitigations should be funded by combinations of federal , state and local financing mechanisms (such as local Measure A) and notes that the MTP and MTIP have not heretofore contemplated use of development impact fees for freeway mainline improvements. The response fails to note that nothing precludes the use of impact fees for such purposes.

500 Capitol Mall Comment and Response 5-8: Caltrans comment responds to the incorrect statement in the DEIR that state and federal funds available to the HOV lane projects may be insufficient to fund the portion of project costs not attributable to fair share costs of downtown development projects and points out that local measure A is funding 50 percent of the cost of the projects. The City's response does not respond on point, but instead advances the notion that because the 500 Capitol Mall project and its tenants pay their fair share of federal, state and local taxes, requiring the project to pay an impact fee to fund a fair share of the freeway mitigation would require the applicant to pay a disproportionate share of funding for the improvements.

The City response is pure nonsense. If a nexus relationship between causation of need for improvements and proportionate fair share to fund those improvements can be established, then under California law development impact fees can be imposed. It is irrelevant that the project sponsor and its tenants pay their federal, state and local taxes or that federal, state and local funds are used to fund the public's proportionate share of the improvement costs that are not directly attributable to readily identifiable development impacts We note that no similar rationalization about disproportionate charging troubled the City when it proposed to require that the applicant pay its fair share for the cost of retiming signals at impacted intersections downtown or the fair share of intersection mitigation improvements such as those at 3rd and L Streets. The City's position on re mitigation fees for state highway improvements is inconsistent with its own mitigation fee impositions for traffic mitigations on roadways under local jurisdiction.

500 Capitol Mall Comment and Response 5-9: Caltrans comment is that it has provided cost estimates sufficiently certain for estimating costs in a nexus-based mitigation fee program and that the Downtown Traffic Study used in the DEIR provides a basis for determining the project's fair shares.

The City's response is off-point, stating that there is no evidence that the mitigation improvements will actually be constructed. The response is also non-factual, since Caltrans has provided ample evidence that the portions of project cost not funded by mitigation fees will be funded by State, federal and other local funds. The response also repeats the incorrect statement that the mitigations would not be timel. Since the subject freeway mitigations can be constructed within the 2013 time frame of the FEIR's near term cumulative analysis, they are clearly timely.

500 Capitol Mall Comment and Response 5-11: In this comment Caltrans summarizes its position that the City's characterization of the freeway traffic impacts as "unavoidable" is

inaccurate because there are feasible mitigations and that nexus-based proportional share funding contributions from the subject project and other downtown projects are a logical and appropriate mitigation. The City responds by reference to its responses 5-4, 5-5 and 5-6 with the added unsubstantiated observation that there is no evidence that the proposed freeway mitigation projects would reduce the impact of the subject development project to less than significance. This conclusory observation, unsupported by any analysis, highlights the critical deficiency of the FEIR since it is the City's obligation as Lead Agency to analyze the potential mitigations in order to determine whether they would be effective. The City has performed no such analysis.

Given the City's faulty response on the freeway mitigation issue, our interest is drawn to the other comments of Caltrans and the City's responses to them. In particular, Caltrans made a comment now labeled Comment C-3e that indicates the volumes represented as "existing conditions" in the DEIR average, for the downtown freeway system links, 37 percent lower than Caltrans counts of those links at the time the DEIR and the Downtown Traffic Study on which it is based were in preparation

The City's response with regard to 'existing' traffic volumes (Response C-3e) is that freeway mainline and ramp volumes provided by Caltrans were the basis and does nothing to update the analysis to use correct "existing" volumes. The response does not indicate how the mainline and ramp data was "provided" by Caltrans. We have learned from Caltrans officials that City's consultants simply downloaded obsolete traffic volumes published on the Caltrans internet web site (in which case, depending when the data was obtained, it would be one to two years old) rather than directly contacting responsible Caltrans officials and obtaining the latest current count data as would be expected in a major study like the Downtown Traffic Study. However, regardless of how the City obtained and manipulated the freeway mainline and ramp data it used in the study, Caltrans is the ultimate authority on count data for the freeway and ramp system, and if Caltrans states that the DEIR's representation of existing traffic on the freeway and ramp system is significantly low, then the DEIR is incorrect and its existing conditions traffic database is significantly low.

The responses to comments C-3f through C-3i explain that traffic forecasts used in the DEIR for the various future scenarios without the new downtown project(s) were developed by adding the *differential* between the current year and future year (corresponding to the scenario) SACMET transportation model forecasts to the existing traffic estimate. It also indicates that the traffic forecasts for the future scenarios that include the new downtown projects were developed by adding both the current-to-future year SACMET model *differentials* and the estimates of new downtown development to the original existing traffic estimate. Hence, because all of the future scenarios with or without downtown development are developed by adding increments of estimated regional traffic growth (from the SACMET model) and estimates of traffic growth due to the downtown project(s) to the estimate of existing traffic, *if the study's estimate of existing traffic on the State Highway system is significantly understated, as Caltrans says it is, then the traffic in all of the forecast scenarios is significantly understated and the extensiveness of the significant impacts of the project on the State Highway system are also significantly understated.*

This is illustrated in several ways. Consider the Freeway Mainline Operations analysis. If all the existing freeway segment volumes are each incremented by 37 percent – the average

percentage Caltrans indicates the DEIR has underreported the freeway segment volumes – one finds the following for the AM analysis:

- Two of the freeway segments the DEIR reports at LOS B are at LOS C,
- Five of the segments the DEIR reports at LOS C are at LOS D,
- Two of the segments the DEIR reports at LOS C are at LOS E,
- Three of the segments the DEIR reports at LOS D are at LOS F, and
- Two of the segments the DEIR reports at LOS E are at LOS F.

If one adjusts the "existing" PM freeway segment volumes by the same percentage as Caltrans says the DEIR volumes are low, one finds somewhat lesser differential because so many of the freeway segments are already at LOS F:

- Three of the freeway segments the DEIR reports at LOS B are at LOS C,
- One segment the DEIR reports at LOS C is at LOS D,
- One segment the DEIR reports at LOS C is at LOS E, and
- One segment the DEIR reports at LOS D is at LOS F.

Clearly, the DEIR and now the FEIR has reported more favorable existing freeway conditions than the traffic count data Caltrans believes to be correct indicates.

Problems with the existing freeway segment count information cascade into the analysis of the proposed project and other future development in downtown. If one makes the same adjustment to the existing freeway segment volumes by the average percentage Caltrans indicated the DEIR existing freeway volumes are reported low, the analysis of freeway segments for the 'Baseline' and 'Baseline plus project' scenarios indicated on Table 6.6-14 would exhibit the following differences. In the AM analysis:

- Two of the freeway segments the DEIR reports at LOS B would be at LOS C,
- Four segments the DEIR reports at LOS C would be at LOS D,
- Four segments the DEIR reports at LOS C would be at LOS E,
- Three segments the DEIR reports at LOS D would be at LOS F, and
- One segment the DEIR reports at LOS E would be at LOS F.

In the PM analysis:

- One segment the DEIR reports at LOS B would be at LOS C,
- Four segments the DEIR reports at LOS C would be at D,
- One segment the DEIR reports at LOS C would be at E, and
- One segment the DEIR reports at LOS D would be at F.

The DEIR and now the FEIR is clearly underreporting the extent and severity of deficient freeway segment conditions in the future scenarios.

City staff may claim that the DEIR and FEIR have already identified that the project has significant and unavoidable impacts on the State Highway system and that, in light of this finding, the differences in existing traffic data are inconsequential whether Caltrans or the DEIR existing traffic representation is correct and the DEIR/FEIR remains adequate in its current state. However, such a claim is presumptive that public policy decisionmakers will, if they do not deny the project based on the significant and unavoidable impacts, adopt findings of overriding significance and approve the project *regardless of how severe* the project's significant and unavoidable impacts are.

The differences in the traffic data identified by Caltrans implies highly significant differences in the severity and duration of gridlock on the State Highway system serving downtown

Sacramento. While it is conceivable that a responsible Lead Agency might make findings of overriding considerations to approve a project (or group of projects) that cause elements of the State Highway system serving downtown to operate marginally worse than thresholds of acceptable functionality for a brief period of time, it does not necessarily follow that the Lead Agency would reach the same conclusion if they knew that the gridlock impact on the State Highway system would extend over a period of hours. In failing to resolve the State Highway traffic issue and correct any consequent errors in the forecasts, staff deprives Lead Agency policy decisionmakers of adequate information, and consequently discretion, when the DEIR/FEIR fails to distinguish a significant impact that somewhat exceeds functionality tolerances on the state highway system from a significant impact that implies gridlock over an extended period of hours. Hence, without resolving the issue of the existing traffic data on the State Highway system, the FEIR is inadequate as an information document under CEQA.

Caltrans comments on the inaccuracy of the existing freeway data led us to make consistency checks with regard to other elements of the existing traffic data base. Our review of the data in the DEIR's representation of existing intersection traffic counts reveals instances where outbound traffic from one intersection is significantly different from inbound traffic to the next adjacent intersection, although there is no land use between the two intersections that would add or subtract traffic. The following locations are of concern:

- Southbound on Fifteenth Street between W and X Streets. A summation of the turning traffic movements presented on DEIR Figure 5 shows that in the AM peak hour southbound traffic on Fifteenth Street departing south from its intersection with W Street (Intersection 39 on the figure) is 15 percent higher (790 vehicles versus 686) in the AM peak and 11 percent higher in the PM peak (1965 versus 1767) than the sum of the traffic movements southbound on 15th approaching the intersection with X Street (intersection 40 on the figure). There is no land use or street between the two referenced intersections that could account for traffic being added or subtracted between them. Clearly, the existing data is inconsistent and is so by enough traffic to cause significant differences in LOS computations.
- A similar circumstance occurs on J Street between its intersections with 29th and 30th Streets (Intersections 49 and 50 respectively on Figure 5). The sum of the eastbound traffic movements proceeding eastbound on J from its intersection with 29th in the AM peak is 11 percent higher than the eastbound volume on J that approaches 30th (1041 versus 936), an inconsistency great enough to affect LOS computations. There is no land use or street between the two referenced intersections that could account for traffic being added or subtracted between them.

These instances of critical data inconsistency, both located on major streets that are thresholds to the freeway system, demonstrate that the problems with the FEIR's representation of existing traffic volumes is not limited to the freeway system alone; it occurs on key surface streets as well. The whole issue of having an adequate representation of existing traffic conditions must be resolved before the EIR can be certified.

Conclusion

This completes my comments on the Metropolitan FEIR. For the above reasons, I believe the document is inadequate relative to Transportation/Traffic impacts.

Mr. William D. Koppel
August 17, 2007
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Sincerely,

Smith Engineering & Management
A California Corporation

Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil)
California No. 938 (Traffic)
Nevada No. 7969 (Civil)
Washington No. 29337 (Civil)
Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultait on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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22 August 2006

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

RE: Draft Environmental Impact Report for The Metropolitan Project

Dear Mr. Kopper:

Per your request, I have reviewed the Environmental Impact Report for The Metropolitan Project, which envisions construction of 320 condominium units over ground floor retail and podium parking at the northeast corner of 10th and J Streets in downtown Sacramento. You have requested my assessment of the cultural and historical resource sections of the EIR to determine whether they meet the requirements of the California Environmental Quality Act, and whether they propose feasible mitigation measures for potential impacts to historical resources.

In this regard, I have reviewed Section 5.2 of the EIR as well as Technical Appendices D and E concerning cultural and historical resources. Appendix D, the Cultural Resources Sensitivity Study by Tremaine and Associates, thoroughly explores the archaeological potential of the project site. The authors have examined the relevant background references, consulted with the regional Information Center of the California Historical Resources Information System, gathered source materials from a variety of other repositories, and compiled the information into a credible document predicting the presence of archaeological remains within the urban setting of the project area.

The Cultural Resources Sensitivity Study (Appendix D) meets current professional and technical standards and requirements for a Phase 1 inventory, with one possible exception. I saw no reference in the technical report or EIR to consultation with local Native American tribal representatives. Such consultations are typically included in cultural resource studies when tribal resources may be affected. Although frequently overlooked on projects in urban settings under the incorrect assumption that prehistoric sites have been destroyed by subsequent urban development, the oversight is particularly glaring in this case in light of the several prehistoric archaeological sites identified within and adjacent to the study area and the potential for human remains of American Indian origin to be uncovered at the project site (see discussion below).

Appendix D clearly identifies a Nisenan (Southern Maidu) village site, CA-SAC-38, immediately adjacent to the project area. The site is known to contain a substantial archaeological deposit including human burials. The report notes that the site's boundaries are ill-defined and that it probably extends into the project area. This finding is echoed on page 5.2-5 of the EIR, where it states "There is a strong possibility that the site extends to the east and thus may be an impacted resource." Appendix D also provides strong evidence that historical archaeological remains are

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preserved within the study area; the EIR goes on to state "it is also very likely that trash deposits and foundations from pre-1880 structures may be encountered" within the project area.

Appendix D goes on to recommend a three-phase program to locate and uncover buried archaeological remains within the project area, evaluate their significance according to CEQA criteria, assess potential project impacts, and develop appropriate measures to mitigate significant impacts. A key component of their recommendations is development of a research design and testing and mitigation plan that identifies important historical themes and research questions, defines the methods to be used to evaluate the significance of the resources, and details the appropriate steps to be taken if significant resources will be impacted by the proposed project. These recommendations are included in the EIR as mitigation measures 5.2-1a through 5.2-1d.

I find it inappropriate that the consultant's recommendations in Appendix D for identification and evaluation of the resources within the project area have been converted to mitigation measures and thus deferred until after approval of the project. Such deferral is inconsistent with CEQA, which requires that significant resources and impacts be identified in advance, and that feasible mitigation measures be described in the EIR so the public has an opportunity to review and comment. Deferring this work until after approval of the EIR essentially eliminates the public's opportunity to comment on the adequacy of the proposed mitigation measures. The EIR itself should contain the recommended research design and fieldwork plan for identification, evaluation, and treatment of the resources likely to be present at the project site.

As an aside, the summary of impacts and mitigation measures in Chapter 3 of the EIR reports that impacts to cultural resources are less than significant, and no mitigation is required. It further concludes that the cumulative loss of cultural resources is a significant and unavoidable impact. This is inconsistent with Summary Table 3.0-1 and Section 5.2, which describe impacts to archaeological resources as significant prior to mitigation and less-than-significant after implementation of the mitigation measures described above. This inconsistency should be corrected in the final EIR.

I have also reviewed Appendix E, the Historical Resources Assessment by Historic Environment Consultants. This report provides detailed historical background on the extant buildings at the project site, and concludes that none of the buildings qualify as historical resources under CEQA. I find the significance evaluations in the report and EIR weak. I do not necessarily disagree with the conclusions, but I find the reasoning poorly explicated and the language confusing. The report presents substantial detail on the history of each building, but these details are not linked to the specific eligibility criteria of the California Register of Historic Resources or the local Sacramento Register, so the reader can not reach a clear understanding of how the conclusions were reached, particularly in terms of the significance criteria and integrity considerations.

A key element of the analysis appears to be the conclusion that the buildings have important historical associations, but none retain sufficient integrity to convey those associations. Because each of these buildings has a long history of use and adaptive modification, the key associations

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should be more clearly explained, the period(s) of significance for each building clearly defined, and the character-defining elements described in those terms. It can then be more clearly explained how subsequent modifications have affected the important characteristics of each building. Photographs comparing the current condition with the period of significance also would help the reader understand the argument for loss of integrity more clearly.

An important consideration when evaluating the integrity of a building is the extent to which modifications may be reversible through application of restorative techniques. For example, covered windows and transoms may be easily uncovered and returned to their original status, and wooden sashes can replace later aluminum inserts (as long as the original openings are intact), thereby restoring the integrity of those features. Stucco or paneling covering older brickwork may be removed, revealing the original building facades and fabrics. Even the deteriorated interiors of abandoned buildings may be repaired and restored. Appendix E gives little indication of the state of the original fabric of the structures, and whether modifications that detract from the integrity of the buildings may be reversible.

Equally as important, each building seems to be evaluated individually, without consideration for the possibility that the grouping comprises part of a potentially significant historical district. The project site is surrounded by, though not included in, several formally recognized historic districts. Tremaine and Associates proposed a Sacramento Underground Historic District that included the project site, and the Biltmore Hotel at 1009 J Street and The Broiler at 1013-1015 J Street also have been identified as possible contributors to a future downtown historic district. Page 2.0-4 of the EIR notes that preservation of these buildings was brought up before the City Council in 2002, but the Council deferred action until a project was proposed for the site. At this juncture, it would seem appropriate to reconsider whether these buildings contribute to the significance of such a district.

Thank you for the opportunity to review and comment on the cultural resources analysis of the EIR for The Metropolitan Project. Please contact me if you have any questions on the comments offered above, or wish to discuss the project further.

Sincerely,

Barry A Price

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Curriculum Vitae

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EDUCATION

M.A. Cultural Resource Management, Sonoma State University, 1994.
B.A. Anthropology (with honors), Sonoma State University, 1976.

Specialized Training

2004 "CEQA for the CRM Professional." American Cultural Resources Association/Hicks and Company.

2003 "The California Environmental Quality Act: How Does It Fit in Historic Preservation Efforts?" Planning and Conservation League and the Educational Foundation of America.

1999 "The New 36 CFR Part 800: Highlights of Changes." Advisory Council on Historic Preservation.

1995 "California Environmental Quality Act: A Step-by-Step Approach to Compliance," University of California, Davis, Land Use and Natural Resources Program

1995 "Cultural Resources Industry Outreach Training Course," Federal Energy Regulatory Commission (FERC) Office of Pipeline Regulation

1994 "Advanced Seminar on Preparing Agreement Documents under Section 106." U.S. General Services Administration and the University of Nevada, Reno

1992 "Federal Projects and Historic Preservation Law," Advisory Council on Historic Preservation

1992 Lithic Technology Workshop, Dr. Jeffrey Flenniken, California State University, Fresno

PROFESSIONAL EXPERIENCE

1997– **Vice President, Principal Archaeologist, and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for projects throughout the western United States. Ensure compliance with federal and state laws and regulations, and certify technical quality of reports and other documents. Serve as principal liaison with clients and government agencies. Direct divisional marketing, new business development, and personnel management. Supervise preparation of bids and proposals, engage in contract negotiations, and manage budgets and workscopes. Also fulfill corporate administrative duties assigned by the president and board of directors.

1995–1996 **Senior Archaeologist and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.** Project administration and technical management for a corporate division encompassing California, southern Oregon, and western Nevada. Prepare bids and proposals, negotiate budgets and workscopes, and serve as principal liaison with clients and government agencies. Ensure regulatory compliance and technical quality of reports and other documents. Participate in marketing and new business development, personnel management, and other duties assigned by the president.

1991–1995 **Vice President (1992–1995)/Assistant Vice President (1991–1992), INFOTEC Research, Inc., Fresno, California.** Project administration and technical management for a variety of large and small projects throughout the western U.S. Ensure technical quality of reports and other documents. Prepare bids and proposals and manage budgets and workscopes. Serve as principal liaison with clients and government agencies. Participate in marketing and new business development, personnel management, and other duties assigned by the president.

1989–1991 **Senior Archaeologist/Program Manager for Nevada, INFOTEC Research, Inc., Fresno, California.** Various administrative and technical functions relating to project design, data acquisition, laboratory analysis, report preparation, and technical management.

1984–1989 **Principal Archaeologist and Project Director, Retrospect Research Associates, Ely, Nevada.** As owner/operator of a small cultural resources consulting firm, directed nearly 200 archaeological projects on private and federally-administered property, under contract to both federal agencies and to a variety of oil and gas, mining, and other private firms. A wide variety of projects were completed, including large and small surveys, test excavations at both historic and prehistoric sites, literature reviews, data analyses, architectural and historical surveys, and preservation-oriented feasibility studies and development plans.

1985–1988 **Historical and Archaeological Collections Manager, White Pine Public Museum, Ely, Nevada.** Served as technical consultant to the Museum Board of Directors. Developed and implemented a collections management policy covering acquisition, registration, storage, preservation, curation, and deaccession of Museum collections.

1986 **Consultant, Henderson to Boulder City Rail Line Reuse Feasibility Study.** Under subcontract with Shortline Enterprises and the Nevada State Department of Museums and History, conducted an analysis of the state-owned railroad line between Henderson and Boulder City, Nevada. Responsible for researching the line's history, reviewing and contrasting it with other similar lines throughout the nation, exploring potential uses of the property, and investigating the legal liabilities and ramifications of reuse.

1985 **Project Supervisor, Lower Osceola Historic Site Evaluation.** Under contract to the U.S. Department of Interior (Bureau of Land Management), conducted a non-disturbing archaeological evaluation of 26WP1674. Archival and field data were used to address site significance, research potential, and National Register eligibility. Site management alternatives including protection, data recovery, and interpretation were presented.

1984–1985 **Principal Investigator and Project Director, Downtown McGill Historic Survey.** Under a grant from the Nevada Division of Historic Preservation and Archaeology, conducted an historical and architectural survey of McGill, Nevada, a twentieth-century company mining town. An inventory of historically significant buildings, structures, and sites was produced, and the National Register eligibility of the district was evaluated.

1984 **Principal Investigator and Project Director, Nevada Northern Railway Tourism Complex Development Plan.** Produced a feasibility study and development plan for historic railroad properties in East Ely, White Pine County, Nevada. The study included preparation of plans and cost estimates for restoration of buildings, rolling stock, and other equipment, an estimate of the cost of establishing excursion service, and an assessment of other expenses involved in establishing the facility as a major historic/recreational railroad attraction.

1984 **Principal Investigator, East Ely Historic Revitalization Project.** Under grants from several state agencies, directed a survey of 80 locations in East Ely, producing an inventory

of historically significant buildings, structures, and sites, and a plan for preserving and developing an historic district organized around the Nevada Northern Railway complex.

1983–1984 **Staff Archaeologist, Bureau of Land Management, Ely District.** Conducted cultural resource clearance surveys on a variety of range-related projects including spring developments, fencelines, and pipelines. Assisted the District Archaeologist in clearances of mining notices and plans of operation.

1983–1984 **Field Director, Intermountain Research, Silver City, Nevada.** Directed 12 cultural resource clearance surveys on federal property in eastern Nevada.

1982–1983 **Archaeological Specialist/Historian, California Department of Parks and Recreation, Sacramento.** Excavation of sealed historic deposits (1850–1860) beneath the Fallon Hotel, Columbia State Historic Park. Inventory of nearly 200 historic sites in Calaveras and Tuolumne Counties.

1982 **Field Technician and Laboratory Analyst, Infotec Development, Inc., Sonora, California.** Conducted field mapping and excavation of five prehistoric sites in the Stanislaus National Forest. Lab responsibilities included cleaning, sorting, cataloguing, and describing artifacts. Also reprocessed and reanalyzed material from previously excavated sites.

1981 **Archaeologist, Stanislaus and Mendocino National Forests.** Conducted cultural resource clearance surveys in advance of timber sales and other Forest projects.

1981 **Field Technician, Infotec Development, Inc., Sonora, California.** New Melones Reservoir Project. Excavation of prehistoric village sites in Calaveras and Tuolumne counties, California.

1979–1981 **Staff Archaeologist, Archaeological Resource Service, Novato, California.** Served as field director or crew chief on a variety of cultural resource management projects in the San Francisco Bay Area and North Coast Ranges, California. Responsible for proposal writing, administration and budget, field direction, and report preparation.

1977–1979 **Staff Archaeologist, Cultural Resources Facility, Sonoma State University Foundation.** Field directed and/or administered more than 30 contracts for archaeological and historical studies in the San Francisco Bay Area and North Coast Ranges of California. Clients included federal, state, and local agencies as well as private businesses.

1976–1977 **Archaeological Technician, Bureau of Land Management, Redding and Ukiah Districts.** Conducted cultural resource clearance surveys for timber sales, leaseholds, land exchanges, recreation sites, and other BLM projects.

1975–1977 **Curatorial Assistant, Anthropology Laboratory, Sonoma State University.** Coordinated field and lab projects and supervised the analysis and curation of archaeological specimens. Also assisted the program director in a variety of other capacities including project administration, budget and personnel management, research planning, and data processing and distribution.

ARTICLES PUBLISHED/PAPERS PRESENTED

2005 Fashionably Late: Chronological and Cultural Definitions of the Late Period on the Central California Coast. Paper presented at the 39th Annual Meeting of the Society for California Archaeology, Sacramento.

2004 (with Susan K. Stratton and M. Colleen Hamilton) Hazardous Site Archaeology: A Case Study of a Manufactured-Gas Plant. *Proceedings of the Society for California Archaeology* 14: 21–24.

2002 A Clovis Point from the Sierra National Forest. *Society for California Archaeology Newsletter* 36(1):15–16.

2000 (with Susan K. Stratton and M. Colleen Hamilton) Hazardous Site Archaeology: A Case Study of a Manufactured Gas Plant. Paper presented at the 34th Annual Meeting of the Society for California Archaeology, Riverside.

1998 Two Cupule Rock Art Sites in Elko County, Nevada. In *Rock Art Studies in the Great Basin*, edited by Eric W. Ritter. Coyote Press Archives of Great Basin Prehistory Number 1.

1997 Evidence for a 200-Year-Long Late Holocene Drought Along California's Central Coast. Paper presented at the 31st Annual Meeting of the Society for California Archaeology, Rohnert Park.

1996 Late Holocene Climatic Fluctuations along the California Coast: The Paleoenvironmental Data from CA-SBA-2696. Paper presented at the 30th Annual Meeting of the Society for California Archaeology, Bakersfield.

1995 Archaeological Investigations for the Mission Hills/Santa Ynez Extension of the Coastal Aqueduct. *Society for California Archaeology Newsletter* 29(2): 9–10. Fullerton.

1994 (with Timothy W. Canaday) Predictive Models and Site Survey: A 1,000 Mile Transect. Paper presented at the 59th Annual Meeting of the Society for American Archaeology, Anaheim, California.

1994 California Archaeology: The Future of the Past. Paper presented to the Archaeological Institute of America for California Archaeology Week, May 1994.

1991 Archaeology in the Oil Patch: A Research and Management Agenda for Trap Spring. *Nevada Archaeologist* 9. Reno.

1990 The Boulder Creek Cupules. Paper presented at the 22nd Biennial Great Basin Anthropological Conference, Reno, Nevada.

1989 McGill, Nevada: An Example of Company Town Architecture as Social History. Paper presented at the Building the West Conference on Vernacular Architecture West of the Rockies, Reno, Nevada.

1988 (with Sarah E. Johnston) A Model of Late Pleistocene and Early Holocene Adaptation in Eastern Nevada. In *Early Human Occupation in Far Western North America: The Clovis-Archaic Interface*, edited by J. Willig, C. M. Aikens, and B. Fagan, pp. 231–250. Nevada State Museum Anthropological Papers 21, Carson City.

1987 Nevada's Black Gold. *Reno Gazette-Journal*, 2 March: 1E–5E. Reno, Nevada.

1987 (with Walter E. Cuchine) *Ethnic Cultures of White Pine County, Nevada*. Nevada Humanities Committee, Reno.

1986 Paleoindian Site Types and Settlement Patterns in Eastern Nevada. Paper presented at the 20th Biennial Great Basin Anthropological Conference, Las Vegas, Nevada.

1986 *Boom Towns and Copper Camps: An Archaeological Survey of Historic Sites in White Pine County, Nevada*. Nevada Division of Historic Preservation and Archaeology, Carson City.

1985 The Pony Express in Nevada. In *Nevada: 1864–1985, The Official Publication of the Nevada Day Celebration.* Southern Nevada Memorial Hospital Foundation, Inc., Las Vegas.

1985 *Red Metal Railroad: The History of the Nevada Northern Railway.* Nevada Governor's Office of Community Services and White Pine County Chamber of Commerce.

1984 Upland Site Utilization in the Western Pluvial Lakes Tradition. Paper presented at the Annual Meeting of the Nevada Archaeological Association, Ely, Nevada.

TECHNICAL REPORTS

Baloian, Mary Clark, Randy Baloian, Michael J. Moratto, and **Barry A. Price**
2006 Cultural Resources Survey and Evaluation on the Sumner Peck Ranch for the Tesoro Viejo Project, Madera County, California. Applied EarthWorks, Inc., Fresno, California. Prepared for Tesoro Viejo, Inc., Fresno, California.

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2006 *Archaeological Investigations Supporting Consultation with the State Historic Preservation Officer for the Privatization of Military Family Housing on Vandenberg Air Force Base, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Nettles, Wendy M.
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Gerber, Joyce L., **Barry A. Price,** Clayton G. Lebow, and Mary Clark Baloian
2005 *Cultural Resources Management Plan for Pillar Point Air Force Station, San Mateo County, California.* Preliminary Final. Applied EarthWorks, Inc., Fresno, California. Submitted to U.S. Air Force, 30 CES/CEVPC, Vandenberg AFB, California.

Jernigan, Kathleen, Randy Baloian, and **Barry A. Price**
2005 *Cultural Resources Inventory for the Spring Hill Ranch Subdivision, Mariposa County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Rod Hylton, Fresno, California.

Lloyd, Jay B., Randy Baloian, **Barry A. Price**, and Mary Clark Baloian
2005 *Extended Phase 1 and Phase 2 Archaeological Investigations, Cachuma Lake Boat Launch Ramp Facilities Improvements, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Santa Barbara County Parks, Santa Barbara, California. Submitted to U.S. Bureau of Reclamation, Mid-Pacific Region, Sacramento, California.

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2005 *Archaeological Testing at CA-SLO-879 for the Estero Marine Terminal Source Removal Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Rincon Consultants, Inc., San Luis Obispo, California.

Price, Barry A.
2005 *Cultural Resources Management Review for Rancho San Marcos Golf Course Improvements, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Rincon Consultants, Inc., Ventura, California.

2005 *Revised Report of Archaeological Monitoring at CA-MAD-652, 46066 Sutton Drive, Lot 37, Fresno River Estates, Oakhurst.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Madera Planning Department, Madera, California.

Price, Barry A., and Carole Denardo
2005 *Resource Interpretation and Public Awareness Plan.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base, vol. 4, edited by Michael J. Moratto and Barry A. Price. Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Price, Barry A., Jay B. Lloyd, Sandra S. Flint, Mary Clark Baloian, Michael Mirro, Randy Baloian, David Earle, and Alan Garfinkel
2005 *Final Eligibility and Effects Assessment at CA-LAN-192, Stephen Sorenson Park, Los Angeles County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Rincon Consultants, Inc., Ventura, California. Submitted to Community Development Commission of the County of Los Angeles, Monterey Park, California.

Tanaguchi, Christeen, and **Barry A. Price**
2005 National Register of Historic Places Registration Form: San Joaquin Light & Power Corporation Building, 1401 Fulton Street, Fresno, California. Applied EarthWorks, Inc., Fresno, California.

Baloian, Mary Clark, Wendy M. Nettles, **Barry A. Price**, and Dina M. Coleman
2004 *Archaeological Investigations at the Wawona Hotel Complex, Yosemite National Park, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Yosemite Concession Services Corporation, Yosemite, California.

Baloian, Mary Clark, and **Barry A. Price**
2004 *Historic Properties Management Plan for the Crane Valley Hydroelectric Power Project in Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, San Francisco.

Nettles, Wendy M., and **Barry A. Price**
2004 *Phase 2 Evaluation of the NTU Mine Site (CA-SBA-3725H) in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Santa Maria Pacific, LLC, Santa Maria, California.

Price, Barry A.
2004 *Historic Property Survey Report for the Turri Road Bridge Replacement Project in San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for Essex Environmental, San Luis Obispo, California. Submitted to County of San Luis Obispo Department of Public Works, San Luis Obispo, California, and California Department of Transportation District 5, San Luis Obispo, California.

Price, Barry A., Randy Baloian, and Peggy Beedle
2004 *Historical Resources Analysis for the Estero Marine Terminal Source Removal Project, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Rincon Consultants, Inc., San Luis Obispo, California.

Price, Barry A., Sandra S. Flint, and Randy Baloian
2004 Cultural Resources Management Plan for the Topock Compressor Station Expanded Groundwater Extraction and Treatment System, San Bernardino County, California. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, San Francisco, California.

Price, Barry A., and Wendy M. Nettles
2004 *Historical Resources Analysis for the Old Armenian Town Redevelopment Project in Fresno, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to URS Corporation, Fresno, California.

Brady, Jon L., with contributions by Wendy M. Nettles and **Barry A. Price**
2003 *Historic Property Survey for Proposed School Site N.* Applied EarthWorks, Inc., Fresno, California. Submitted to Fresno Unified School District Facilities Management and Planning Department, Fresno, California.

Livingstone, David M., with contributions by Wendy M. Nettles, **Barry A. Price**, and Randy Baloian
2003 *Historic Property Survey for Fresno Unified School District Proposed Elementary School Site D-2, Fresno, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Fresno Unified School District Facilities Management and Planning Department, Fresno, California.

Lloyd, Jay B., Daniel Hart, and **Barry A. Price**
2003 *Archaeological Testing and Evaluation for the Shell Pipeline Company, LP, Marsh Creek Pipeline Replacement Project in Contra Costa County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Essex Environmental, San Luis Obispo, California.

Price, Barry A., and Randy M. Baloian
2003 *Positive Archaeological Survey for a Proposed Bridge Replacement on Jalama Road in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Public Works Department, Santa Barbara, California.

Price, Barry A., and Carole Denardo
2003 *Resource Interpretation and Public Awareness Plan.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base, vol. 4, edited by Michael J. Moratto.

Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

Price, Barry A.

2003 *Negative Archaeological Survey Report for the Old Coast Highway Bridge Replacement Project, Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Public Works Department, Santa Barbara, California.

2003 *Negative Archaeological Survey Report for the Black Road Bridge (51C-0051) Replacement Project in Santa Barbara County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to County of Santa Barbara Department of Public Works, Santa Barbara, California.

Flint, Sandra S., **Barry A. Price**, Jay B. Lloyd, Dina M. Coleman, Wendy Nettles, and Mary Clark Baloian

2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Testing and Evaluation Report and Historic Properties Treatment Plan for the Northern Loop in Modoc County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, Walnut Creek, California.

Nettles, Wendy M., M. Colleen Hamilton, and **Barry A. Price**

2002 *Archaeological Research Design and Testing/Mitigation Plan for the Copelands Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to City of San Luis Obispo Community Development Department, San Luis Obispo, California.

Price, Barry A.

2002 *Management of Cold War Resources.* Integrated Cultural Resources Management Plan for Vandenberg Air Force Base , vol. 3, edited by Michael J. Moratto. Applied EarthWorks, Inc., Fresno, California. Submitted to 30 CES/CEVPC, Vandenberg Air Force Base, California.

2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Exclusionary Fencing at Rock Disposal Areas MA 52 and MA 53, Modoc County, California.* Northern Loop Letter Report 2—Addendum 1. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.

2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Four Additional Temporary Work Spaces, Two Ancillary Areas, and Three Access Roads in Shasta County, California.* Southern Loop Letter Report 5. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California, and State Office of Historic Preservation, Sacramento.

2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Nine Additional Temporary Work Spaces (MA 48, 49, 50, 52, 53, 60, 70, 73, and 82) and Nine Access Roads (MR 1, 3, 5 ,6, 8, 15, 16, 17, and 18) in Modoc County, California.* Northern Loop Letter Report 2. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.

2002 *PGT-PG&E Pipeline Expansion Project, Line 401 Capacity Loops: Supplemental Archaeological Investigation of Six Ancillary Areas near Tionesta in Modoc County, California.* Northern Loop Letter Report 5. Applied EarthWorks, Inc., Fresno, California. Prepared for Pacific Gas and Electric Company, Walnut Creek, California. Submitted to Bureau of Land Management, Redding, California; USDA Modoc National Forest, Alturas, California; and State Office of Historic Preservation, Sacramento.

Price, Barry A., and Carole A. Denardo
2002 *Archaeological Investigations for the Olde Towne Nipomo Enhancement Project, San Luis Obispo County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Essex Environmental, San Luis Obispo, California.

Price, Barry A., Sandra S. Flint, and Jay B. Lloyd
2002 *PGT-PG&E Pipeline Expansion Project Line 401 Capacity Loops: Supplemental Archaeological Inventory and Evaluation and Historic Properties Treatment Plan for the Southern Loop in Shasta County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Pacific Gas and Electric Company, Walnut Creek, California.

Price, Barry A., Wendy M. Nettles, and Carole Denardo
2002 *Cultural Resources Inventory for the Copelands Project, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to City of San Luis Obispo, Department of Community Development, San Luis Obispo, California.

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2001 *Preliminary Evaluation Report: Archaeological Investigations at Washburn Cottage, Wawona Hotel Complex, Yosemite National Park, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Yosemite Concession Services Corporation, Inc., Yosemite, California.

Flint, Sandra S., and **Barry A. Price**
2001 *Archaeological Survey Report for the Friant Road Improvement Project, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for The Twining Laboratories, Inc., Fresno, California. Submitted to County of Fresno Public Works Department, Fresno, California, and California Department of Transportation, District 6, Fresno.

Lebow, Clayton G., Mary Clark Baloian, Douglas R. Harro, Rebecca L. McKim, Carole Denardo, Jill Onken, Eugene Romanski, and **Barry A. Price**
2001 *Final Report of Archaeological Investigations, Reaches 5B and 6, Coastal Branch Aqueduct, Phase II*, with contributions by Jeff A. Parsons. Applied EarthWorks, Inc., Fresno, California. Prepared for Central Coast Water Authority, Buellton, California.

Palmer, Kevin (Lex), **Barry A. Price**, and Sandra S. Flint
2001 *Historic Study Report for the Friant Road Improvement Project, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for The Twining Laboratories, Inc., Fresno, California. Submitted to County of Fresno Public Works Department, Fresno, California, and California Department of Transportation, District 6, Fresno.

Palmer, Kevin (Lex), Keith Warren, and **Barry A. Price**
2001 *Cultural Resources Inventory for the San Luis Obispo County Administration Building, San Luis Obispo, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Morro Group, Inc., San Luis Obispo, California.

Price, Barry A.

2001 *Archaeological Survey Report for the Ramajal Creek Bridge (51C-016) Seismic Retrofit Project on Jalama Road, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Santa Barbara County Department of Public Works, Santa Barbara, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.

2001 *Architectural Assessment of the Cottonwood Creek Bridge (41C-006), Madera County, California.* Applied EarthWorks, Inc., Fresno, California. Letter report to Madera County Road Department, Madera, California.

2001 *Cultural Resources Assessment for a Proposed Communication Tower Site, Denverton/CA-1595C, Solano County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to ASR Engineering, Inc., Fresno, California.

2001 *Cultural Resources Investigation of Proposed Prison Site, Orange Cove, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Submitted to Conestoga-Rovers & Associates, Baton Rouge, Louisiana.

2001 *Historic Property Survey Report for the Balsam Creek Bridge Replacement Project, Huntington Lake Road, Fresno County, California.* Applied EarthWorks, Inc., Fresno, California. Prepared for W. Koo & Associates, Orange, California. Submitted to Fresno County Department of Public Works, Fresno, California, and California Department of Transportation, District 6, Fresno, California.

2001 *Historic Property Survey Report for the Carpinteria Class II Coastal Bike Path on Via Real, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Bengal Engineering, LP, Goleta, California, and City of Carpinteria Department of Public Works, Carpinteria, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.

2001 *Historic Property Survey Report for the Ramajal Creek Bridge (51C-016) Seismic Retrofit Project on Jalama Road, Santa Barbara County, California.* Applied EarthWorks, Inc., Lompoc, California. Prepared for Santa Barbara County Department of Public Works, Santa Barbara, California. Submitted to California Department of Transportation, District 5, San Luis Obispo, California.

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2000 *Cultural Resources Survey for the Cathedral Oaks/Glen Annie Signal Project, Goleta, California.* Applied EarthWorks, Inc., Lompoc, California. Submitted to County of Santa Barbara, Public Works Department, Santa Barbara, California.

Flint, Sandra S., Wendy M. Nettles, Stefani D. Hooper, Mary Clark Baloian, **Barry A. Price**, Carol Brill, and Shari Alberg
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PROFESSIONAL MEMBERSHIPS

Register of Professional Archaeologists
Society for American Archaeology
Society for Historical Archaeology
Society for California Archaeology
Nevada Archaeological Association
Fresno County Archaeological Society
San Luis Obispo County Archaeological Society
Mining History Association
National Trust for Historic Preservation

GRANTS, AWARDS, AND HONORS

Nevada Division of Historic Preservation and Archaeology survey and planning grants for historical and architectural surveys in White Pine County, Nevada, 1983–1987. Three projects totaling $28,067.

Nevada Humanities Committee grants for humanities related projects in White Pine County, 1984–1987. National Endowment for the Humanities funds for two projects totaling $37,818.

Nevada Governor's Office of Community Services grants for tourism and economic development. One project totaling $8,750.

Sonoma State University Department of Anthropology research grant for $500 to analyze prehistoric cultural remains from Mendocino County, California, 1981.

National Science Foundation Fellowships in Microbiology and Bioscience, LaSalle College and Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania, 1968–1969.

Marshall B. Hunt, P. E.
123 C Street
Davis, California 95616

October 23, 2007

William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Re: Review of the Metropolitan Project Final EIR
State Clearinghouse Number: 2006042161

Dear William Kopper:

At your request I have reviewed the Final Environmental Impact Report (EIR) for the proposed "The Metropolitan Project" (P05- 205), a 39-story, 652,00 gross square foot high rise building with a parking garage. In response to the questions and issues raised during the Draft EIR the Final report repeats the positions stated in the Draft with little if any information that answers the concerns expressed.

Comment G-7:
The response with its emphasis on "where relevant" ignores the very real energy and climate change issues that are the focus of public policy. Any increase in the demand for electricity during peak demand hours in the summer is relevant. The ratepayers of California pay for power plants operating at peak and the cost to build the new plants cost $1500 per peak kW and higher. The AB 32 goals for green house gas emission reduction will impact the society and makes all additional emissions relevant to the public debate. The City of Sacramento can contribute to meeting broadly held public policy by requiring that the project mitigate emissions.

Comment G-16:
The comments by Charles Erhlich pointed to the fact that Title 24 requirements for energy efficiency are minimum allowed by law and that a variety of cost effect mitigation measures need to be explored. The Final EIR restates the position that meeting Title 24 is all that is required. This is unresponsive to the issue of mitigating the projects energy demand and use.

Comment G-17:
The Final EIR fails to address the issues raised and directs the reader to sections of the Draft that were originally brought into question.

Comment G-18:

The existence of the Leadership in Energy and Environmental Design (LEED) is noted and an abstract of the benchmarks of performance is given and is in fact not a foregone conclusion. But, no goal is set for the project to achieve. The statement, "it is assumed it will meet the 'Certified' level at a minimum" (page 4-93) is not supported anywhere in the EIR. It is the public policy of governmental agencies, like the California Department of General Services, that buildings they occupy meet a level of Silver or better. In practice achieving a Silver rating will benefit the owner, occupants and citizens by requiring mitigation of energy, water, solid waste, and other impacts of the building. At a minimum the project should required to meet the LEED Silver level of performance.

Comment G-19:
Achieving LEED Silver would help mitigate ozone and PM_{10} emissions.

Comments G-20 through G-22:
The Final EIR restates the position of the Draft and is consistent with the position that meeting the bare minimums for energy conservation and efficiency are all that is required to mitigate the impacts of the project. This position is contrary to the public policy position of the Governor and the State of California. The failure to explore mitigation measures, whether cost effective or not, does not allow the City of Sacramento reviewing agencies and public commissions to access the impacts and mitigation to those impacts.

The position taken by the Final EIR is that everything that can be considered as mitigation measures for the impact of the projects energy consumption, green house gas emissions, and water use is covered by existing minimum standards. That this is not the case is demonstrated by the hundreds of millions of dollars being spent by energy utilities and water utilities to decrease the negative impacts of the built environment. It is most cost effective to build into new structures mitigation measures, rather than have to retrofit them latter. To approve the project as proposed adds to the problems we are all working to address. Impacts of buildings are the accumulated impacts of each structure, thus the impact of each structure is significant and must be mitigated.

Sincerely,

Marshall B. Hunt
Professional Mechanical Engineer

MARSHALL B. HUNT

3117 Beacon Bay Place
Davis, CA 95616

POSITION: Programs Director, UC Davis Western Cooling Efficiency Center
1450 Drew Avenue, Davis, CA 95618 (1/1/08, temporarily 123 C Street)
mbhunt@ucdavis.edu, 530.747.3976

EDUCATION: Bachelor of Science, University of Davis, California
University of California at Davis, in Atmospheric Science, Micrometeorology. Course work completed for a Masters of Science in Atmospheric Science, Micrometeorology with an emphasis on Arctic Air/Ice interactions as they impact global climate change

PROFESSIONAL REGISTRATION: Professional Engineer, Mechanical Engineering, registered in the State of California, #024975

EXPERIENCE:

Valley Energy Efficiency Corporation
Director, Yolo Energy Efficiency Project, a $3 million dollar third party energy efficiency project by the City of Davis. Project completed on time, under budget successfully accomplishing the goals.

Pacific Gas & Electric Company
Senior Program Engineer, Customer Energy Management, assigned to the internal technical support group for the purpose of Energy Efficiency program design, implementation and support with special emphasis in codes & standards. Also, taught classes in HVAC design at the Energy Training Center at Stockton.

MBH Associates
Owner, Principal Engineer
Conducted Energy Conservation studies for the following local governments: Roseville, Chico, Davis, Yolo County, and Lake County. Worked as a Technical consultant to Sacramento Municipal Utility District on a continuing basis for six years. Technical consultant to Carrier Corporation for energy efficiency codes & standards. Managed the design and construction of the model complex for a 120-unit passive solar subdivision in West Sacramento, which received an energy award from Pacific Gas and Electric Company.

California Energy Commission
Energy Specialist III, Solar Energy Office, team lead of the Passive Solar team. One of the authors of the technical sections of the California Solar Tax Credit.

VOLUNTEER POSITIONS:

Board Member/first Chairman of the Board of the California Association of Building Energy Consultants (CABEC).

Member of the City of Davis Building Code Board of Appeals.

Member of the City of Davis Citizens Electric Energy Task Force

Member of ASHRAE

References available on request.

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LEED Certification
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Education
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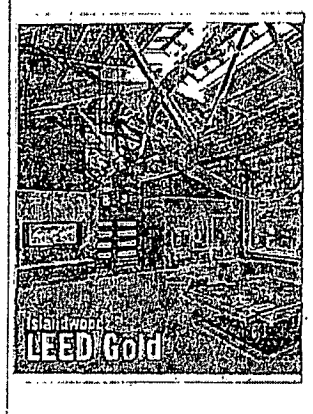
TSAC
LSC
CIR
Help



Leadership in Energy and Environmental Design

What is LEED®?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle. Specific LEED programs include:

- New Commercial Construction and Major Renovation projects
- Existing Building Operations and Maintenance
- Commercial Interiors projects
- Core and Shell Development projects
- Homes
- Neighborhood Development
- Guidelines for Multiple Buildings and On-Campus Building Projects
- LEED for Schools
- LEED for Retail

USGBC is also developing LEED for Healthcare, and LEED for Labs.

We also have the LEED Resources page which has informative PowerPoint presentations, brochures, and case studies, as well as LEED News and LEED-Online sample credit templates.

How is LEED Developed?

The LEED Rating System was created to transform the built environment to sustainability by providing the building industry with consistent, credible standards for what constitutes a green building. The rating system is developed and continuously refined via an open, consensus-based process that has made LEED the green building standard of choice for Federal agencies and state and local governments nationwide. Click here for more information on the LEED Development Process.

What is LEED Certification?

The first step to LEED certification is to Register your project. A project is a viable candidate for LEED certification if it can meet all prerequisites and achieve the minimum number of points to earn the Certified level of LEED project certification. To earn certification, a building project must meet certain prerequisites and performance benchmarks ("credits") within each category. Projects are awarded

U.S. Green Building Council

Certified, Silver, Gold, or Platinum certification depending on the number of credits they achieve. This comprehensive approach is the reason LEED-certified buildings have reduced operating costs, healthier and more productive occupants, and conserve our natural resources.

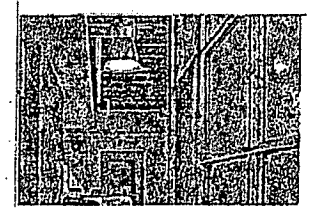
Note for Product Manufacturers and Service Providers:
Although USGBC does not certify, promote, or endorse products and services of individual companies, products and services do play a role and can help projects with credit achievement. (Note that products and services do not earn projects points.) Learn more here about how you and your company can help advance green building, while also achieving your own environmental and economic goals.

Who Can Use LEED?
Everyone: Architects, real estate professionals, facility managers, engineers, interio designers, landscape architects, construction managers, lenders, government officials...

The LEED program also includes a full suite of training workshops and a Professional Accreditation program to develop and encourage green building expertise across the entire building industry.

Questions?
Visit the LEED Help section of our website.

LEED Rating Systems
New Construction
Existing Buildings
Commercial Interiors
Core and Shell Development
Homes
Schools
Neighborhood Development
Market Sector Rating Systems
LEED Public Drafts
LEED Certification
Register Your Project
LEED-Online
Education
LEED AP Directory
LEED Project Lists
TSAC
LSC
CIR
Help



Rating Systems

LEED® is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED provides building owners and operators with the tools they need to have an immediate and measureable impact on their buildings performance.

LEED can be applied to every building type and phase of a building lifecycle. Specifi programs exist for:

- New Commercial Construction and Major Renovation projects
- Guidelines for Multiple Buildings and On-Campus Building Projects
- Existing Building Operations and Maintenance
- Commercial Interiors projects
- Core and Shell development projects
- Homes
- Neighborhood Development
- LEED for Schools
- LEED for Retail

LEED for Health Care is currently under development.

New Optimize Energy Mandatory Point Minimum for LEED projects

In accordance with direction from its Board of Directors and its LEED Steering Committee to immediately increase the LEED Green Building Rating System's impact in reducing building energy related greenhouse gas emissions, USGBC's membership has approved the update of all balloted commercial LEED Green Building Rating Systems with the following change:

All newly registered LEED projects are required to achieve at least two (2) Optimize Energy. Performance points. This requirement is mandatory for all LEED projects registering after June 26, 2007. Projects registered prior to June 26, 2007 will not be held to this requirement; however USGBC encourages all LEED projects to strive to achieve building energy performance commensurate with this new requirement. LEED for Homes and LEED for Neighborhood Development projects are exempt from this requirement.

To help projects achieve this new mandate, a prescriptive path has been developed for all LEED for New Construction, LEED for Core and Shell, LEED for Schools and LEED for Retail projects. When complete, this prescriptive path will be outlined in the appropriate rating system documents available soon.

The two mandatory points will count towards a project's LEED certification. Project teams will be reminded of this change at time of registration, through LEED Online, and illustrated in the rating system and reference guide documents.

Go here to view the current Optimize Energy Performance credits in LEED for New Construction, Existing Buildings, Commercial Interiors and Core & Shell, and the

changes that are required.

Learn how LEED is developed.

Attend a LEED Workshop.

U.S. Green Building Council

LEED for New Construction

- What is LEED for New Construction?
- LEED for New Construction Rating Systems and Resources
  - New Construction version 2.2
  - New Construction version 2.1
  - New Construction version 2.0
- LEED Application Guides
- Info Sheet and Project Case Studies
- Frequently Asked Questions
- History

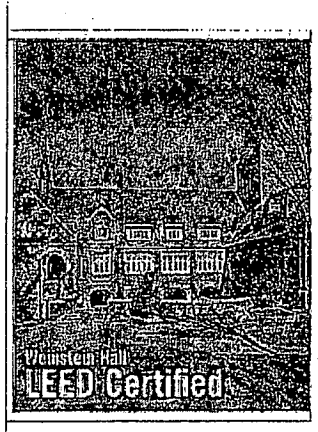
What is LEED for New Construction?

LEED for New Construction and Major Renovations is a green building rating system that was designed to guide and distinguish high-performance commercial and institutional projects, with a focus on office buildings. Practitioners have also applied the system to K-12 schools, multi-unit residential buildings, manufacturing plants, laboratories and many other building types.

Note: The LEED for Schools Rating System is now required for use on all new construction and major renovations of K-12 school buildings in which academic activities occur.

LEED-NC Version 2.2 Rating System and Resources:

- Download LEED for New Construction Version 2.2 Rating System. The rating system lists the intent, requirements, submittals, and technologies/strategies for each credit and includes the LEED for New Construction Checklist.
- *NEW!* Get started with a free download of the Introduction Chapter from the LEED for New Construction Reference Guide. (PDF)
- Download sample PDF versions of the LEED for New Construction v2.2 Online credit templates. These PDFs are an excellent resource for potential projects to see the basic fields and documentation requirements. (Please note that the PDFs do not have the same functionality as the actual LEED Online credit templates. Only registered LEED for New Construction Version 2.2 projects have access to the fully functioning Letter Templates at LEED-Online.)
- Submit Reference Guide and Rating System errata through our online errata form.
- Purchase the LEED for New Construction v2.2 Second Edition Reference Guide or view the errata sheet listing corrections to the document. Note: The First Edition has its own specific errata sheet, available here.
- View the Combined Heat and Power Methodology for LEED 2.2. This can used for projects that are installing new, or connecting to existing, CHP systems, in lieu of the EAc1 calculation methodology in the LEED for New Construction v2.2 Reference Guide.



- The 2.2 Fact Sheet explains how LEED for New Construction has changed in the transition from v2.1 to v2.2.
- Get additional guidance on who can serve as the commissioning authority for your LEED project.
- California Title 24-2005 Equivalency
- Oregon Energy Code 2005 Equivalency
- Prescriptive compliance path for New Construction v2.2 EAc1 - Advanced Energy Design Guide.
- Use of ASHRAE Addenda in LEED projects

LEED for New Construction Version 2.1 Rating System and Resources:
Note: As of January 1, 2006, all projects must register under Version 2.2.

- Download LEED for New Construction Version 2.1. The rating system lists the intent, requirements, submittals, and technologies/strategies for each credit and includes the LEED for New Construction Checklist. (You can also view an errata sheet listing corrections to the rating system document.)
- Please submit all Reference Guide and Rating System errata through our online errata form.
- Download PDF versions of the LEED for New Construction v2.1 Online credit templates. These PDFs are an excellent resource for potential projects to see the basic fields and documentation requirements. (Please note that the PDFs do not have the same functionality as the actual LEED Online credit templates. Only registered LEED for New Construction Version 2.1 projects have access to the fully functioning Letter Templates.)
- View the amendment to the EA Credit 1 point interpolation table (ASHRAE and California Title 24).
- View the Combined Heat and Power Methodology for LEED 2.1. This can used for projects that are installing new, or connecting to existing, CHP systems (i.e. district systems), in lieu of the EAc1 calculation methodology in the Reference Guide.
- Sample EAc1 Documentation. EAc1 is commonly audited during the certification process due to insufficient information. Follow this sample format to ensure a complete submittal.
- Submitting v2.2 credit paths and templates for v2.1 credits. (updated 12/19/2006)

LEED for New Construction Version 2.0 Rating System and Resources:
The rating system lists the intent, requirements, and technologies/strategies for each credit and includes the LEED Checklist.
Note: As of January 1, 2006, all projects must register under Version 2.2.

- Download LEED for New Construction Version v2.0.
- View the amendment to the EA Credit 1 point interpolation table (ASHRAE and California Title 24).
- Download a summary of the LEED for New Construction Version 2.0 Documentation Requirements.

Frequently Asked Questions and Certified Project Case Studies:

Frequently Asked Questions

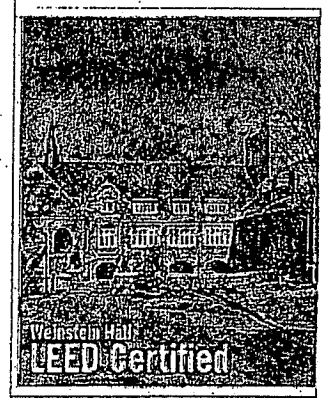
LEED for New Construction case studies: Fossil Ridge High School, Toyota Motor Sale: and PFPC, Inc

History
August 1998: LEED for New Construction is first launched at USGBC Membership Summit.

U.S. Green Building Council

March 2000: Twelve initial pilot projects achieve certification under LEED for New Construction Version 1.0. LEED for New Construction Version 2.0, based on modifications made during the pilot period, is released.
November 2002: LEED for New Construction continues to evolve to incorporate the best available science and technologies and to respond to the needs of the market. LEED for New Construction Version 2.1 is released.
November 2005: The most current system, LEED for New Construction Version 2.2, is released. USGBC also launches a series of major enhancements and refinements to the LEED documentation and certification process.
Questions?
Visit the LEED Help section of our website.

LEED Rating Systems
LEED Certification
Certification Process
Register Your Project
LEED-Online
Education
LEED AP Directory
LEED Project Lists
TSAC
LSC
CIR
Help



Why Certify?

LEED certification provides independent, third-party verification that a building project meets the highest performance standards. The LEED plaque is recognized nationwide as proof that a building is environmentally responsible, profitable, and a healthy place to live and work.

LEED-certified buildings:

- are leading the transformation of the built environment
- are built as designed and perform as expected.
- have lower operating costs and increased asset value
- are healthy and comfortable for their occupants
- reduce waste sent to landfills
- conserve energy and water
- reduce harmful greenhouse gas emissions
- qualify for tax rebates, zoning allowances, and other incentives in hundreds of cities
- demonstrate an owner's commitment to environmental stewardship and social responsibility

For more information visit the Certification Process page.

Get started today! Register your project and start designing, building, and operating better buildings today.

When you register your project you get access to LEED-Online. LEED-Online is the paperless way to submit documentation for project certification. LEED-Online uses Adobe LiveCycle technology that allows for interactive LEED credit templates with built in credit calculations when applicable. In addition, the LiveCycle technology allows project teams to work on these credit templates offline and then once online submit credit templates to LEED-Online.

Not sure where to start? Take a LEED workshop to learn more about green building and LEED.

Looking for help with your project? Search our LEED Accredited Professional® directory to find a LEED AP near you, or search our Member Directory to locate green building products and service providers in your area.

Attachment 6 – Environmental Impact Report (EIR) Certification

RESOLUTION NO. 2008

Adopted by the Sacramento City Council

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE 'METROPOLITAN' PROJECT (P05-205)

BACKGROUND

A. On May 22, 2008, the City Planning Commission conducted a public hearing on, the Metropolitan project (hereafter referred to as "Project"), and forwarded to the City Council a recommendation to approve with conditions.

B. On July 15, 2008, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 17.200.010(C)(2)(a), (b), and (c) publication, posting, and mail (500'), and received and considered evidence concerning the 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 Metropolitan (herein EIR) which consists of the Draft EIR and the Final EIR (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 and the Sacramento Local Environmental 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.

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 Record of Decision.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services 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.

Table of Contents:

Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations for the Metropolitan Project

Description of the Project

The proposed project would demolish the existing structures on the proposed site and would construct a 38-story, high-rise tower consisting of either 320 residential condominium units with ground floor retail and parking, or a Mixed-Use Hotel Option with 190 residential condominium units and 190 hotel units with a ground floor restaurant and parking. The proposed site is 160 by 260 feet, covering most of the City half-block between J Street and the alley between J and I streets. The project with 320 condominium units would also have 13,000+/- square feet of ground floor retail with an exterior 15 foot deep arcade or plaza located along 10th Street to allow for patio dining. The optional Mixed-Use Hotel design for 190 condominium units and 190 hotel units would also have a hotel lobby with an 11,500 square foot restaurant located facing the corner of 10th and J Streets, behind a 25 foot outdoor plaza. Ingress and egress to the parking garage, loading areas, and building services would be located on the alley. Condominium parking would be provided on one or one and a half sub-grade levels and six above grade levels for a total of 500 spaces. The Mixed-Use Hotel Option would provide up to 460 parking spaces on one sub-grade level and four above-grade levels.

The project would provide amenities such as private balconies, an infinity (seemingly rimless) swimming pool, fitness and recreation rooms, and landscape and open space terrace areas. The top of the building would be split into three levels, with the pool and penthouses on the lowest. There would also be an upstairs terrace for the penthouses and a room with mechanical systems. The condos would range from 700 to 1,300 sf, feature ample window space, and include open air balconies on all units. Two-story lofts would be available right above the ground-floor retail/commercial space, and some penthouses may have two floors. The Mixed-Use Hotel Option would provide the amenities on Level 7, with hotel rooms on levels 7 through 17, and condominiums on levels 18-38.

The condominium building would be approximately 386 feet in height, and the Mixed-Use Hotel building would be approximately 400 feet to the top of the mechanical penthouse; each would feature a 30 foot spire. Both are limited to 350 feet at the first 200 feet on the J Street block moving from east to west, which is within the 350 foot zone for the Capitol View Protection Ordinance. There is no height limitation for the half block facing 10th Street. The building's step-like design is intended to be consistent with the Downtown area's existing high-rise focus.

The 0.955 acre proposed site is generally located between the alley south of I Street on the north, J Street on the south, 10th Street on the west, and 11th Street on the east. The parcels in the project are: 921 10th Street (006-0044-012), 927 10th Street (006-0044-011), 1009 J Street (006-0044-010), 1013 J Street (006-0044-009), and 1023 J Street (006-0044-013).

The proposed project site is within the Central Business District (CBD) of the City of Sacramento. The proposed site is designated Community/Neighborhood Commercial & Offices on the Sacramento City General Plan, and is zoned Special Planning District - Central Business District (C-3/CBD). The site is also located within the planning areas of the following City plans: Merged Downtown Redevelopment Plan, Cultural and Entertainment Master Plan, Central City Community Plan, and Central City Housing Strategy.

Findings Required Under CEQA

1. Procedural Findings

The Planning Commission of the City of Sacramento finds as follows:

Based on the Initial Study conducted for Metropolitan Project (P05-205), SCH # 2006042161, (herein after the Project), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a) A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency on April 28, 2006, and was circulated for public comments from April 28, 2006 and ending on May 30, 2006.

b) A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on July 11, 2006, 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 forty-five (45) day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on July 11, 2006 and ended on August 24, 2006.

d) A Notice of Availability (NOA) of the Draft EIR was mailed on July 11, 2006 to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento Development Services Department, City of Sacramento, New City Hall, 915 I Street, 3rd Floor, Sacramento, California 95814. The letter also indicated that the official forty-five day (45) public review period for the Draft EIR would end on August 24, 2006.

e) A public notice was placed in the Daily Recorder on July 11, 2006, which stated that the Metropolitan Project Draft EIR was available for public review and comment.

f) A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on July 11, 2006.

g) A Revised Draft EIR was prepared that analyzed the Mixed-Use Hotel Option. The Draft was circulated for a forty-five (45) day public comment period that began February 29, 2008 and ended on April 16, 2008.

h) A Notice of Availability (NOA) of the Revised Draft EIR was mailed on February 29, 2008 to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Revised Draft EIR and that copies were available at the City of Sacramento Development Services Department, City of Sacramento. The letter also indicated that the official forty-five day (45) public review period for the Draft EIR would end on April 16, 2008.

i) A public notice was placed in the Daily Recorder on February 29, 2008, which stated that the Metropolitan Project Revised Draft EIR was available for public review and comment.

j) A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on February 29, 2008.

k) Following closure of the public comment period, all comments received on the Draft EIR and the Revised 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, including the Revised Draft EIR, to produce the Final EIR.

2. Record of Proceedings

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

a) The Draft, Revised Draft, and Final EIR and all documents relied upon or incorporated by reference.

b) Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.

c) City of Sacramento General Plan, City of Sacramento, updated and adopted January 1988; as revised by Council in 2000 and 2003.

d) City of Sacramento General Plan, Draft and Final Environmental Impact Report, City of Sacramento, Draft EIR is dated March 2, 1987 and Final EIR is dated September 30, 1987.

e) City of Sacramento Zoning Code, http://www.qcode.us/codes/sacramento/.

f) Cultural and Entertainment District Master Plan, City of Sacramento, adopted May 1990.

g) Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

h) Guide to Air Quality Assessment in Sacramento County, Sacramento Metropolitan Air Quality Management District, July 2004.

i) Map of Hollow Sidewalk Locations, Development Engineering and Finance Department, City of Sacramento.

j) Merged Downtown Redevelopment Plan Amendment EIR, Redevelopment Agency of the City of Sacramento, Downtown Development Group, November 5, 2004.

k) Preservation Element of the City's General Plan, City of Sacramento, adopted April, 25, 2000.

l) Recommended Housing Strategy for the Central City, Sacramento Housing and Redevelopment Agency and City of Sacramento Department of Planning and Development, May 1991.

m) Sacramento Central City Community Plan.

n) Sacramento Register, City of Sacramento Listing of Landmarks, Historic Districts, and Contributing Resources.

o) Sacramento Urban Design Plan, Central Business District Urban Design Framework Plan, Sacramento Housing and Redevelopment Agency, adopted February 18, 1987.

p) The Towers on Capitol Mall Draft Environmental Impact Report, City of Sacramento, May 2005.

q) The Mitigation Monitoring Plan for the Proposed Project.

r) 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 Proposed Project.

3. Findings

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

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

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

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

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

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

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

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

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the Planning Commission, 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.

Air Quality

(a) **Impact 5.1-2: Short-term construction increases in PM_{10} emissions. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.1-2

a. The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material.

b. The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered.

c. Two feet of freeboard space shall be maintained on all trucks transporting demolished material.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.1-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Demolition activities are required to conform to the rules and guidelines outlined in SMAQMD Rule 403 (Fugitive Dust) concerning fugitive dust associated with construction activities, including demolition. Rule 403 requires the application of water or chemicals for the control of fugitive dust associated with demolition, clearing of land, construction of roadways, and any other construction operation that may potentially generate dust—including the stockpiling of dust-producing materials.

In order to reduce construction-phase dust emissions, standard dust abatement measures are routinely required by the City as a part of the development permit process. Such measures typically include watering all construction-sites as necessary to reduce dust emissions, covering stockpiles and haul trucks, sweeping dirt from paved surfaces, and suspending earthmoving activities on very windy days.

Based upon SMAQMD's screening table for PM_{10} emissions, the proposed project's construction PM_{10} impact would not contribute emissions of PM_{10} that would lead to a violation of the PM_{10} CAAQS. Keeping soil or other material moist is the most effective mitigation measure for the control of fugitive dust during all demolition activities. Fugitive dust emissions can be almost completely eliminated by this mitigation.

Implementation of Mitigation Measure 5.1-2 would reduce the impact of short-term construction increases in PM_{10} emissions. The impact will be less than significant after mitigation.

Cultural and Historic Resources

Impact 5.2-1 Loss or degradation of known or undiscovered prehistoric and historic resources. Without mitigation, this is a *significant impact.*

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

Mitigation Measure 5.2-1

The following mitigation measures should be used and monitored during construction activities:

5.2-1b: The project applicant shall hire a professional archaeologist to perform archaeological monitoring during ground-disturbing construction activities, including demolition, for the duration of the project. If resources are discovered during construction, the procedure laid out in the Unanticipated Discovery Plan will be followed. This includes consultation with the appropriate Native American representatives if a Native American site is discovered.

5.2-1e If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

5.2-1f If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

A Cultural Resource Sensitivity Study was prepared by Tremaine and Associates to provide a context for predicting where significant archaeological deposits may have survived. The mitigation measure provides for this context to be used in conjunction with detailed plans of where ground disturbance will occur to develop a testing strategy for locating/identifying buried cultural resources and research design for the evaluation of resources prior to construction. Implementation of Mitigation Measure 5.2-1 would reduce the impact of the loss or degradation of known or undiscovered prehistoric resources. The impact will be less than significant after mitigation.

(b) **Impact 5.2-2 Potential alteration or demolition of historic resources. Without mitigation, this is a *significant impact*.**

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

Mitigation Measure 5.2-2

Retain the original granite curbstones in place during project construction; if that is not possible, all curbstones shall be carefully removed and stored during sidewalk demolition and replaced back in their original location during sidewalk reconstruction.

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The granite curbstones along J Street from the west edge of the Biltmore Hotel at 1009 J Street east to halfway along the width of 1017-23 J Street are a character-defining feature of downtown Sacramento and should be retained in place if possible, or relocated back in their original location during project construction. Permanent loss of the granite curbstones would be a potentially significant impact. Implementation of Mitigation Measure 5.2-2 would preserve the granite curbstones. The impact will be less than significant after mitigation.

Hazards and Hazardous Materials

(c) **Impact 5.3-1 Construction disturbance of potentially contaminated soil and structures. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.3-1
a. Prior to any demolition activities on the project site, conduct an interior survey to evaluate the presence of asbestos containing materials, lead based paint, PCB containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on the properties.

b. The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:

(1) Prepare a hazardous material discovery and response contingency plan for review by the City of Sacramento Fire Department. The fire department will act as the first responder to a condition of extreme emergency (i.e., fire, emergency medical assistance, etc).

(2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department (SCEMD) of the contamination condition, and

the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the SCEMD and any other jurisdictional authorities that might become involved in the remediation process.

(3) Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.

(4) Obtain closure and/or No Further Action letters from the appropriate agency(ies).

(5) Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.3-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Demolition activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards included in the demolition contract. Appropriate identification of existing hazards and preparation of plans for proper handling and disposal will protect the health of construction workers. Implementation of Mitigation Measure 5.3-1 would reduce the impact of the construction disturbance of potentially contaminated soil and structures. The impact will be less than significant after mitigation.

Noise and Vibration

(d) **Impact 5.4-2 Construction-induced vibration impacts could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers. Without mitigation, this is a *significant impact*.**

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

Mitigation Measure 5.4-2

a. Implement mitigation measure 5.4-1c.

b. Prior to demolition, the pre-existing condition of all buildings within a 50-

foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.

c. If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.

d. During demolition and construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The vibration study for the Esquire Plaza Office/IMAX Theater construction, located two blocks east at the northwest corner of 13th and K streets, was reviewed to estimate the potential for vibration impacts on nearby historic structures. Soils beneath the Esquire Plaza Office/IMAX Theater site are consistent with soils at the project site. The Esquire Plaza Office/IMAX Theater facade was measured five feet from the pile hole, and no damage was observed during pile driving. The vibration report concluded that indicator pile driving at the Esquire Plaza Office/IMAX Theater site generated vibrations well below the threshold for architectural damage to historic buildings. All pile holes were pre-drilled. No damage was observed and none would be expected based on the available criteria.

Other previous pile driving monitoring for the Convention Center and the Attorney General's office building projects similarly identified vibrations well below the threshold for architectural damage to historic buildings. However, while no structural damage occurred, these studies did note that it is possible for fire sprinklers to break at joints at vibration levels below current criteria. Because of the expected low vibration levels, no vibration monitoring should be necessary for the proposed project. Noise mitigation measure 5.4-1 requires pre-drilling of pile holes, which would result in conditions similar to those at the Esquire Plaza Office/IMAX Theater site. Since fire sprinkler failure has been observed in the past, monitoring should begin only if such failures are observed in surrounding office buildings. Implementation of Mitigation Measure 5.4-1 would ensure pre-drilling of pile holes and therefore reduce the impact of the construction-induced vibration impacts that could cause architectural damage to nearby historic structures

and annoyance to nearby sensitive receivers. The impact will be less than significant after mitigation.

(e) **Impact 5.4-5 The operation of the proposed project could expose new sensitive receptors to excessive interior noise levels. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.4-5
Windows for the residential floors below the 15th floor, along J Street, would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB Ldn or less.

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-5. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Modern residential construction typically provides a 25-30 dB exterior-to-interior noise level reduction. The residential units located on the 5th and 6th floors along J Street are predicted to be exposed to exterior traffic noise levels of 74 dB Ldn. Therefore, an exterior-to-interior noise level reduction of 29 dB would be required to achieve an interior noise level of 45 dB Ldn. In order to ensure an exterior-to-interior noise level reduction of 29 dB, it is anticipated that all windows would be required to have a minimum STC rating of 33 for residential facades exposed to exterior noise levels exceeding 70 dB Ldn. This would include all residential floors below the 15th floor along J Street, as indicated in Table 5.4-8, above. However, because building construction details are not currently available, this requirement would need to be verified when building plans become available. Implementation of Mitigation Measure 5.4-5 would reduce the impact of the operation of the proposed project that could expose new sensitive receptors to excessive interior noise levels. The impact will be less than significant after mitigation.

Public Services and Utilities

(f) **Impact 5.5-2 Combined sewer system (CSS) impacts from dewatering activities. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.5-2

a. Prior to issuance of the building permit construction contract documents shall include provisions for the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements.

b. If the City or SRCSD determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, the contractor shall implement groundwater treatment systems that treat groundwater to standards established by the Central Valley RWQCB, City, and SRCSD.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.5-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The City has developed specific requirements that must be met by developers and contractors regarding construction dewatering. All new groundwater discharges to the Combined or Separated Sewers must be regulated and monitored by the Department of Utilities (Planning Commission Resolution #92-439). Long-term foundation or basement dewatering discharges to the CSS over the life of a project are not allowed. The CSS does not have adequate capacity to allow for dewatering discharges for foundations or basements, thus all foundations and basements must be designed without the need for dewatering. Currently, the Department of Utilities only recognizes two types of construction groundwater discharges, limited discharges and long-term discharges. Limited discharges are short groundwater discharges of 7-days or less. Limited discharges must be approved through the Department of Utilities by acceptance letter. Long-term discharges are construction-related groundwater discharges of greater duration than 7-days. Long-term discharge must be approved through the Department of Utilities and the City Manager through a Memorandum of Understanding (MOU) process.

Implementation of Mitigation Measure 5.5-2 ensures local, state, and federal requirements are incorporated into the construction contract documents for the proper handling and treatment of contaminated groundwater. This would reduce construction-worker exposure to contaminated water and reduce dewatering impacts on the CSS. The impact will be less than significant after mitigation.

Transportation and Circulation

(g) **Impact 5.6-9 Construction of the project may include the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.6-9
Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer, Regional Transit, and any other affected agency.

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-9. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measure 5.6-9 would provide for the appropriate review and management of lane closures, street closures, sidewalk closures, and bikeway closures, as well as the staging of construction equipment and trucking routes. This will reduce the impact of the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities during project construction. The impact will be less than significant after mitigation.

(h) **Impact 5.6-10 Cumulative impacts to study intersections under near term plus project condition. Without mitigation, this is a *significant impact*.**

Mitigation Measures (From MMP). The following mitigation measures have been adopted to address this impact:

Mitigation Measure 5.6-10
a. At the 3rd Street / J Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the phase time for the southbound I-5 off-ramp approach (eastbound) to 40 seconds, maintaining the 50 second phase time for the northbound I-5 off-ramp, and decreasing the north and southbound 3rd Street phase time to 10 seconds. This mitigation measure would reduce average vehicle delay by 33 seconds during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, modify the westbound approach to provide one left-turn lane, two through lanes (to the northbound I-5 on-ramp), and one right-turn lane. This mitigation measure would reduce average vehicle delay by 40 seconds during the p.m. peak hour and maintain LOS C operations during the a.m. peak hour. The mitigation measure would reduce the near-term cumulative impact to a less-than-significant level.

c. At the 3rd Street / N Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the southbound 3rd Street signal phase time to 34 seconds, decreasing the eastbound N Street approach to 15 seconds, and maintaining the phase time for the eastbound Tower Bridge approach at 21 seconds. This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 32 seconds for the westbound P Street approach and decreasing the southbound 3rd Street approach to 18 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 42 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 7th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 8th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 25 seconds for the westbound L Street approach and decreasing the northbound 8th Street signal phase time to 25 seconds. This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

h. At the 9th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the southbound 9th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 10th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the northbound 10th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the eastbound J Street approach and decreasing the 12th Street signal phase time to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 15th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the eastbound J Street approach to 30 seconds, and decreasing the southbound 15th Street signal phase time to 20 seconds. This mitigation measure would reduce average vehicle delay by 61.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

l. At the 15th Street / X Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the southbound 15th Street approach to 28 seconds, decreasing the eastbound U.S. 50 off-ramp phase time to 28 seconds, and maintaining 17 seconds for the X Street approach. This mitigation measure would reduce average vehicle delay by 34.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 16th Street / H Street intersection, modify the traffic signal phase splits during

the p.m. peak period by increasing the phase time for the northbound 15th Street approach to 26 seconds, decreasing the phase times for the eastbound H Street left-turning movement and through movements to 18 and 24 seconds, respectively, and maintaining 6 seconds for the westbound H Street right-turning movement. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-10. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-10a – 5.6-10m would reduce the cumulative impacts to study intersections under the near term (Year 2013) plus project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

(i) **Impact 5.6-17 Cumulative impacts to study intersection under Long Term (Year 2030) Plus Project condition. Without mitigation, this is a *significant impact.***

Mitigation Measures (From MMP). The following mitigation measures have been adopted to address this impact:

Mitigation Measure 5.6-17

a. At the 3rd Street / J Street intersection, implement the near-term Mitigation Measure (a) (modification of signal phase splits) and also modify the lanes on the southbound I-5 off-ramp approach (eastbound) to provide one combination left/through lane, one through lane, one combination through/ right lane, and one exclusive right turn lane. This mitigation measure would reduce average vehicle delay during the a.m. peak hour by 32.5 seconds and would improve traffic operations during the p.m. peak hour to LOS C. This mitigation measure would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, implement the near-term

Mitigation Measure (b) (modification of the westbound approach lanes) and also modify the traffic signal phase splits during the p.m. peak period by increasing the southbound 3rd Street approach to 23 seconds, decreasing the westbound L Street signal phase time to 38 seconds, and decreasing the northbound 3rd Street left-turning movement to 9 seconds. This mitigation measure would reduce average vehicle delay by 43.5 seconds during the p.m. peak hour and provide LOS C traffic operations during the a.m. peak hour. This mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

c. At the 3rd Street / N Street intersection, implement the near-term Mitigation Measure (c) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, implement the near-term Mitigation Measure (d) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / I Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 30 seconds for the northbound and southbound 5th Street approaches and decreasing the westbound I Street approach to 70 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 5th Street / L Street intersection, implement the near-term Mitigation Measure (e) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 7th Street / L Street intersection, implement the near-term Mitigation Measure (f) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic

Operation Center monitoring and retiming of this intersection.

h. At the 8th Street / L Street intersection, implement the near-term Mitigation Measure (g) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 9th Street / J Street intersection, implement the near-term Mitigation Measure (h) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 10th Street / J Street intersection, implement the near-term Mitigation Measure (i) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the eastbound J Street approach to 23 seconds and decreasing the southbound 12th Street and northbound right-turn movement signal phase time to 27 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level.

l. At the 15th Street / J Street intersection, implement the near-term Mitigation Measure (k) (modification of signal phase splits). This mitigation measure would reduce average delay by 59.2 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 15th Street / X Street intersection, implement the near-term Mitigation Measure (l) (modification of signal phase splits). This mitigation measure would reduce average vehicle delay by 32.8 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

n. At the 16th Street / H Street intersection, implement the near-term Mitigation Measure (m) (modification of signal phase splits). This mitigation measure would

improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-17. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-17a – 5.6-17n would reduce the cumulative impacts to study intersections under the Long Term (Year 2030) Plus Project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

Urban Design and Aesthetics

(j) **Impact 5.7-2 Light and glare on roadways and sidewalks. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.7-2
a. Prior to the issuance of building permits, construction drawings shall indicate that the configuration of exterior light fixtures emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses.
b. Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The proposed project would not be visible from many locations due to the relatively flat topography of the Central City and selective blockage of sight lines by existing low-rise buildings, high-rise buildings, and street trees. Line of sight between the proposed project and I-5 to the west and I-80 to the north would be mostly blocked by intervening high-rise structures. Before solar noon, glare from sunlight reflected from the east-facing windows may be observable on nearby ground-level areas; whereas the

proposed project abuts another building along the eastern edge to the top of the parking podium, to about 75 feet above street level, glare would not be anticipated to reach ground level from the east façade. The proposed project is currently designed with all the windows recessed with balconies and non-glass architectural details, reducing the potential for glare. The tower would be set back from the podium, which may reduce the amount of glare generated by the proposed project. However, because the details of the type of glass material have not been identified, the proposed project could result in a substantial increase in the amount of glare if the surfaces of the towers are highly reflective.

Implementation of Mitigation Measure 5.7-2 would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

(k) **Impact 5.7-4 Cumulative light and glare on roadways and sidewalks. Without mitigation, this is a *significant impact.***

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

Mitigation Measure 5.7-4
Implement Mitigation Measures 5.7-2 (a) and (b)

Finding
This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Existing buildings in the Central City area have been designed to minimize light and glare impacts on adjacent properties. Future development in the City of Sacramento CCCP area and the CBD would also be designed to comply with City of Sacramento lighting policies in the Urban Design Plan. Because of the large amount of glass proposed on the facade of the proposed project, the proposed project could result in a substantial new source of glare. Implementation of Mitigation Measures 5.7-2 (a) and (b) would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

B. 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 Planning Commission elects to approve the Project due to overriding considerations as set forth below in Section "e", the statement of overriding considerations.

Cultural and Historic Resources

(a) Impact 5.2-3 Cumulative loss of cultural resources. This is considered a *significant impact.* (Significant and Unavoidable).

Mitigation Measure: No feasible mitigation measures or alterations that could substantially lessen, or avoid the project's significant effects associated with the cumulative loss of cultural resources were identified. Implementation of Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c would lessen the magnitude of the impact, but not to less than significance. The effects, therefore, remain significant and unavoidable.

Mitigation Measure 5.2-3
Implement Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c.

Finding
Based upon previous surveys and research, Sacramento has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. As urban development increases throughout the City of Sacramento and the region, cumulative development in the City could result in archaeological resources being unearthed and damaged or destroyed. Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resources base. The loss of any one designated archaeological site affects all others in a region because these other properties are best understood completely in the context of the cultural system of which they (and the destroyed resource) were a part.

Compliance with Mitigation Measure 5.2-1 would ensure the proper steps are taken for the proper handling and treatment of resources that may still exist on the proposed project site. However, even with existing regulations and compliance with required mitigation, the project's contribution to the potential loss of these resources, combined with the loss of resources over the years by previous development, would not be reduced to a level that would be considered less than significant.

These mitigation measures would reduce the magnitude of potential cumulative impacts to historic resources, but not to less-than-significant levels. This impact remains significant and unavoidable.

Noise and Vibration

(b) Impact 5.4-1 Construction noise at sensitive receptors. This is considered a *significant impact*. (Significant and Unavoidable).

Mitigation Measures (From MMP): Mitigation measures have been adopted to address this impact to the extent feasible; however, the short term construction impact remains significant and unavoidable.

Mitigation Measure 5.4-1

a. Erect a solid 6 to 8 foot plywood construction/noise barrier along the exposed project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings.

b. Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities.

c. Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.

d. Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

e. Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.

Finding

Because construction would occur during hours when buildings surrounding the project site are occupied, construction noise could impact these uses. This would be especially true during those periods where pile-driving would occur, since pile-driving could produce peak levels of up to 107 dBA Leq at 50 feet. There are numerous retail and commercial buildings within 200 feet of the proposed project along the south side of J Street, and outdoor activities at Cesar Chavez Plaza Park would be significantly impacted during pile driving activities. Noise levels of 95 dBA Leq would be clearly noticeable at these buildings and for visitors to Cesar Chavez Plaza Park, as well as buildings surrounding the Plaza such as City Hall and the Main Library. Pile-driving noise would most likely be loud enough to cause annoyance to the occupants of these

buildings, especially considering that pile-driving does not produce continuous noise, but sharp, intermittent noise peaks.

The City of Sacramento noise ordinance exempts construction activities from the specified noise ordinance standards during the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday. Generally, if a construction project adheres to the construction times identified in the noise ordinance, construction noise is exempted. Although the City of Sacramento Municipal Code exempts construction activities from the noise standards specified elsewhere in the Municipal Code, pile driving and other construction activities, such as the use of jackhammers and tractors, would expose sensitive receptors in the vicinity to high levels of noise during the day. Therefore, construction noise would be a short-term significant impact on sensitive receptors.

The mitigation measures would reduce the magnitude of potential cumulative impacts to construction noise at sensitive receptors, but not to less-than-significant levels. This impact remains significant and unavoidable for the duration of construction.

Traffic and Circulation

(c) Impact 5.6-2 Freeway Mainline: The project would increase traffic volumes on the freeway mainline. This is a *significant impact.* (Significant and unavoidable)

The proposed project would add traffic to freeway mainline areas but would not cause levels of service to deteriorate beyond that of without project conditions. The project would add about eighteen vehicles to southbound I-5 north of US 50 in the a.m. and p.m. respectively. The freeway mainline would operate at LOS F without the project and would continue to operate at LOS F.

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

Mitigation Measure 5.6-2
Prior to building occupancy, the applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(d) Impact 5.6-3 Freeway Interchanges: The project would increase traffic volumes at the freeway interchanges. This is considered a *significant impact.* (Significant and Unavoidable).

The project would increase traffic volumes at freeway interchanges. The changes in freeway system operating conditions with the addition of project-generated traffic exceed the standards of significance for impacts to the freeway system, since traffic is added to freeway interchanges already operating at LOS "F". Impacts occur at the interchange of I-5 and US 50 during the a.m. and p.m. peak hours. This would be a significant impact.

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

Mitigation Measure 5.6-3
Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(e) Impact 5.6-11 Cumulative impacts to freeway mainline under Near Term Plus Project condition Impact. This is considered a *significant impact.* (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. Other downtown projects would add traffic to I-5 freeway segments that would cause it to operate at LOS F even without the proposed project. This is considered a significant impact.

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

Mitigation Measure 5.6-11
Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional

impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway projects will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(f) Impact 5.6-12 Cumulative impacts to freeway merge/diverge/ weave areas under Near Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

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

Mitigation Measure 5.6-12
Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this

regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(g) Impact 5.6-13 Cumulative impacts to freeway ramp queues under Near Term Plus Project condition. This is considered a *significant impact.* (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street, which currently experiences queues during the a.m. peak hour that extend onto the freeway mainline. In addition, the proposed project, in combination with the other downtown projects would cause queues for the southbound I-5 off ramp to J Street to extend onto the freeway mainline during the a.m. peak hour. This is considered a significant impact.

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

Mitigation Measure 5.6-13
Changes or alterations have been required in, or incorporated into the project that substantially lessen, but do not avoid the project's significant effects associated with impacts to freeway ramp queues under cumulative Near Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-1 (a) and5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
Mitigation measure 5.6-1(a) would reduce the queue for the southbound I-5 off-ramp at J Street to 6,125 feet during the a.m. peak hour, but this would not be enough to eliminate the near-term cumulative impact. This mitigation measure would not affect the northbound I-5 off-ramp queue at J Street. Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City

has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(h) Impact 5.6-18 Cumulative impacts to freeway mainline under Long Term Plus Project condition. This is considered a *significant impact.* (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. The proposed project in combination with the other downtown projects would add traffic to I-5 freeway segments that would operate at LOS F even without the projects. This is considered a significant impact.

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

Mitigation Measure 5.6-18
Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(i) Impact 5.6-19 Cumulative impacts to freeway merge/ diverge/ weave areas under Long Term Plus Project condition. This is considered a *significant impact.* (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

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

Mitigation Measure 5.6-19
Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S. 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(j) Impact 5.6-20 Cumulative impacts to freeway ramp queues under Long Term Plus Project condition. This is considered a *significant impact.* (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street during both the a.m. and p.m. peak hours, when the queue would exceed the ramp's storage capacity without the proposed projects. Similarly, the proposed Downtown projects would add traffic to the southbound I-5 off ramp to J Street during the a.m. peak hour, when the queue would exceed the ramp's storage capacity without the proposed projects. This is considered a significant impact.

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

Mitigation Measure 5.6-20
Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid the project's significant effects associated with impacts to freeway ramp queues under cumulative Long Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-2 and 5.6-17 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding
Mitigation Measure 5.6-1 7 (a) (for the 3" Street/J Street intersection) would reduce the queue for the northbound I-5 off ramp queue at J Street during the p.m. peak hour to 1,725 lane feet and would reduce the long-term cumulative impact during this time period to a less-than-significant level. This mitigation measure would not significantly affect this northbound I-5 off ramp queue at J Street during the a.m. peak hour. The mitigation measure would reduce the queue for the southbound I-5 off ramp at J Street to 6,100 feet during the a.m. peak hour, but this would not be enough reduction to eliminate the long-range cumulative impact. Additionally, implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

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

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

i. As the project is implemented, certain impacts would occur on a short term level. Such short term impacts are discussed fully above. Such short term impacts include, without limitation, impacts relating to noise, air quality, and traffic increases due to

the project, although measures have been and will be incorporated in the project to mitigate these potential impacts.

ii. The long term implementation of the project would serve to balance the need for jobs and housing and reduction of blight in the project area and surrounding areas with maintenance of long-term economic development at the City's Central Business District, and reutilization of infill areas. Notwithstanding the foregoing, some long term impacts would result. These impacts include adverse impacts on air quality, cultural resources, and increased traffic congestion. However, implementation of the project would provide many long-term benefits, including, without limitation, greater economic productivity, increased downtown residential uses, more efficient use of land, the reduction of blight, revitalization of the City's Central Business District in line with City policies for Smart Growth, reuse of an infill site and reduction of pressure for the development of outlying areas.

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

F. Project Alternatives

The Planning Commission 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 Planning Commission finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

The selection of alternatives takes into account the project objectives provided in Chapter 2 (Project Description). The project objectives include:

- Create a high-quality development that enhances and defines the Downtown skyline and aids in the revitalization of Downtown by creating a project that is socially and economically vital, helping to re-establish Downtown as a destination.
- Provide high-end restaurant and retail that benefits residents and visitors in the Central Business District (CBD) and contributes to the vitality of the community.
- Create a mixed-use development that provides a combination of residential and retail uses to serve a range of users.
- Promote development of high-density urban housing in the CBD.
- Create a development that is financially feasible without negatively affecting existing City resources, including the City's Capitol View Corridor.

Alternatives Considered and Dismissed from Further Consideration

The following alternatives were previously considered and rejected from further consideration, for the reasons discussed below:

- **Alternative Location**

CEQA requires that an alternative location for a proposed project be analyzed if one is available that could lessen potentially significant impacts of the proposed project. The objective of the project is to redevelop a vacant and deteriorating site consistent with the goals and objectives of the City, providing infill mixed-use development and increased housing in the downtown core. It was determined that development of the proposed project at an alternative site within the CBD would not be likely to eliminate the adverse impacts associated with development on the project site. For example, the traffic generated by the proposed project at the project site would cause significant and unavoidable impacts on freeway ramps. Since development at an alternative site would generate a similar number of daily trips, accessing the CBD on the same congested freeway ramps, traffic generated by development at such a site would also result in an increase in traffic congestion. However, few sites in the region, and even the CBD, have the same proximity to a light rail station and major regional bus routes along J Street. Therefore, development at an alternative site would not eliminate traffic impacts related to the project site, and could result in greater traffic impacts. Implementation of an off-site alternative to the proposed project was determined to be ineffective in mitigating impacts while meeting the project objectives; therefore, no off-site alternative has been considered or evaluated in this EIR.

- **All Office Use**

This alternative would have involved constructing high-rise office on the site, consistent with the existing zoning. There would be ground floor retail but no residential uses. This alternative was determined to be infeasible because office uses generate significantly more vehicle trips than residential, cultural resource impacts would be the same, and it would not meet the basic objectives of the project to provide high-density urban housing in the CBD.

Summary of Alternatives Considered

1. **No Project/ No Development Alternative.** The No Project/No Development Alternative assumed that the proposed project would not occur and there would be no new development of the site. This alternative assumed the existing buildings on the site would remain in their current vacant condition.

2. **No Project/ Existing Zoning Alternative.** The No Project/ Existing Zoning Alternative assumed that three of the existing structures would be retained and rehabilitated, and a new 75,000 sf office building would be constructed in place of the deteriorating Biltmore Hotel and Broiler buildings, consistent with the existing land use designations and zoning on the site, without the need for any special permits.

3. **Mixed Use Rehabilitation Alternative.** The Mixed Use Rehabilitation Alternative assumed that all structures on the site would be rehabilitated for residential uses with ground floor retail. Buildings over 50 years old and remaining historical features on the project site (those individually ineligible for listing but of some historic value) would be retained where possible and rehabilitated consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Structures.

Each of the alternatives is described in more detail in the DEIR, followed by an assessment of the alternative's impacts relative to the proposed project. The focus of the analysis is the difference between the alternative and the proposed project, with an emphasis on addressing the significant impacts identified under the proposed project. For each issue area, the analysis indicates which mitigation measures would be required of the alternative and which significant and unavoidable impacts would be avoided. In some cases, the analysis could indicate additional mitigation measures, if any, that may be required for the alternative being discussed, and what significant and unavoidable impacts would be more or less severe. Unless otherwise indicated, the level of significance and required mitigation would be the same for the alternative as for the proposed project and no further statement of the level of significance is made. Table 6.0-1 in the DEIR provides a summary comparison of the severity of impacts for each alternative by topic.

Alternatives – Findings of Infeasibility

1. No Project/No Development Alternative

Under CEQA, the No Project Alternative must consider the effects of forgoing the project. The purpose of analyzing the No Project Alternative is to allow decision makers to compare the impacts of the proposed project versus no project. The No Project Alternative describes the environmental conditions that exist at the time that the environmental analysis is commenced (CEQA Guidelines, section 151 26.6(e)(2)).

The No Project/No Development Alternative assumes that the proposed project would not occur and there would be no new development of the site. The existing structures and surface parking on the site would remain and the site would not be redeveloped. The vacant and deteriorating buildings, particularly the Biltmore Hotel, would probably continue to experience vandalism and use by transients for shelter, as they have been despite enforcement activities, continuing the potential for another fire such as the ones that have destroyed previous buildings on similar sites in the recent past.

Although the No Project Alternative would not result in any of the significant effects identified for the proposed project, the No Project/No Development Alternative would not achieve any of the project objectives. The No Project/No Development Alternative would not provide a development project that would define the Downtown skyline or aid in the revitalization of the Downtown, and it would not add housing to Downtown. If the existing structures were to remain without further activity, they would ultimately deteriorate to a ruin.

Hazardous conditions related to transients breaking into the boarded buildings would continue, and the site would remain vacant and blighted, and urban design requirements would not be met.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

2. No Project/Existing Zoning Alternative

Under the No Project/Existing Zoning Alternative, it is assumed that the site would be redeveloped consistent with the existing land use designations and zoning of the site. A special permit is required to construct condominiums in the C-3 zone or construct a building exceeding 75,000 square feet; therefore this alternative assumes a project where no special permits would be needed.

Under this alternative, the two buildings at 921 and 927 10th Street facing Cesar E. Chavez Plaza and the building at 1023 J Street would remain and be rehabilitated for office uses. The oldest and most deteriorated structures, the Biltmore Hotel and Broiler building, would be demolished and a 6 story, 75,000 square foot office building with basement parking would be constructed.

Most of the mitigation measures identified in Draft EIR Chapter 5 would still be required to eliminate significant impacts, including mitigation measures for hazards and hazardous materials, demolition and construction air quality emissions, cumulative transportation impacts and combined sewer system mitigations. All other impacts would be less than significant. Under the No Project/Existing Zoning Alternative, a potentially significant and unavoidable cumulative impact to cultural resources would still occur with the excavation of part of the site for new construction.

The No Project/Existing Zoning Alternative would fail to meet all of the objectives of the proposed project. By converting the project to a low-rise office development, the No Project/Existing Zoning Alternative would fail to provide high-end residential opportunities provided by the proposed project, and would not create a high-quality development that enhances and defines the Downtown skyline. The lack of urban downtown housing opportunities associated with this alternative would fail to meet the project objective to create a mixed-use development that provides a combination of uses. This Alternative would also fail to meet adopted City and Regional Goals for development of the highest intensity mixed-uses in the CBD.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

3. Mixed-Use Rehabilitation Alternative - Environmentally Superior Alternative

This alternative would result in the preservation of any remaining historic fabric on the site, including remnants of the Biltmore Hotel, the 19th Century alley, and historic hollow sidewalks along 10th and J streets. Ground floor retail would be provided along both the 10th and J streets frontages, consistent with City goals for these pedestrian corridors. Residential uses would total approximately 70,000 gsf or about 70 dwelling units, with approximately 35,000 gsf of retail, replacing previous uses on the site.

Traffic generation would be similar to historic uses on the site. Soft demolition and rehabilitation would have a less than significant impact associated with construction generated and operational particulate matter and generation of ozone precursors (ROG and NOx).

Mitigation measures identified for cultural resources, air quality, traffic, noise, fire services, and urban design would no longer be required to eliminate significant impacts. Under the Mixed-Use Rehabilitation Alternative, no significant and unavoidable impacts were identified. The Mixed-Use Rehabilitation Alternative could meet some City policy objectives by redevelopment of a vacant site and restoration of existing structures with some historic fabric. By rehabilitating the project to a low-rise residential development with ground floor retail, the Mixed-Use Rehabilitation Alternative could provide a small amount (approximately 50-70 units) of the high-end residential and retail opportunities provided by the proposed project.

The Mixed-Use Rehabilitation Alternative would not meet the project objective to create a "high-quality development that enhances and defines the Downtown skyline, and would be a small scale rehabilitation project that would not contribute to establishing the Downtown as a destination. This Alternative would likely require redevelopment assistance to make the project financially feasible, and would therefore reduce available funding for other redevelopment projects in the Merged Downtown Redevelopment Project Area. The Mixed-Use Rehabilitation Alternative would fail to meet adopted City and Regional Goals for development of the highest intensity mixed-uses in the CBD.

Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

G. Statement of Overriding Considerations.

Pursuant to Guidelines section 15092, the Planning Commission finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.7 of the DEIR. The Planning Commission further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The Planning Commission makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

Statement of Overriding Considerations

i. The Project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area, including among others, obsolete and aged building types, and inadequate or deteriorated infrastructure and facilities. The blighting influences have been documented in the Merged Downtown Redevelopment Plan Amendment Draft EIR dated November 5, 2004, and the Report to Council and related studies that were part of the administrative record for that Amendment.

ii. The Project helps achieve the City's goals to maintain and strengthen downtown's role as a major regional office, retail, commercial and governmental center, as set out in the General Plan and Central City Community Plan.

iii. The Project will support the public investment in the transit system by developing intense residential uses adjacent to transit corridors and near light rail stations that will generate additional transit riders to help fund the operating costs of that system.

iv. The Project will provide physical improvements to the site and area will be an asset to the character of the downtown area and enhance the visual and pedestrian connection to the civic area as described in the EIR.

v. The Project will support the Downtown Cultural and Entertainment District Master Plan by providing high-end residential and retail uses that benefit residents and visitors in the Central Business District and contributes to the mix and vitality of activities necessary to achieve the goal of a lively and active downtown.

vi. The Project would provide for an efficient and financially beneficial use of underutilized low density commercial properties by constructing a high-rise tower that will provide long term employment and housing opportunities in the City of Sacramento.

vii. The Project will increase commercial use in the downtown area and increase employment and housing near the K Street Mall, the revitalization of which is a priority of the City and the Redevelopment Agency.

viii. The Project will strengthen the economic base of the Project Area and the community by providing new housing units with retail or hotel uses, and installing needed site improvements that will stimulate new commercial expansion, new employment and additional economic growth.

ix. The Project will provide increased property, sales, business license and other fees, taxes and revenues to the City and the Redevelopment Agency of the City of Sacramento, and will enhance the value of neighboring properties and the Merged Downtown Redevelopment Project Area as a whole.

x. The Project is consistent with Smart Growth Principles. The City Council adopted Smart Growth Principles into the General Plan that are aimed to support

development that revitalizes central cities and existing communities, supports public transportation and preserves open space. The Project would contribute to the creation of a vibrant city center (Smart Growth Principle I), concentrating new development within the urban core of the region (Smart Growth Principle 7), and promoting infill development (Smart Growth Principle 15).

xi. The Project is consistent with the General Plan Update Vision and Guiding Principles. While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. The Project complies with the following guiding principles is not contrary to any of the proposed policies:

(a) Create a vibrant downtown that serves as a regional destination for the arts, culture, and entertainment while accommodating residents that live, work, and gather in the city center.

(b) Use the existing assets of infrastructure and public facilities to increase infill and re-use, while maintaining important qualities of community character.

xii. The Planning Commission has determined that any remaining significant effects on the environment attributable to the Project which are found to be unavoidable, irreversible or not substantially mitigated are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. The Planning Commission has concluded that with all the environmental trade-offs of the Project taken into account, its implementation will represent a net positive impact on the City, and based upon such considerations after a comprehensive analysis of all the underlying planning and environmental documentation, the Planning Commission has approved the Project. In reaching its decision to approve the Project and all related documentation, the Planning Commission has carefully considered each of the unavoidable impacts, each of the impacts that have not been substantially mitigated to the point of insignificance, as well as each of the residual impacts over which there is a dispute concerning the impact's significance and the feasibility of mitigation.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
DEIR Section 5.1 Air Quality					
Impact 5.1-2: Short-Term Construction Increases in PM_{10} Emissions	5.1-2 The following measures shall be incorporated into construction practices during demolition activity: a The project shall ensure that all demolished material will be completely wetted during demolition and during any subsequent disturbance of the material. 5.1-2b The project shall ensure that piles of demolished material, when not being disturbed, are either completely wetted or completely covered. 5.1-2c Two feet of freeboard space shall be maintained on all trucks transporting demolished material.	Mitigation measures incorporated into demolition practices	Demolition Contractor The developer shall provide the City Building Division with a copy of contract requirements that include the conditions for the contractor for the Proposed Project.	During demolition activity	The Building Division shall verify compliance during construction. The City Project Coordinator shall include a copy of construction conditions in the project file.
DEIR Section 5.2 Cultural and Historic Resources					
Impact 5.2-1: Loss or degradation of known or undiscovered prehistoric and historic resources	5.2-1a The project proponent shall hire a qualified professional to formulate and implement a research design and field strategy with regard to possible sub-surface resource. Testing shall include geophysical mapping of the near-surface, ground-truthing using both the geophysical maps and historic maps, followed by evaluation of discovered resources for CRHR eligibility. All testing shall be conducted prior to initiation of construction for the project. Based on the results of testing, recommendations shall be provided, which may include additional testing, data recovery, future construction monitoring, as well as preparation of an Unanticipated Discovery Plan. All recommendations shall be submitted to the City of Sacramento's Preservation Director for	Mitigation measures shall be used and monitored during construction activities	Developer The City of Sacramento will include the conditions in the project's construction permits. Preservation Director	Prior to the start of demolition and construction	The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	approval. 5.2-1b The project applicant shall hire a professional archaeologist to perform archaeological monitoring during ground-disturbing construction activities, including demolition, for the duration of the project. If resources are discovered during construction, the procedure laid out in the Unanticipated Discovery Plan will be followed. This includes consultation with the appropriate Native American representatives if a Native American site is discovered. 5.2-1c If significant findings are made, historic materials and artifacts shall be incorporated into an interpretive display in the proposed building, or grouped with other projects to produce a larger more comprehensive exhibit or display in coordination with the Manager of the History and Science Division. The interpretive display shall include a history of the site uses including information on the various ethnics groups that dominated the site. Display of all historic materials and artifacts shall follow the standard practices and procedures generally accepted in museum curation, and shall be made available to the Manager of the History and Science Division for review and comment before they are constructed and installed. All collected materials shall be archived at an appropriate curation facility at the project applicant's expense. 5.2-1d All activities related to the data recovery of the site shall be recorded and compiled into a report				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	and submitted to both the City and the North Central Information Center. In addition, appropriate public outreach material such as a leaflet, pamphlet, or booklet shall be developed detailing any finds and their historic context. All reports shall be deposited with the city's archive - the Sacramento Archives and Museum Collection Center (SAMCC), and shall include original photographs and negatives or high resolution digital scans in a TIF format on high quality CD's or DVD's. Reports if produced in a digital format shall be deposited as both a hard copy and a digital copy. A release shall be included that allows SAMCC the right to reproduce all documents and graphics (including photographs) without restriction. 5.2-1e If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	Professional Archeologists (RPA), or 36 CFR 61 requirements. 5.2-1f If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interrment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.				
Impact 5.2-2: Potential alteration or demolition of historic resources	5.2-2 Retain the original granite curbstones in place during project construction; if that is not possible, all curbstones shall be carefully removed and stored during sidewalk demolition and replaced back in their original location during sidewalk reconstruction.	Mitigation measures shall be used and monitored during construction activities	Developer/Contractor The City of Sacramento will include the conditions in the project's construction permits.	Prior to the start of demolition and construction	The Building Division shall verify compliance during demolition and construction. Applicant shall submit a copy of construction conditions to the City Project Coordinator.
Impact 5.2-3: Cumulative loss of cultural resources	Implement Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c.	Mitigation measures shall be used and monitored during construction activities:	Developer/Contractor The City of Sacramento will include the conditions in the project's construction permits.	Prior to the start of demolition and construction	The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
					conditions to the City Project Coordinator.
5.3 Hazards and Hazardous Materials					
Impact 5.3-1: Construction disturbance of potentially contaminated soil and structures	5.3.1a Prior to any demolition activities on the project site, conduct an interior survey to evaluate the presence of asbestos containing materials, lead based paint, PCB containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on the properties. 5.3-1b The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following: (1) Prepare a hazardous material discovery and response contingency plan for review by the City of Sacramento Fire Department. The fire department will act as the first responder to a condition of extreme emergency (i.e., fire, emergency	Conduct an interior survey, retain on-call hazmat removal team, and provide construction documents that incorporate the mitigation measures.	Developer The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Sacramento Fire Department SCEMD	Prior to demolition	Building Division shall verify compliance prior to demolition. Applicant shall submit a copy of construction conditions and any site remediation plans and/or site safety plans to the City Project Coordinator.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	medical assistance, etc). (2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department (SCEMD) of the contamination condition, and the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the SCEMD and any other jurisdictional authorities that might become involved in the remediation process. (3) Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements. (4) Obtain closure and/or No Further Action letters from the appropriate agency(ies). (5) Construction contract documents shall include provisions for				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.				
		5.4 Noise/Vibration			
Impact 5.4-1: Construction noise at sensitive receptors	5.4-1a Erect a solid 6- to 8-foot tall plywood construction/noise barrier along the project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings. The barrier shall be erected prior to the start of earthwork and shall remain in place during exterior construction on the first 8 feet of the building. 5.4-1b Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities. 5.4-1c Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier. 5.4-1d Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.	Mitigation measures shall be used and monitored during construction and demolition activities	Contractor The City of Sacramento will include the construction noise conditions in the project's construction permits.	Before and during construction	The Building Division shall verify compliance during construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	5.4-1e Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.				
Impact 5.4-2: Construction-induced vibration impacts could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers	5.4-2a Implement mitigation measure 5.4-1c. 5.4-2b Prior to demolition, the pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition. 5.4-2c If fire sprinkler failures are reported to the City's Development Services Department in surrounding buildings, the contractor shall provide monitoring during construction and repairs to sprinkler systems in buildings adjacent to the project site shall be provided. 5.4-2d During demolition and construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil	Mitigation measures shall be used and monitored during construction and demolition activities	Developer/Contractor The Applicant shall provide verification to the Building Division that the pre-existing condition of sensitive buildings has been assessed and recorded prior to the issuance of construction permits. The Building Division will include conditions in the project's construction permits.	Prior to construction and demolition	The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.				
Impact 5.4-5: The operation of the proposed project could expose new sensitive receptors to excessive interior noise levels Mitigation for Mixed-Use Hotel Option	<u>Mitigation for Residential Option</u> 5.4-5 (RO) Windows for the residential floors below the 15th floor, along J Street, would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB Ldn or less. <u>Mitigation for Mixed-Use Hotel Option</u> 5.4-5(MUHO) Windows for the hotel guest rooms on floors below the 15th floor would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB L_{dn} or less.	Mitigation measures would reduce the potential for interior noise level impacts	Developer/Contractor The City of Sacramento will include the construction noise conditions in the project's construction permits.	Prior to construction	The Building Division shall verify compliance during construction, prior to issuing final building permits. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.
5.5 Public Services and Utilities					
Impact 5.5-2: Combined sewer service system	5.5-2a Prior to issuance of the building permit construction contract documents shall include provisions for	Mitigation measures incorporated into	Developer/Contractor The City of Sacramento will	Prior to construction	The Building Division shall verify compliance during

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
impacts from dewatering activities	the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements. 5.5-2b If the City or SRCSD determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, the contractor shall implement groundwater treatment systems that treat groundwater to standards established by the Central Valley RWQCB, City, and SRCSD.	construction practices	include the construction dewatering conditions in the project's construction permits. SRCSD		construction, prior to issuing building permits. The Applicant shall submit a copy of construction conditions to the City Project Coordinator.
5.6 Transportation and Circulation					
Impact 5.6-2: Freeway Mainline: The project would increase traffic volumes on the freeway mainline	5.6-2 Prior to building occupancy, the applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.	The applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-3: Freeway Interchanges: The project would increase traffic volumes at the freeway interchanges	5.6-3 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-9: Construction: The construction of the project may include the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities	5.6-9 Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer, Regional Transit, and any other affected agency.	Prepare traffic management plan and get sign-off by the City traffic engineer and Regional Transit	Developer	Prior to construction	The Development Engineering Division and Department of Transportation shall verify compliance prior to issuing building permits.
Impact 5.6-10 Cumulative impacts to study intersection under near term plus project condition	5.6-10a At the 3rd Street / J Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the phase time for the southbound I-5 off-ramp approach (eastbound) to 40 seconds, maintaining the 50 second phase time for the northbound I-5 off-ramp, and decreasing the north and southbound 3rd Street phase time to 10 seconds. This mitigation measure would reduce average vehicle delay by 33 seconds during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level.	The applicant shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10b At the 3rd Street / L Street intersection, modify the westbound approach to provide one left-turn lane, two through lanes (to the northbound I-5 on-ramp), and one right-turn lane. This mitigation measure would reduce average vehicle delay by 40 seconds during the p.m. peak hour and maintain LOS C operations during the a.m. peak hour. The mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. 5.6-10c At the 3rd Street / N Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the southbound 3rd Street signal phase time to 34 seconds, decreasing the eastbound N Street approach to 15 seconds, and maintaining the phase time for the eastbound Tower Bridge approach at 21 seconds. This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10d At the 3rd Street / P Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 32 seconds for the westbound				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	P Street approach and decreasing the southbound 3rd Street approach to 18 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10e At the 5th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 42 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10f At the 7th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10g At the 8th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 25 seconds for the westbound L Street approach and decreasing the northbound 8th Street signal phase time to 25 seconds. This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10h At the 9th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the southbound 9th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10i At the 10th Street / J Street intersection, modify the traffic signal				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the northbound 10th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10j At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the eastbound J Street approach and decreasing the 12th Street signal phase time to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10k. At the 15th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the eastbound J Street approach to 30 seconds, and decreasing the southbound 15th Street signal phase time to 20 seconds. This mitigation measure would reduce average vehicle				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	delay by 61.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10l At the 15th Street / X Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the southbound 15th Street approach to 28 seconds, decreasing the eastbound U.S. 50 off-ramp phase time to 28 seconds, and maintaining 17 seconds for the X Street approach. This mitigation measure would reduce average vehicle delay by 34.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-10m At the 16th Street / H Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the northbound 15th Street approach to 26 seconds, decreasing the phase times for the eastbound H Street left-turning movement and through movements to 18 and 24 seconds, respectively, and maintaining 6 seconds for the westbound H Street right-turning movement. This mitigation measure would improve traffic operations to LOS C during the				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.				
Impact 5.6-11: Cumulative impacts to freeway mainline under near term plus project condition	5.6-11 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-12: Cumulative impacts to freeway merge/ diverge/ weave areas under near term plus project condition	5.6-12 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-13: Cumulative impacts to freeway ramp queues under near term plus project condition	5.6-13 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-17 Cumulative impacts to study intersection under long term plus project condition	5.6-17a At the 3rd Street / J Street intersection, implement the near-term Mitigation Measure (a) (modification of signal phase splits) and also modify the lanes on the southbound I-5 off-ramp approach (eastbound) to provide one combination left/through lane, one through lane, one combination through/ right lane, and one exclusive right turn lane. This mitigation measure would reduce average vehicle delay during the a.m. peak hour by 32.5 seconds and would improve traffic operations during the p.m. peak hour to LOS C. This mitigation measure would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17b At the 3rd Street / L Street intersection, implement the near-term Mitigation Measure (b) (modification of the westbound approach lanes) and also modify the traffic signal phase splits during the p.m. peak period by increasing the southbound 3rd Street	The applicant shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	approach to 23 seconds, decreasing the westbound L Street signal phase time to 38 seconds, and decreasing the northbound 3rd Street left-turning movement to 9 seconds. This mitigation measure would reduce average vehicle delay by 43.5 seconds during the p.m. peak hour and provide LOS C traffic operations during the a.m. peak hour. This mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17c At the 3rd Street / N Street intersection, implement the near-term Mitigation Measure (c) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17d At the 3rd Street / P Street intersection, implement the near-term Mitigation Measure (d) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	Operation Center monitoring and retiming of this intersection. 5.6-17e At the 5th Street / I Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 30 seconds for the northbound and southbound 5th Street approaches and decreasing the westbound I Street approach to 70 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17f At the 5th Street / L Street intersection, implement the near-term Mitigation Measure (e) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17g At the 7th Street / L Street intersection, implement the near-term Mitigation Measure (f) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17h At the 8th Street / L Street intersection, implement the near-term Mitigation Measure (g) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17i At the 9th Street / J Street intersection, implement the near-term Mitigation Measure (h) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17j At the 10th Street / J Street intersection, implement the near-term Mitigation Measure (i) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17k At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the eastbound J Street approach to 23 seconds and decreasing the southbound 12th Street and northbound right-turn movement signal phase time to 27 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. 5.6-17l At the 15th Street / J Street intersection, implement the near-term Mitigation Measure (k) (modification of signal phase splits). This mitigation measure would reduce average delay by 59.2 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17m At the 15th Street / X Street intersection, implement the near-term Mitigation Measure (l) (modification of signal phase splits). This mitigation measure would reduce average vehicle delay by 32.8 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share				

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 5.6-17n At the 16th Street / H Street intersection, implement the near-term Mitigation Measure (m) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.				
Impact 5.6-18: Cumulative impacts to freeway mainline under long term plus project condition	5.6-18 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
Impact 5.6-19 Cumulative impacts to freeway merge/ diverge/ weave areas under long term plus project condition	5.6-19 Implement Mitigation Measure 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Impact 5.6-20: Cumulative impacts to freeway ramp queues under long term plus project condition	5.6-20 Implement Mitigation Measures 5.6-17(a) and 5.6-2.	The applicant shall pay a fairshare contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA)	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering	Prior to occupancy	Department of Development Services, Development Engineering Division, and Department of Transportation Engineering shall verify compliance prior to issuing occupancy permits.
5.7 Urban Design					
Impact 5.7-2: Light and glare on roadways and sidewalks	5.7-2 (a) Prior to the issuance of building permits, construction drawings shall indicate that the configuration of exterior light fixtures emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses. 5.7-2 (b) Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.	Project proponent shall provide construction drawings to Design Review with appropriate materials	Developer The City Design Review staff shall include conditions in the project's final design approvals, and forward to the Building Division.	Prior to issuance of building permits	The Building Division shall verify prior to issuing building permits. Applicant shall submit a copy of construction conditions to the City Project Coordinator
Impact 5.7-4 Cumulative light and glare on roadways and sidewalks	Implement Mitigation Measures 5.7-2 (a) and (b)	Project proponent shall provide construction drawings to Design Review with appropriate materials	Developer The City Design Review staff shall include conditions in the project's final design approvals, and forward to the Building Division.	Prior to issuance of building permits	The Building Division shall verify compliance prior to issuing building permits. Applicant shall submit a copy of construction conditions to the City Project Coordinator

Attachment 8 – Project Approval Resolution

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVING THE METROPOLITAN PROJECT (P05-205)

BACKGROUND

A. On May 22, 2008, the City Planning Commission conducted a public hearing on and approved with conditions the Metropolitan Project. On ____, ____ and _____ filed appeals of the Planning Commission's decision to the City Council.

B. On July 15, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a), (b), and (c) (publication, posting, and mail 500'), and received and considered evidence concerning the Metropolitan project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the Metropolitan Project, the City Council denies the appeal and approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

A/B. Environmental Determination: The Environmental Impact Report and Mitigation Monitoring Program for the Project has been adopted by Resolution No. _____.

C. Tentative Map: The Tentative Map to subdivide 0.96 gross acres into one lot for condominium purposes in the Central Business District Special Planning District (C-3-SPD) zone is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the Central City Community Plan

and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The Planning Commission has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

D/E. Special Permits: The Special Permits for a major project, to develop 320 condominium units or 190 condominium units/190 hotel rooms are approved based on the following Findings of Fact:

1. The project is based on sound principles of land use in that:

   a. the commercial retail and residential uses are allowed by right in the Central Business District Special Planning District (C-3-SPD) zone;
   b. the project will increase ridership of the light rail and bus system and promote housing units in the Central City.

2. The project will not be detrimental to the public health, safety and welfare nor result in the creation of a public nuisance in that:

   a. adequate parking has been provided in the proposal;
   b. public transit is available within 350 feet of the project site, and
   c. the commercial retail and residential condominiums will provide "eyes on the street", activating the streets increasing safety in the central core area.

3. The project is consistent with the General Plan and Central City Community Plan policies which promote mixed use development that incorporates non-retail uses (including residential) within commercial districts near light rail stations.

F. Special Permit: The Special Permit to allow tandem parking is approved based on the following Findings of Fact:

1. The project is based on sound principles of land use in that the proposed project will provide adequate onsite parking and tandem spaces provide an option for residential users to have an additional designated off-street parking space.

2. The project will not be detrimental to the public health, safety and welfare nor result in the creation of a public nuisance in that assigned parking for two separate units will not be fulfilled with the same tandem set of parking spaces.; and

3. The project is consistent with the Central City Community Plan designation of Multi Use and the Central Business District Special Planning District (C-3-SPD) zone which allows commercial retail by right and residential condominiums with the issuance of a Special Permit.

G. Variance: The Variance to reduce parking maneuvering area from 26 feet to 25 feet is approved based on the following Findings of Fact:

1. Granting the variances does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances where support columns are located in a structured parking garage.

2. Granting the variances will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the spaces will meet standard and compact dimensions and the reduction in maneuvering area will not affect the flow of street traffic;

3. Granting the variances does not constitute a use variance in that a structured parking garage is allowed in the Central Business District Special Planning District (C-3-SPD) zone; and

4. The project is consistent with the General Plan, Central City Community Plan relating to providing adequate parking for proposed uses to prevent exacerbating on-street parking.

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

C. Tentative Map: The Tentative Map to subdivide 0.96 gross acres into one lot for condominium purposes in the Central Business District Special Planning District (C-3-SPD) zone is approved subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P05-205). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division:

GENERAL: All Projects

C1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;

C2. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service;

C3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-205);

C4. Show all continuing and proposed/required easements on the Parcel Map;

C5. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;

DEF: Streets

C6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;

C7. The applicant shall repair/reconstruct the existing alley (if needed) per City Standards (in Concrete) and to the satisfaction of the Development Engineering Division. The limit of the repair shall be from 10th Street to 11th Street and shall include the alley driveways;

C8. The applicant shall install bulb outs/ curb extensions where there is on-street parking in the Central City area, or as directed by the Department Of Transportation (DOT) and Development Services Department (DSD). Locations must be approved by the DOT/DSD;

C9. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;

C10. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of all listed intersections in the Mitigation Monitoring Plan;

C11. The applicant shall install signs in the alleyway to prohibit loading and unloading in the alley during peak hours (AM and PM) to the satisfaction of the Development Engineering Division;

C12. Construct/ reconstruct A.D.A. compliant ramps (if needed) at the north-east corner of the intersection of "J" Street and 10th Street, and at the north-west corner of "J" Street and 11th Street per City standards and to the satisfaction of the Development Engineering Division;

C13. This project shall require street lighting per City standards. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;

C14. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

CITY UTILITIES

C15. The condominium units shall have a separate street tap for a metered domestic water service;

C16. The clubhouse and pool area shall have a separate street tap for a metered domestic water service;

C17. The non-residential space such as retail/commercial shall have a separate street tap for a metered domestic water service;

C18. Common area landscaping shall have a separate street tap for a metered irrigation service;

C19. Excess water services shall be abandoned to the satisfaction of the Department of Utilities;

C20. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the ownership association;

C21. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction;

PPDD: Parks

C22. **Payment of In-lieu Park Fee**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note);

C23. **Maintenance District**: The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Development Services Department, Special Districts, Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.);

MISCELLANEOUS

C24. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives, common parking areas, common landscaping areas and common open space areas. The Homeowner's Association shall maintain all private drives and all common uses described above.

D-F. Special Permits: The Special Permits for a major project, to develop 320 condominium units or 190 condominiums/190 hotel rooms, and tandem parking are approved subject to the following conditions of approval:

General:

D-F1. The applicant shall obtain all necessary building permits prior to construction.

D-F2. The applicant shall comply with Design Review conditions of approval (DR05-402).

D-F3. Tandem parking spaces shall only be assigned to one residential unit; in no case shall the assigned parking for two separate units be fulfilled with the same tandem set of parking spaces.

D-F4. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division.

D-F5. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-205).

D-F6. The applicant shall repair/reconstruct the existing alley (if needed) per City Standards (in Concrete) and to the satisfaction of the Development Engineering Division. The limit of the repair shall be from 10th Street to 11th Street and shall include the alley driveways.

D-F7. The applicant shall install bulb outs/ curb extensions where there is on-street parking in the Central City area, or as directed by the Department of Transportation (DOT) and Development Services Department (DSD). Locations must be approved by the DOT/DSD.

D-F8. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division.

D-F9. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of all listed intersections in the Mitigation Monitoring Plan.

D-F10. The applicant shall install signs in the alleyway to prohibit loading and unloading in the alley during peak hours (Am and PM) to the satisfaction of the Development Engineering Division.

D-F11. Construct/ reconstruct A.D.A. compliant ramps (if needed) at the north-east corner of the intersection of "J" Street and 10th Street, and at the north-west corner of "J" Street and 11th Street per City standards and to the satisfaction of the Development Engineering Division.

D-F12. This project shall require street lighting per City standards. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction.

D-F13. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives, common parking areas, common landscaping areas and common open space areas. The Homeowner's Association shall maintain all private drives and all common uses described above.

D-F14. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division.

D-F15. The site plan shall conform to A.D.A. requirements in all respects.

D-F16. The ownership association shall conduct periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures and recreation facilities.

D-F17. The ownership association shall establish and conduct a regular program of routine maintenance for the property. Such a program shall include common areas and scheduled repainting, replanting and other similar activities that typically require attention at periodic intervals but not necessarily continuous. Owner/Operator shall repaint or retreat all painted or treated areas at least once every 8 years; provided that the Planning Director may approve less frequent painting or re-treatment upon a determination that less frequent repainting or re-treatment is appropriate, given the nature of the materials used or other factors. The program shall be subject to review and approval by the Planning Director.

D-F18. The ownership association shall maintain landscaping and irrigation in a healthy and serviceable condition.

D-F19. The ownership association shall indicate and maintain all locations of parking stalls for handicapped/disabled access and strictly enforce rules related thereto.

D/E20. Each condominium unit shall comply with the state of California's Noise Insulation Standards (California Amended Code Section 1092).

D-F21. Each unit of a condominium project, and all commonly owned portions of a condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the city from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives of this chapter. (Ord. 99-015 § 6-3-D)

D-F22. All rooftop mechanical equipment and communications equipment shall be completely screened by the building parapet and architectural projections.

Signage:

D-F23. A sign permit shall be obtained prior to construction or installation of any attached or detached signs.

D-F24. The applicant shall submit a sign program for all attached and any detached signs for review and approval by the Planning Director and Design Director prior to issuance of any sign permits.

Landscaping:

D-F25. Detailed landscape and irrigation plans shall be submitted to the Planning Division for review prior to issuance of a building permit. Landscape plans shall indicate quantity, size, and species of each plant and tree. The final landscaping plan will be designed to comply with the City's Water Conservation Ordinance, and shall be to the satisfaction of the Planning Director and the City Arborist.

Lighting:

D-F26. Lighting shall be designed so as not to produce hazardous or annoying glare to motorists and buildings occupants, adjacent residents, or the general public.

Utilities:

D-F27. Any new domestic water services shall be metered. A single domestic water service is allowed for the condominium units and a single domestic water service is allowed for the clubhouse and pool area. Excess services shall be abandoned to the satisfaction of the Department to the satisfaction of Utilities.

D-F28. The condominium units shall have a separate street tap for a metered domestic water service.

D-F29. The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the Department of Utilities.

D-F30. The non-residential space such as retail/commercial shall have a separate street tap for a metered domestic water service.

D-F31. Common area landscaping shall have a separate street tap for a metered irrigation service.

D-F32. This project is served by the Combined Sewer System (CSS). Therefore, impacts from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not feasible, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to 320 condominium units and 13,000 square feet of retail/commercial is estimated to be 243 ESD. The Combined Sewer System fee at time of building permit is estimated to be $576,619 plus any increases to the fee due to inflation. The existing use of the project site is a parking lot which did not contribute sewer flows to the CSS. Therefore, no credit for existing flows will be deducted from the estimated project impact to the CSS. The fee will be used for improvements to the CSS.

D-F33. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of sanitary sewer, water and storm drainage facilities within the condominium project and non-residential portion of the project. The onsite water, sewer and storm drain systems shall be private systems maintained by the association.

D-F34. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the ownership association.

D-F35. Foundation or basement dewatering discharges to the Foundation or basement dewatering discharges to the CSS and/or storm drainage system will not be allowed. The CSS and storm drainage system in the area does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering.

D-F36. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

D-F37. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area.

a. If less than an acre of impervious area, minus the area of the roof tops, goes into the separated storm drainage system only source control measures are required. This will not affect site design. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures.

b. If more than an acre of impervious area, minus the area of the roof tops, goes into the separated storm drainage system; stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures are required. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include on-site treatment control measures. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures and on-site treatment control measures.

D-F38. If this project disturbs greater than 1 acre of property, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.

Police Department:

D-F39. The perimeter of the site shall be fenced during construction and security lighting, security guards, and other electronic monitoring devices shall be employed and deployed as necessary at all times.

D-F40. The address number of every commercial tenant shall be illuminated during hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four to six inches in height and of a color contrasting with the background.

D-F41. The parking structure shall be illuminated at a level of 5 foot-candles minimum at all hours, with ramps, corners, and entrances 10-50 foot-candles during evening hours.

D-F42. All residential entrances shall display a street number in a prominent location on the street side in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than 4 inches in height and shall be of a contrasting color to the background to which they are attached. The numerals shall be lighted at night.

D-F43. Directional signs shall be installed where appropriate on site to facilitate location of individual units within the buildings.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not requirements of the Tentative Map, Special Permits, or Variance:

A. Gas Service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at (916) 386-5112 as soon as possible to coordinate construction so as not to delay the project; (PG&E)

B. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system;

C. The onsite water, sewer and storm drain systems shall be private facilities maintained by the owners' association formed pursuant to the provisions of sections 1350 et seq. of the California Civil Code (the Davis-Stirling Common Interest Development Act). The CC&Rs recorded for the project (as "governing documents" defined in Civil Code section 1351(j)), shall authorize and require the owners' association to maintain these facilities and to obtain and pay for water, sewer and storm drain service for the project (including the condominiums and all common areas) and on behalf of all condominium owners. To ensure compliance with this condition, the CC&Rs shall be subject to review by the City's Department of Utilities Prior to the initiation of any City utility services to the project;

D. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney;

E. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the construction of a 39 story high-rise, consisting of 320 condominium units, 13,000 square feet of retail space and 514 parking spaces is estimated to be 243 ESD. The Combined System fee at time of building permit is estimated to be $576,619. This fee may be reduced base on existing square footages of the existing buildings and existing uses for those buildings. The final Combined Sewer Fee will be calculated when the building permit is issued;

F. The proposed project is located in the Flood zone designated as an **X zone** on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the **X zone**, there are no requirements to elevate or flood proof;

G. If fire hydrants are required in J Street between 10th Street and 11th Street for the project a water main extensions will be required to be constructed to the satisfaction of the Department of Utilities. The water mains currently serving the project site are a 6" water main in the I/J Alley and an 8" water main in 10th Street. There are no water mains in J Street adjacent to the project site. If the Fire Department requires fire hydrants on J Street a water main extension in J Street from the 8" water main in 10th to the 8" water main in 11th Street may be required;

H. A 12" combined sewer main serves the project in the I/J alley. The existing capacity in the main must be evaluated and if the existing capacity is not adequate to serve the project the main shall be upsized and reconstructed to the satisfaction of the department of Utilities;

I. All new groundwater discharges to the Combined or Separated Sewers must be regulated and monitored by the Department of Utilities (City Council Resolution #92-439). Groundwater discharges to the City's sewer system are defined as follows:

   a. Construction dewatering discharges

b. Treated or untreated contaminated groundwater cleanup discharges
c. Uncontaminated groundwater discharges

Foundation or basement dewatering discharges to the CSS will not be allowed. The CSS does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering.

Groundwater discharges may contain toxic and/or explosive chemicals that could be harmful to the environment and to service workers working in the City's sewer system. Groundwater discharges to the sewer system go beyond the original design of the City's system, thus removing existing sewer capacity from other system users and potentially causing overflows or restricting development. The additional water from groundwater discharges must be conveyed and pumped by the City's existing facilities. The additional volume of water increases the City's operations and maintenance costs through increased capacity, power, and maintenance costs.

Currently, two types of groundwater discharges are recognized by the Department of Utilities; limited discharges and long-term discharges. These types of discharges are described as follows:

a. "limited discharges" are short groundwater discharges of 7-days duration or less. Limited discharges must be approved through the Department of Utilities by acceptance letter.
b. "long-term discharges" are groundwater discharges of greater duration than 7-days. Long-term discharge must be approved through the Department of Utilities and the City Manager through a Memorandum of Understanding (MOU) process.

The Groundwater MOU has a term of one year and requires the discharger to:

a. Provide a description of the groundwater discharge,
b. Obtain a Regional Sanitation District permit,
c. Obtain approval from the Regional Water Quality Board if discharge is part of groundwater cleanup or contains contaminants above MCLs,
d. Pay fees based on flow amounts when a fee schedule is established by ordinance,
e. Comply with any new pertinent laws,
f. Assess and repair sewer lines if the discharge exceeds MCLs,
g. Suspend discharges during storm events or at City request,
h. Provide shut-off switches accessible to the City, and
i. Indemnify the City against all claims related to the MOU.

J. **Private Facility Credits:** Pursuant to City Code Sections 16.64.100 through 120 (inclusive), the city may grant credits for privately owned and maintained local

recreation facilities in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in either acres or comparable in-lieu fees, shall not exceed twenty-five percent of the dedication or fees or both, and shall be subtracted from the total dedication or fees, or both. Land or facility categories which may qualify for private facility credit may include open spaces, court areas, recreational swimming areas, or recreation buildings. Credit for each category shall not exceed five percent of the dedication or fees, or both; (Parks)

K. As per City Code, the applicant will be responsible to meet his/her obligations regarding:

1 Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby fee due for this project is estimated at $844,800. This is based on 320 multi-family residential condominium units and an average land value of $250,000 per acre for the Central City Planning Area, plus an additional 20% for off-site park infrastructure improvements. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.

2 Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at $396,510. This is based on 320 multi-family condominium units at $1,233 each, and 13,000 square feet of retail at $0.15 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

3 Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

Utilities Department

L. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.

M. The proposed project is located in the Flood zone designated as an **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

Fire Department

N. Compliance with City of Sacramento High-rise Ordinance, Title 15, Chapter 15.100, Articles I-XIV.

O. Any booster pump required for pressure must have redundancy and be connected to an emergency back-up power system.

P. A high pressure fire hose shall be cached in the first floor equipment room. At this time, the length of the high pressure hose is estimated at 500 feet; the exact length will be determined by final placement of fire department connections.

Q. A first floor fire equipment room shall be provided and have an external door.

R. The fire alarm system shall alert the entire floor for any alarm on that floor.

S. The number of lightweight MSA air bottles (forty-five (45) cubic feet in size) stored in the fire equipment room shall be increased to twenty (20).

Police:

T. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and at the Police Department.

U. No public telephone shall be installed or maintained on the exterior of the premises.

V. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with and open alcoholic beverage container. P.C. 647e (a)" plus any appropriate local ordinances. Lettering to be block style and a minimum of 2 ½" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.

W. Business rules shall be posted in the business interior in a conspicuous place.

X. Store / Restaurant windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.

Y. All dumpsters must be kept locked.

Z. A secure Central Security Office with restricted access, adjacent to the lobby should be included to monitor:

Intrusion detection annunciators in all project phases
Closed circuit TV monitors
Key card access control and mini-processor with hard copy print out and annunciators
Base station radio equipment
Telephones
Fire protective devices
Emergency-power supply equipment
Public safety communications systems and inter-com system
Documented procedures manuals for emergency operations

AA. All exterior doors shall be provided with their own light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.

AB. The premises, while closed for business after dark, must be sufficiently lighted by use of interior night lights.

AC. Exterior door, perimeter, parking area, and canopy lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting.

AD. The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1600 pounds of pressure in both a vertical distance of three inches and a horizontal distance of one inch each side of the strike.

AE. Glass doors shall be secured with a deadbolt lock with a minimum throw of one inch. The outside ring should be free-moving and case hardened.

AF. Doors with glass panels and doors with glass panels adjacent to the door frame shall be secured with burglary-resistant glazing or the equivalent, if double-cylinder deadbolt locks are not installed.

AG. On pairs of doors, the active leaf shall be secured with the type of lock required for single doors in this section. The inactive leaf shall be equipped with automatic flush extension bolts protected by hardened material with a minimum throw of three-fourths inch at head and foot and shall have no door knob or surface-mounted hardware. Multiple point locks, cylinder activated from the active leaf and satisfying the requirements, may be used in lieu of flushbolts.

AH. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum of one throw bolt at both the top and bottom rails.

AI. Doors with panic bars will have vertical rod panic hardware with top and bottom latch bolts.

AJ. Employee/pedestrian doors shall be of solid core wood or hollow sheet metal with a minimum thickness 1-3/4 inches and shall be secured by a deadbolt lock with a minimum throw of one inch. The following doors shall be addressed – all storage room doors, all office doors, connecting doors with the hotel, and all exit doors not panic equipped.

AK. Outside hinges on all exterior doors shall be provided with nonremovable pins when pin type hinges are used or shall be provided with hinge studs, to prevent removal of the door.

AL. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.

AM. Any office which contains a safe or will be used to count receipts shall be equipped with a 180 degree viewing device.

AN. Windows that are capable of being opened, shall be secured on the inside with a locking device capable of withstanding a force of three hundred pounds applied in any direction.

AO. All glass skylights on the roof of any building shall be provided with:

Rated burglary resistant glass or glass like acrylic material

Or

Iron bars of at least ½" round or one by one-fourth inch flat steel material spaced no more than five inches apart under the skylight and securely fastened.

Or

A steel grill of at least 1/8" material or two inch mesh under skylight and securely fastened.

AP. All hatchway openings on the roof of any building shall be secured as follows:

If the hatchway is of wooden material, it shall be covered on the outside with at least 16 gauge sheet steel or its equivalent attached with screws.

The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire department.

Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.

AQ. All air duct or air vent openings exceeding 8" x 12" on the roof or exterior walls of any building shall be secured by covering the same with either of the following:

Iron bars of at least ½" round or one by one-fourth inch flat steel material, spaced no more than five inches apart and securely fastened.

Or

A steel grill of at least 1/8" material or two inch mesh and securely fastened.

AR. If the barrier is on the outside, it shall be secured with galvanized rounded head flush bolts of at least 3/8" diameter on the outside.

AS. Commercial establishments having one hundred dollars or more in cash on the premises after closing hours shall lock such money in an approved type money safe with a minimum rating of TL-15 or class "C". The cash on hand in the registers shall be limited, and frequent drops into the safe should be made. The safe should be equipped with duress alarm capability.

AT. The cash register area shall be covered by a CCTV system with a recorder.

AU. The elevators in the complex shall be equipped with mirrors to allow persons to view the interior of the car before entering.

Parking Garage

AV. The structure shall be routinely patrolled by security anytime there are vehicles inside.

AW. The structure shall be equipped with an emergency panic alarm system that reports to a central security office. Alarm buttons should be placed no more than 40-50 feet apart.

AX. In conjunction with the alarm system, a two way audio system shall be installed.

AY. An extensive closed circuit television system shall be incorporated throughout the structure with recorder capability.

AZ. The structure shall be equipped with emergency telephones (not pay phones).

BA. Stairwells, elevator towers, and connecting bridges shall be glass enclosed to provide added visibility and a sense of security.

BB. The vertical clearance into the parking structure shall be sufficient to allow entry and exit by a tow truck with a vehicle in tow.

BC. Handicapped spaces shall be clearly marked and properly sign posted.

BD. Exterior doors, doors leading from the garage areas into multiple dwelling buildings, and doors leading into stairwells shall have self-locking (dead latch) devices allowing egress to the exterior of the building or into the garage area, or stairwell, but requiring a key to be used to gain access to the interior of the building from the outside, or garage area, or into the hallway from the stairwell.

BE. Exterior doors and doors leading from the garage areas into the multiple dwelling buildings, and doors leading into stairwells shall be equipped with self-closing devices.

BF. All exterior doors and doors leading from the enclosed garage areas to family units shall be solid core with a minimum thickness of 1-3/4 inches.

Condominiums

BG. Main entrance doors into individual units shall be secured with single cylinder deadbolt locks with a minimum throw of one inch, in addition to door latches with a one-half inch minimum throw. The locks should be so constructed that both deadbolt and deadlatch can be retracted by a single action of the inside doorknob.

BH. A viewing device or peephole shall be installed in each individual unit entrance door and shall allow for 180 degree vision.

BI. Exterior doors swinging out shall have nonremovable hinge pins or hinge studs to prevent removal of door.

BJ. Single sliding glass doors shall have the movable section of the door adjusted in such a manner that the up and down play is taken up to prevent lifting with a pry tool to defeat the locking mechanism.

BK. Windows shall be constructed so that when the window is locked it cannot be lifted from the frame. The vertical play shall be taken up to prevent lifting of the movable section to defeat the locking mechanism.

BL. The sliding portion of a sliding glass window shall be on the inside track.

BM. Window locking devices shall be capable of withstanding a force of 300 pounds in any direction.

Table of Contents:

Exhibit A – Tentative Map

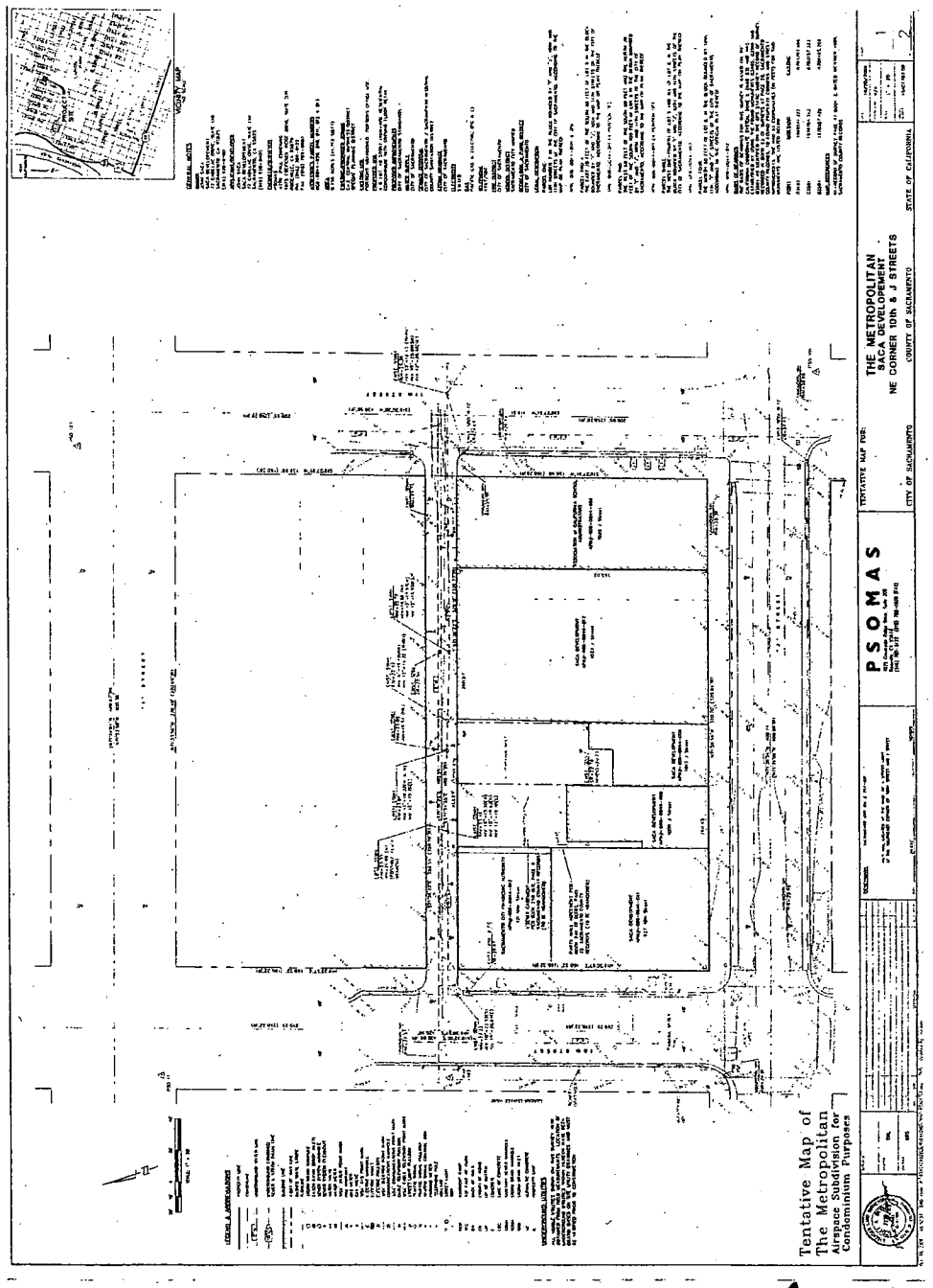


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Exhibit B – Site Plan (320 residential units)

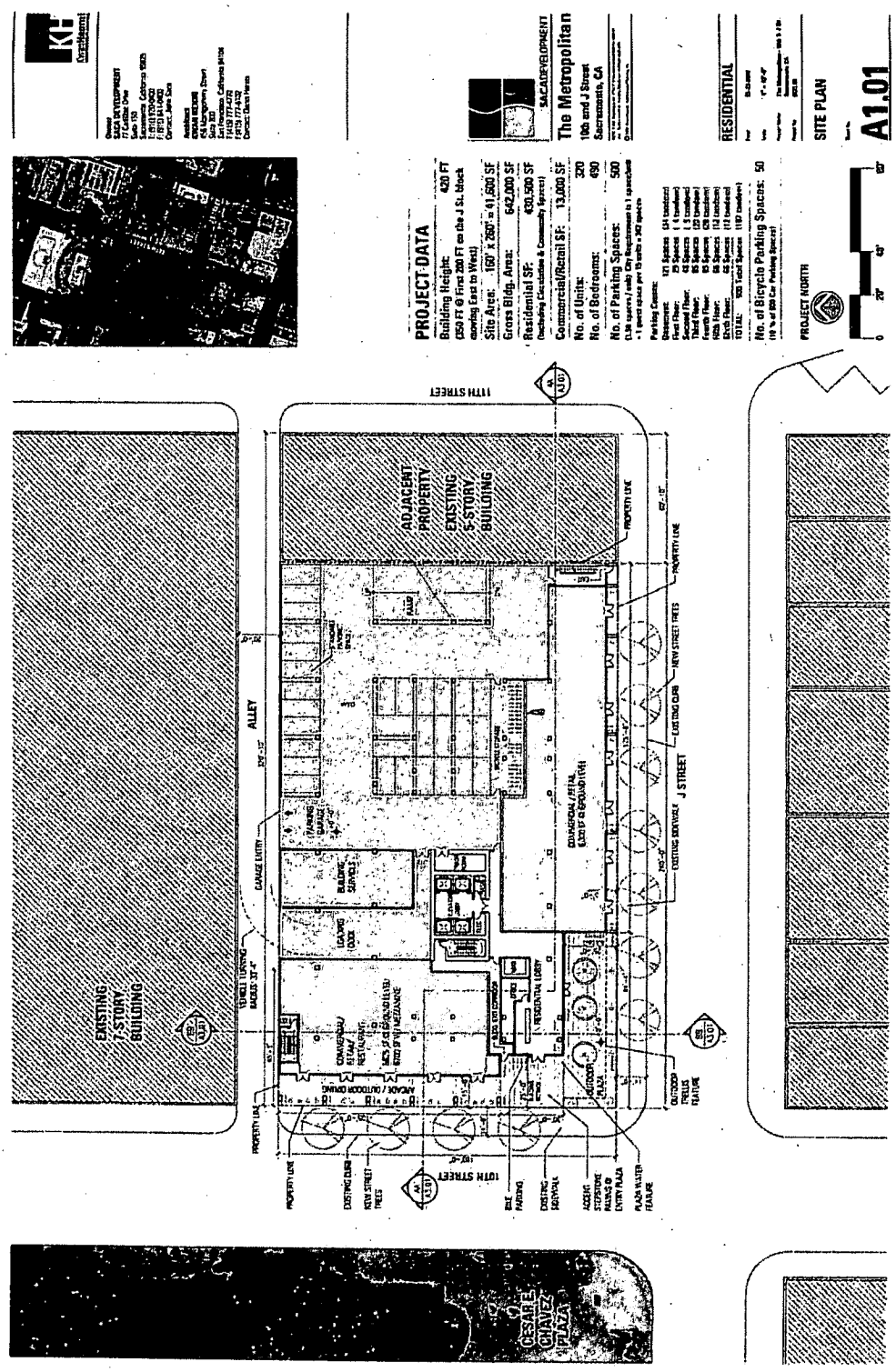

Exhibit C – Building Materials (320 residential units)

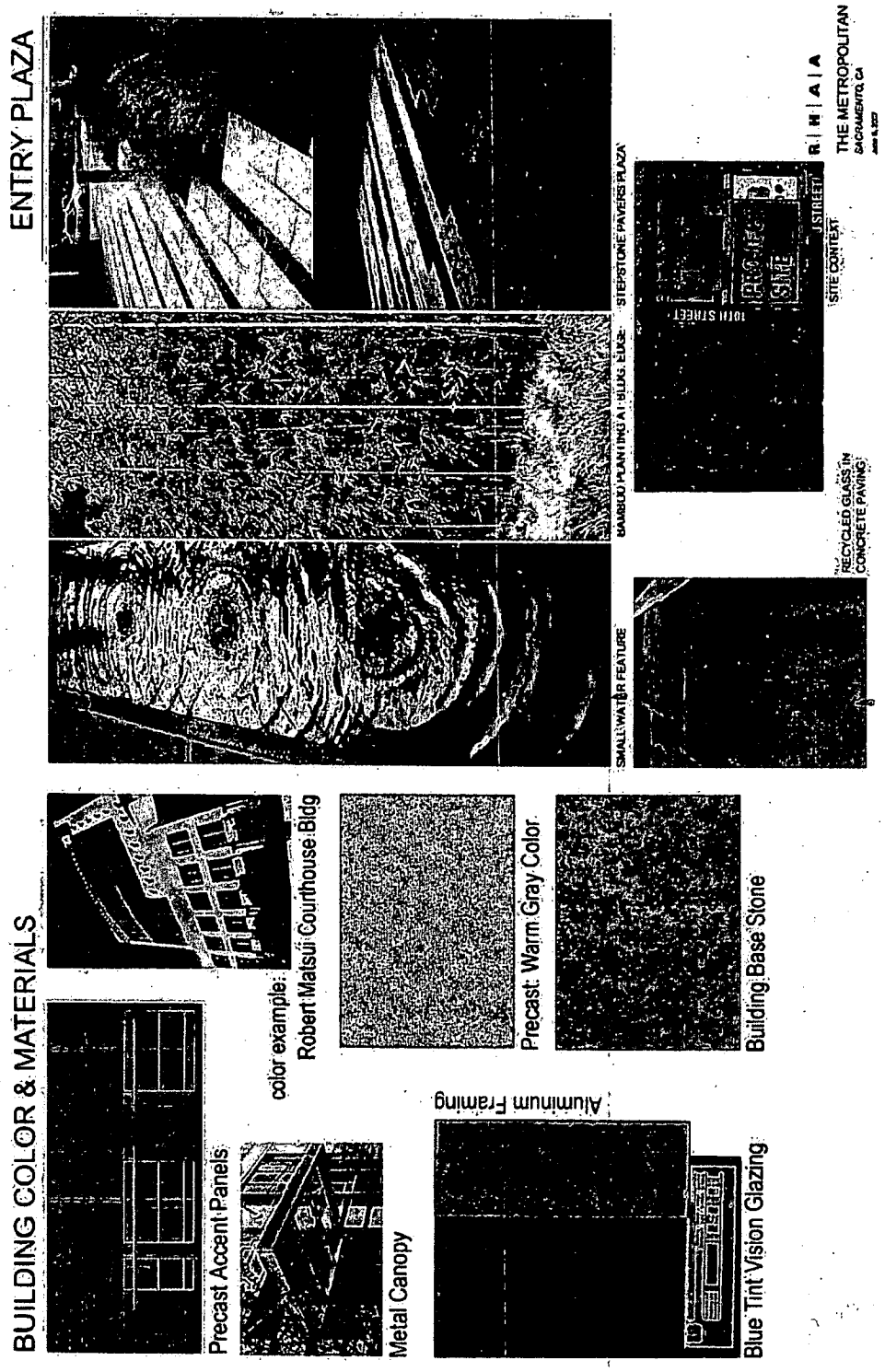

Exhibit D – Basement Floor Plan (320 residential units)

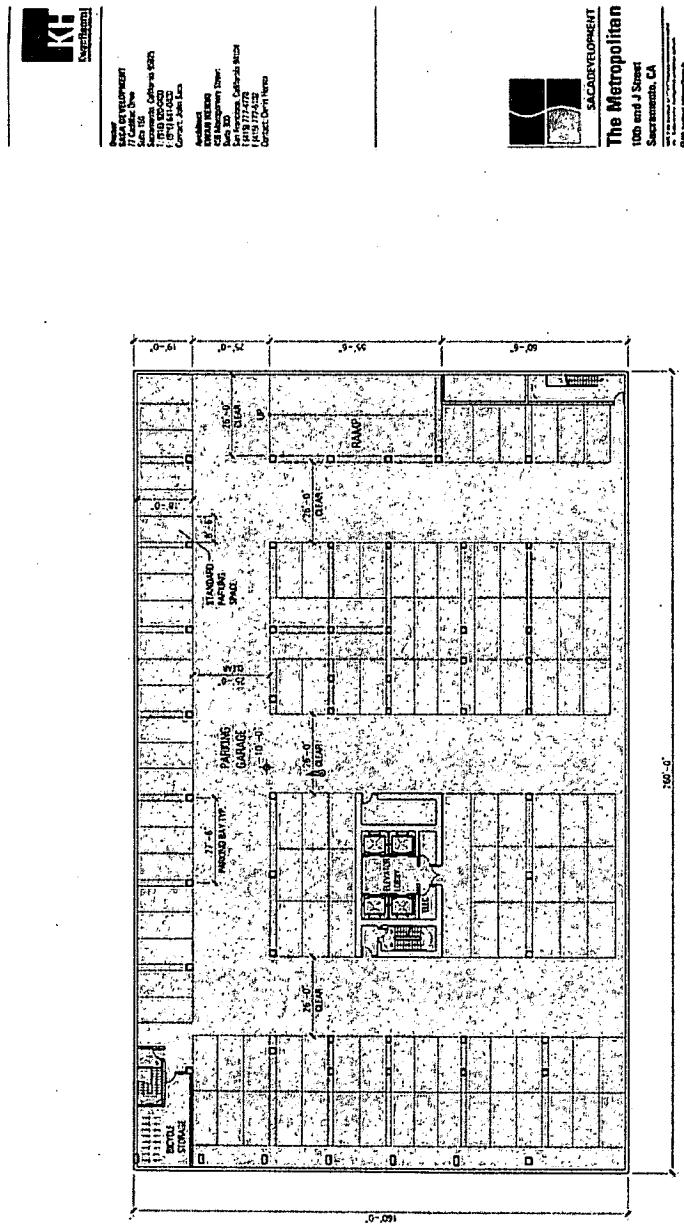

Exhibit E – Floor Plan (1st Floor) (320 residential units)

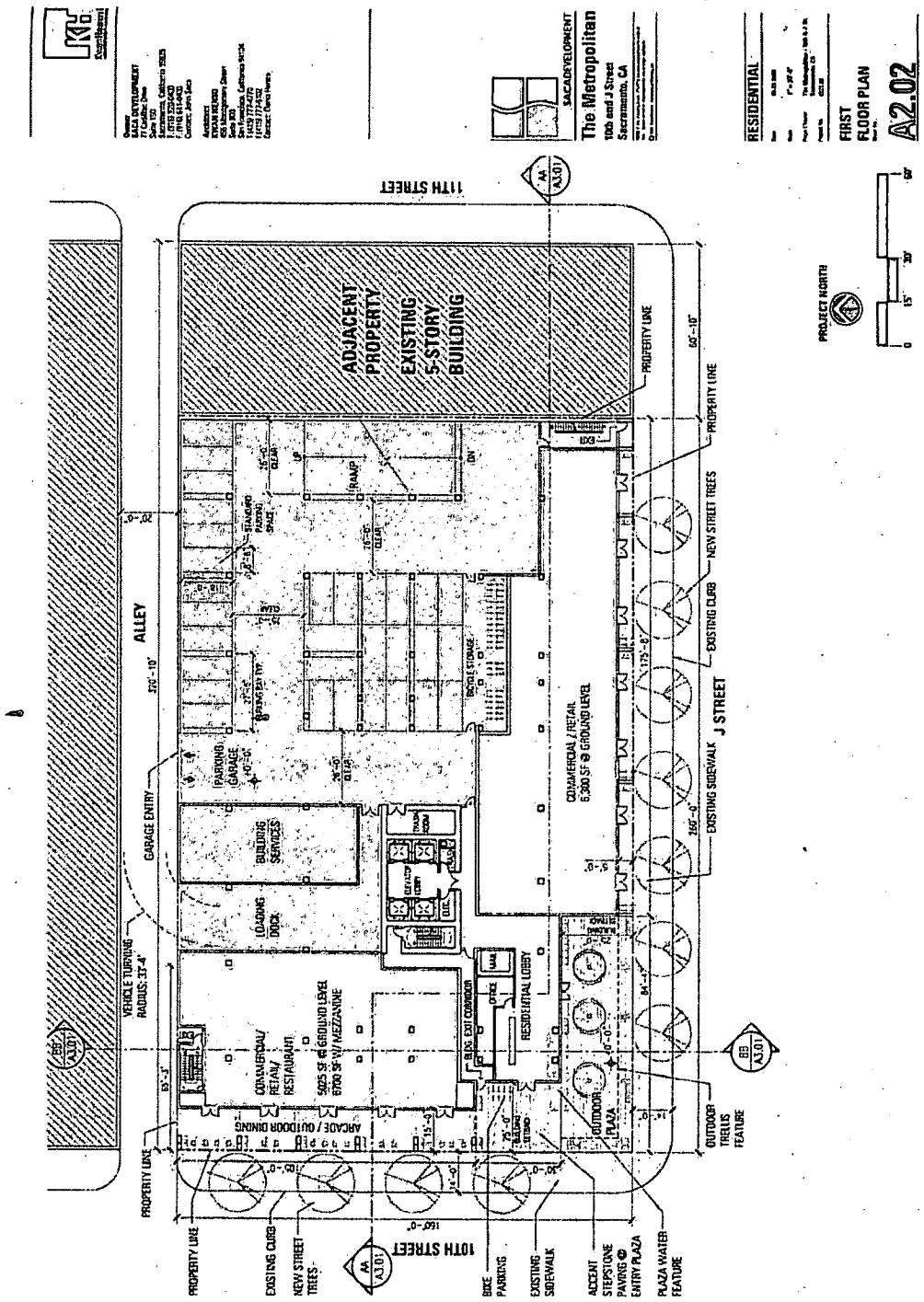

Exhibit F – Floor Plan (2nd Floor) (320 residential units)

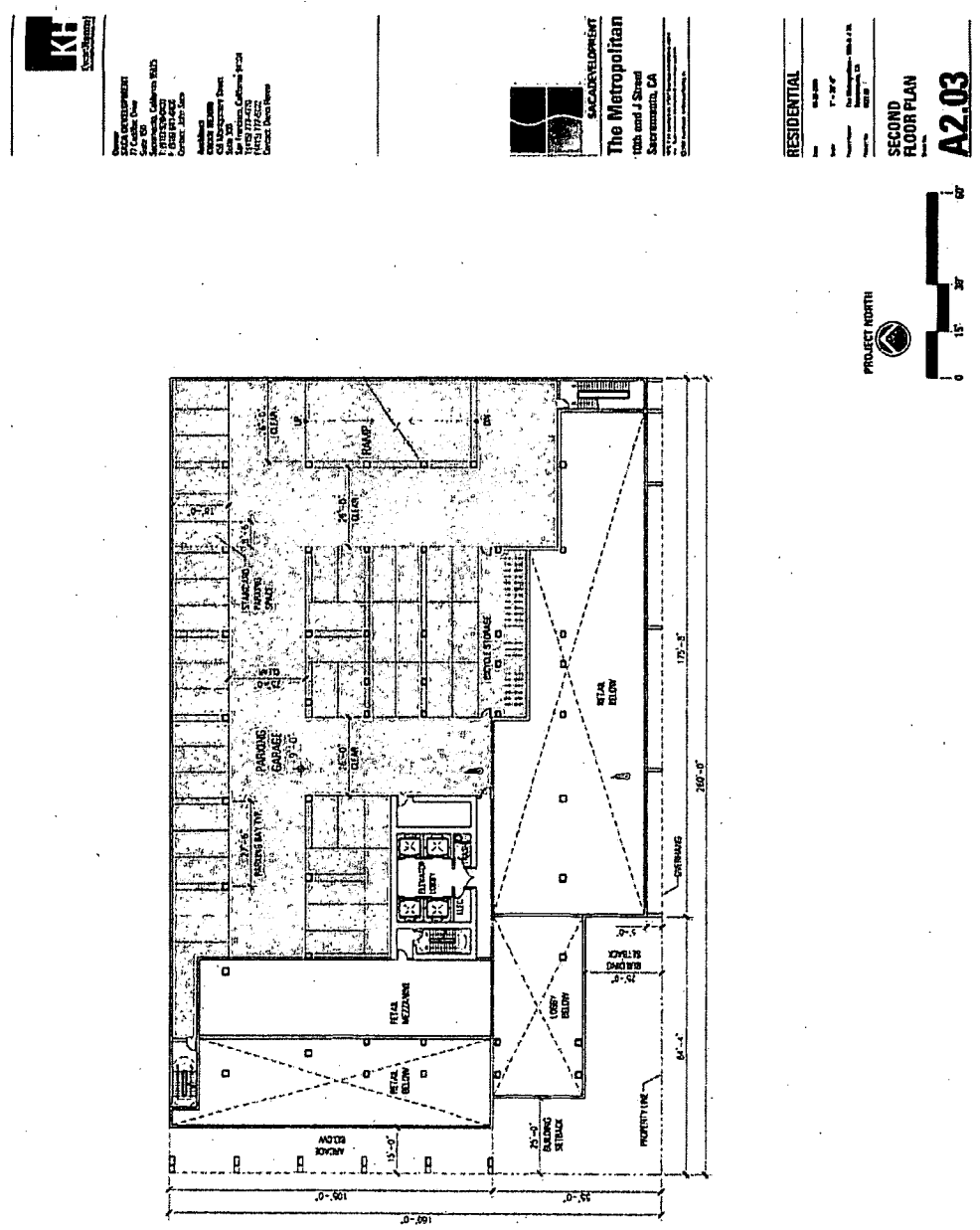

Exhibit G – Floor Plan (3rd & 4th Floors) (320 residential units)

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THIRD & FOURTH FLOOR PLAN

A2.04

PROJECT NORTH

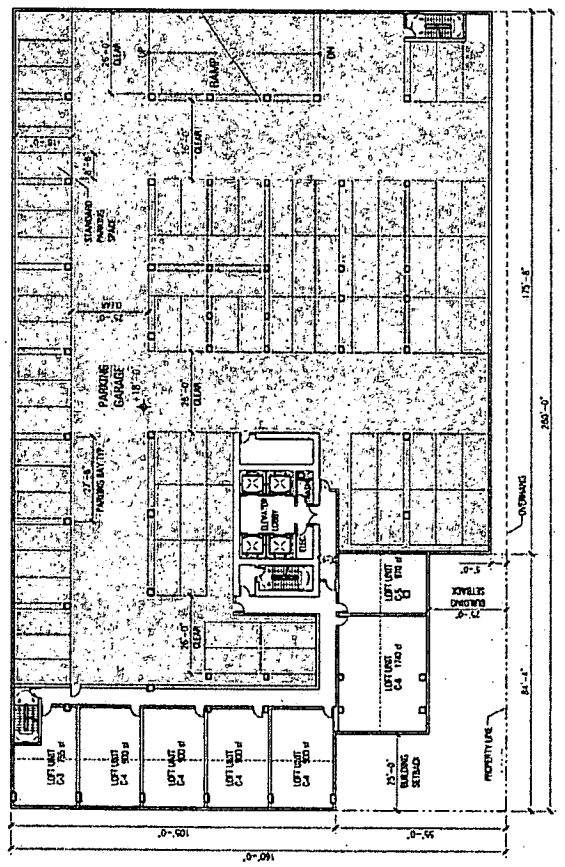


Exhibit H – Floor Plan (5th Floor) (320 residential units)

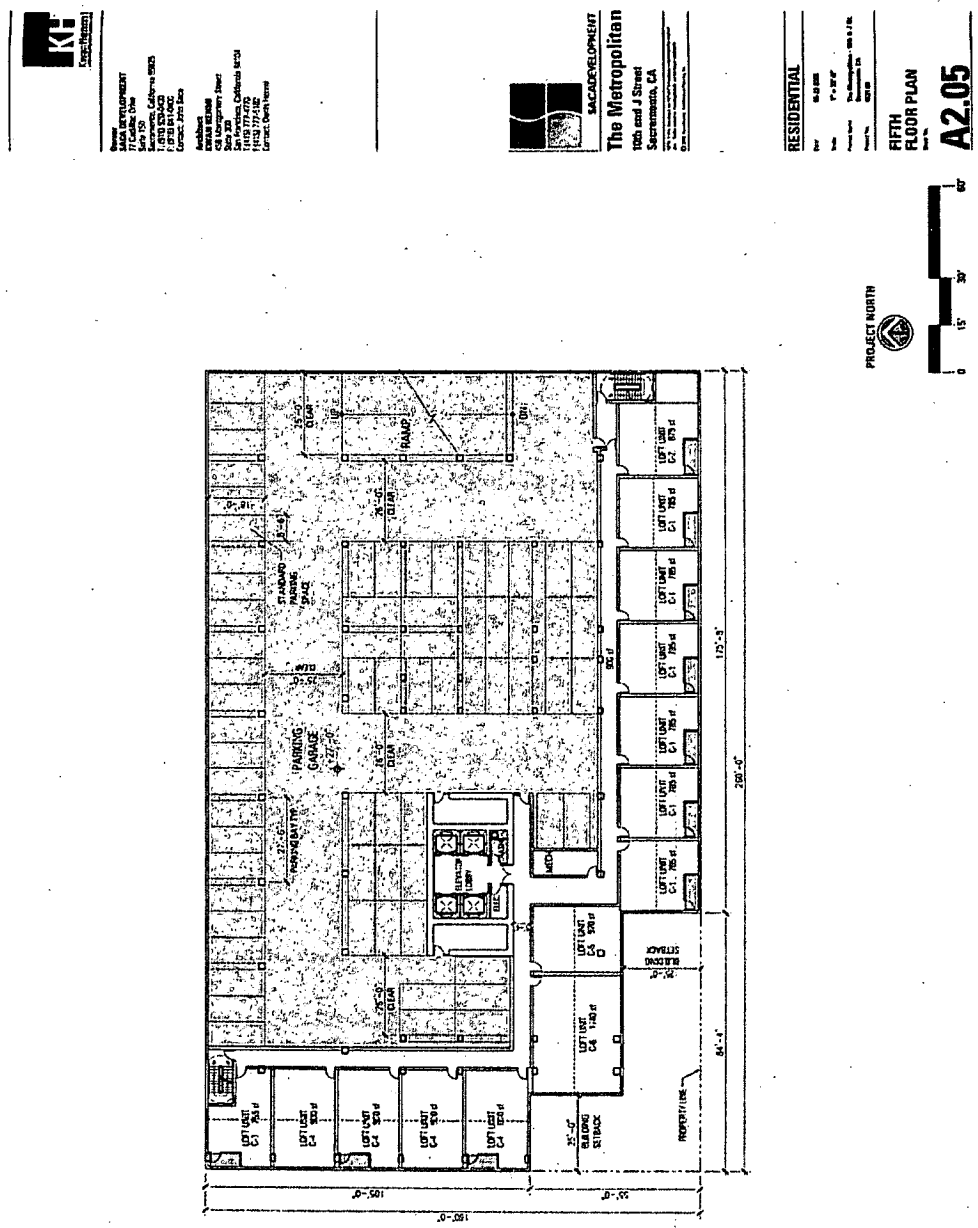


Exhibit I – Floor Plan (6th Floor) (320 residential units)

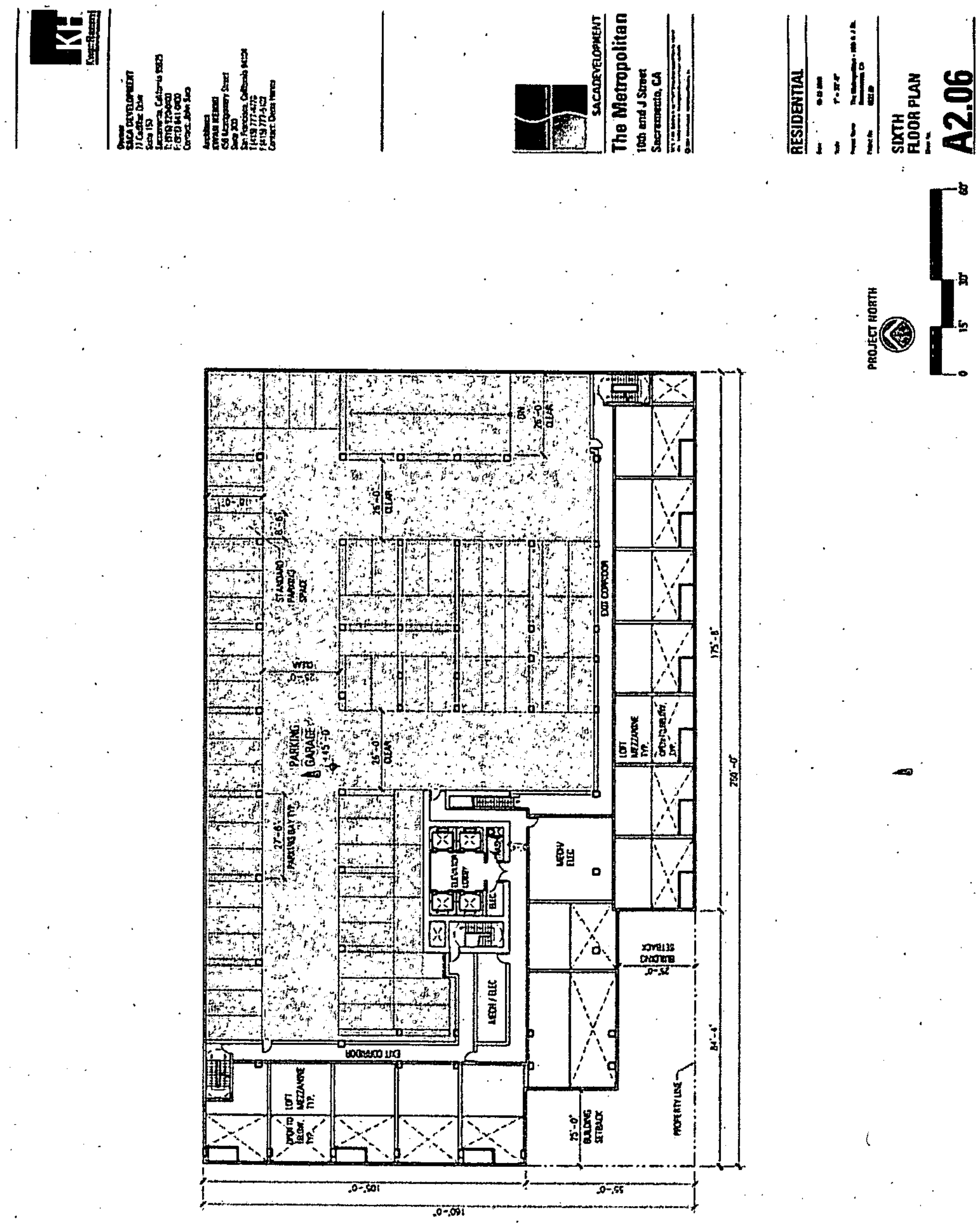


Exhibit J – (7th Floor podium) (320 residential units)

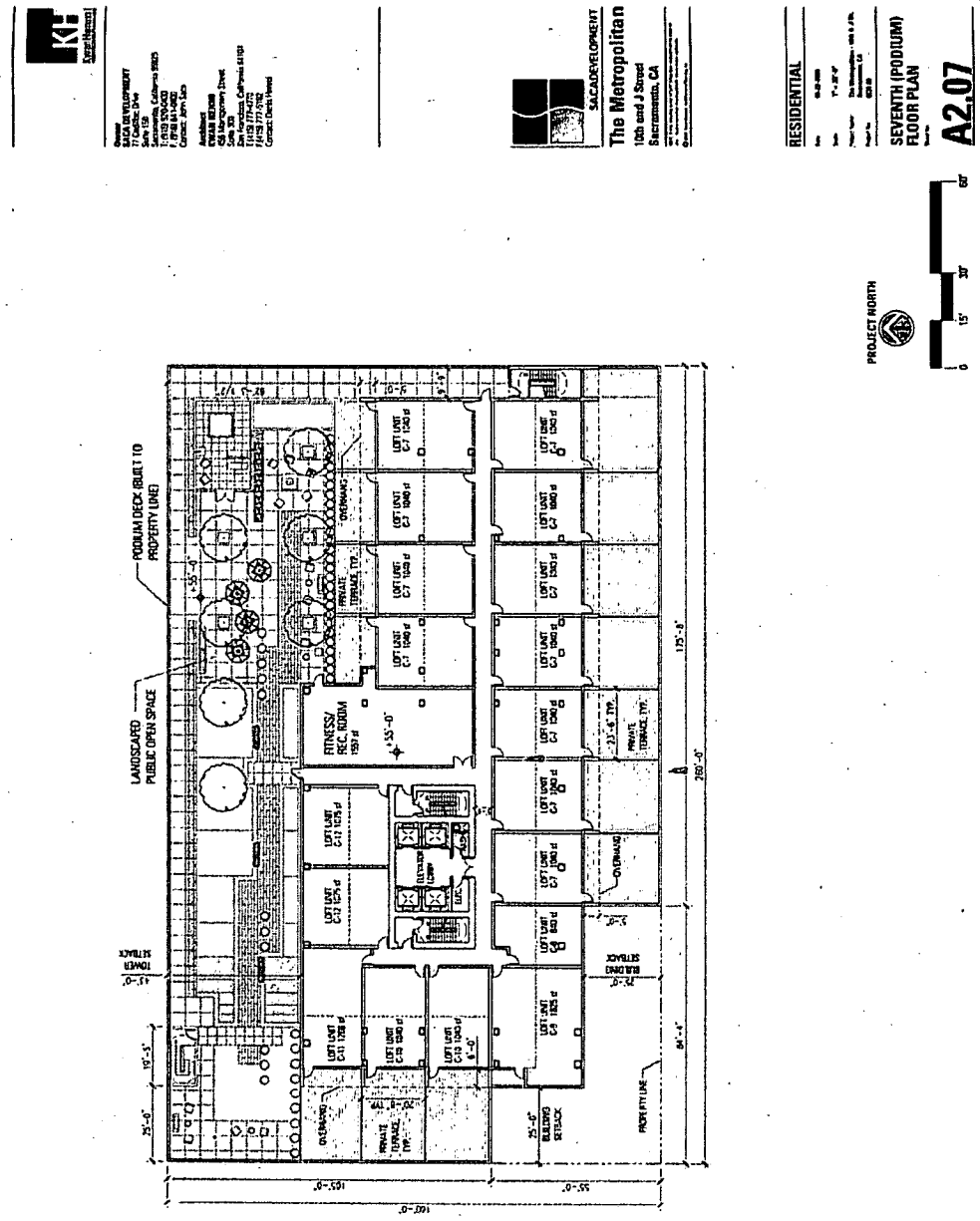


Exhibit K – Floor Plan (Levels 9-35) (320 residential units)

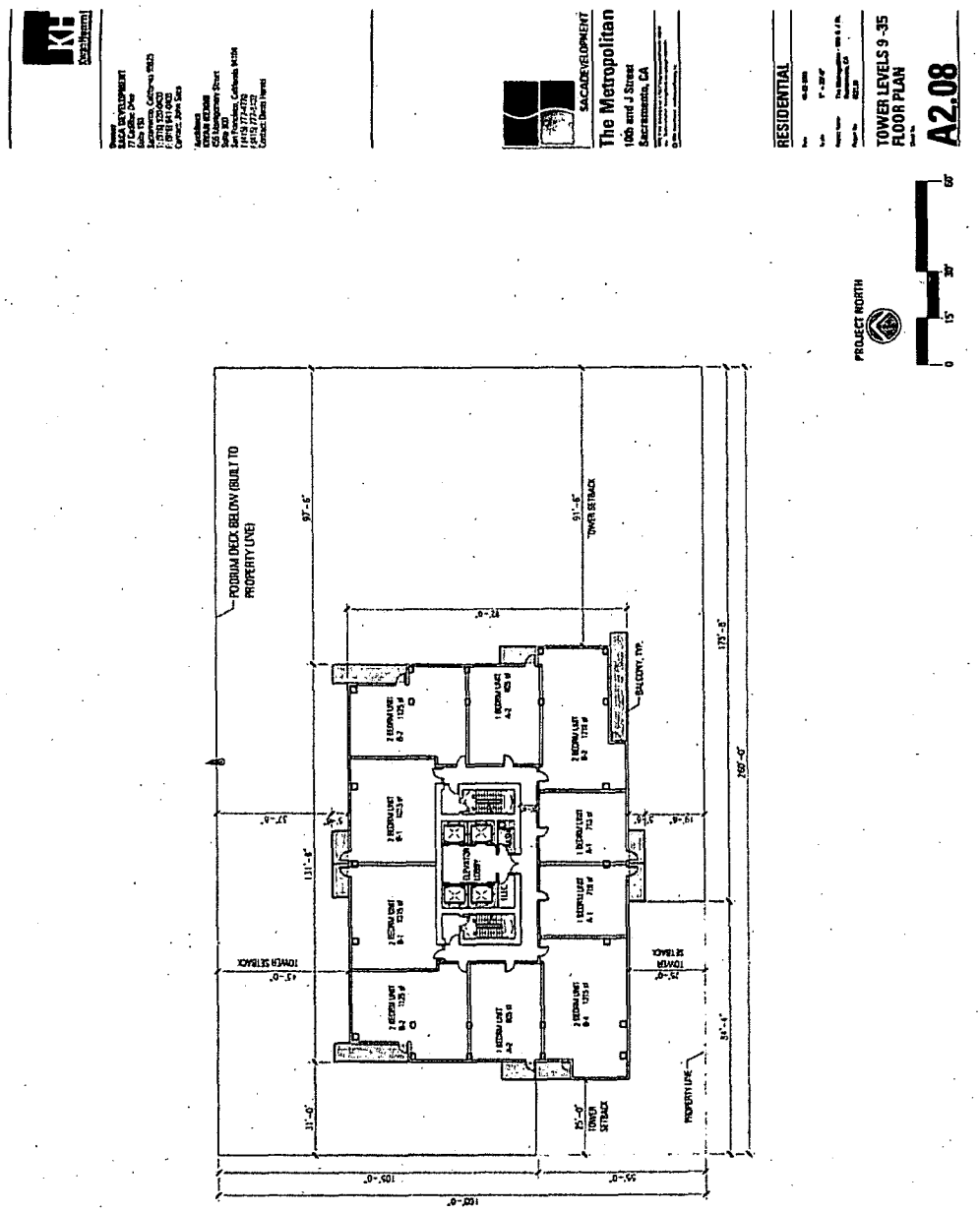


Exhibit L Floor Plan (37th Floor) (320 residential units)

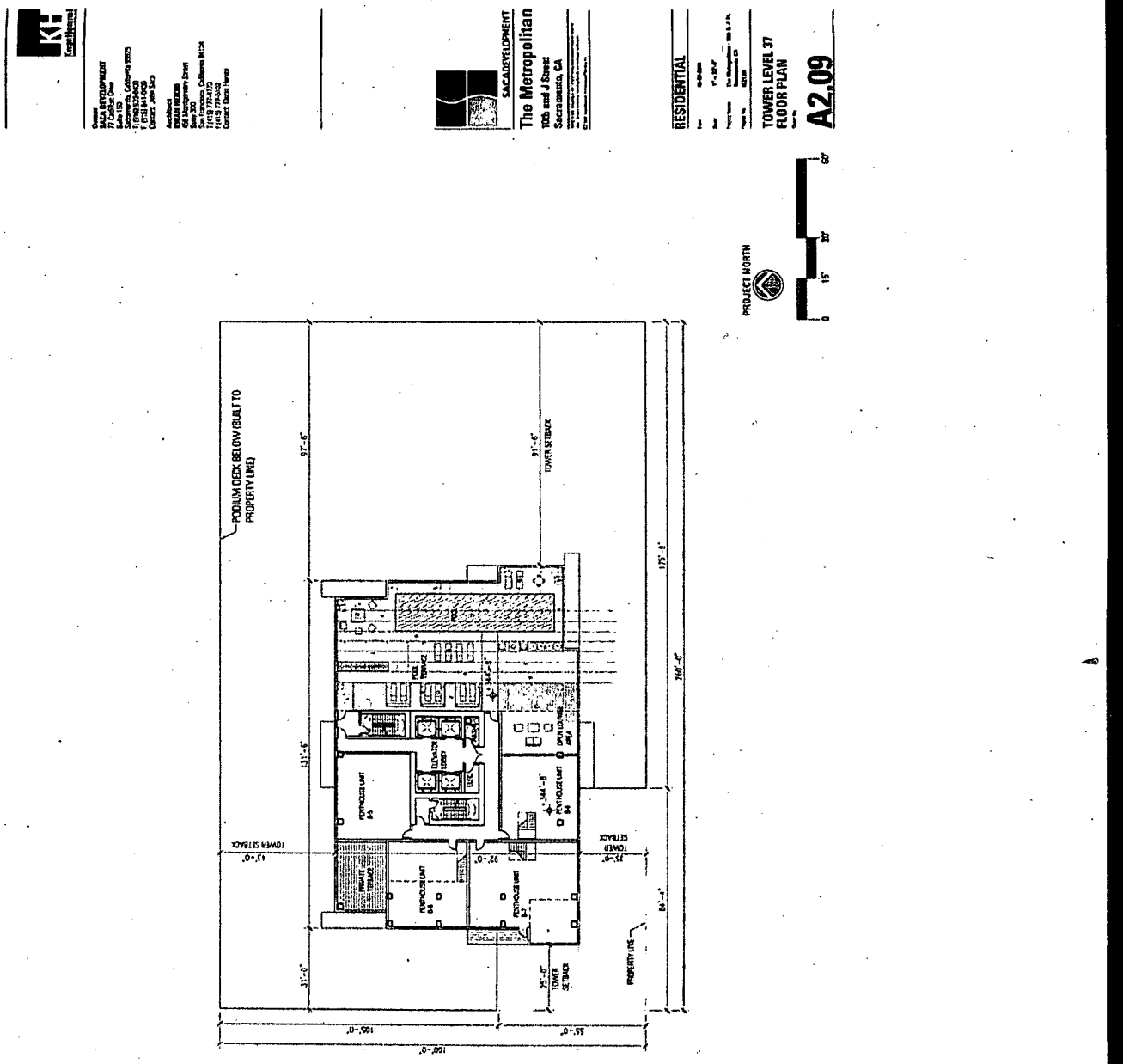


Exhibit M – Floor Plan (38th Floor) (320 residential units)

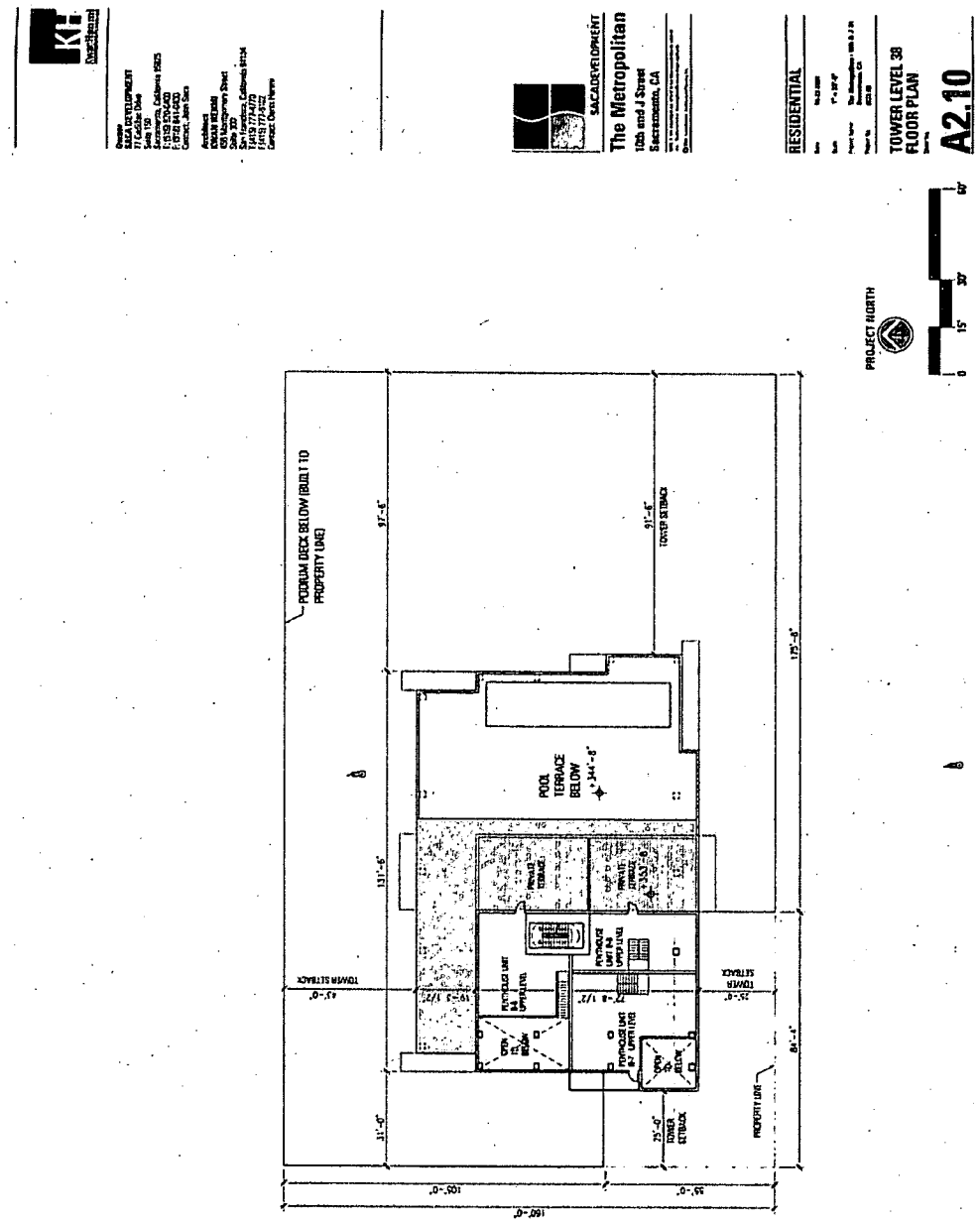


Exhibit N – Building Cross Sections (320 residential units)

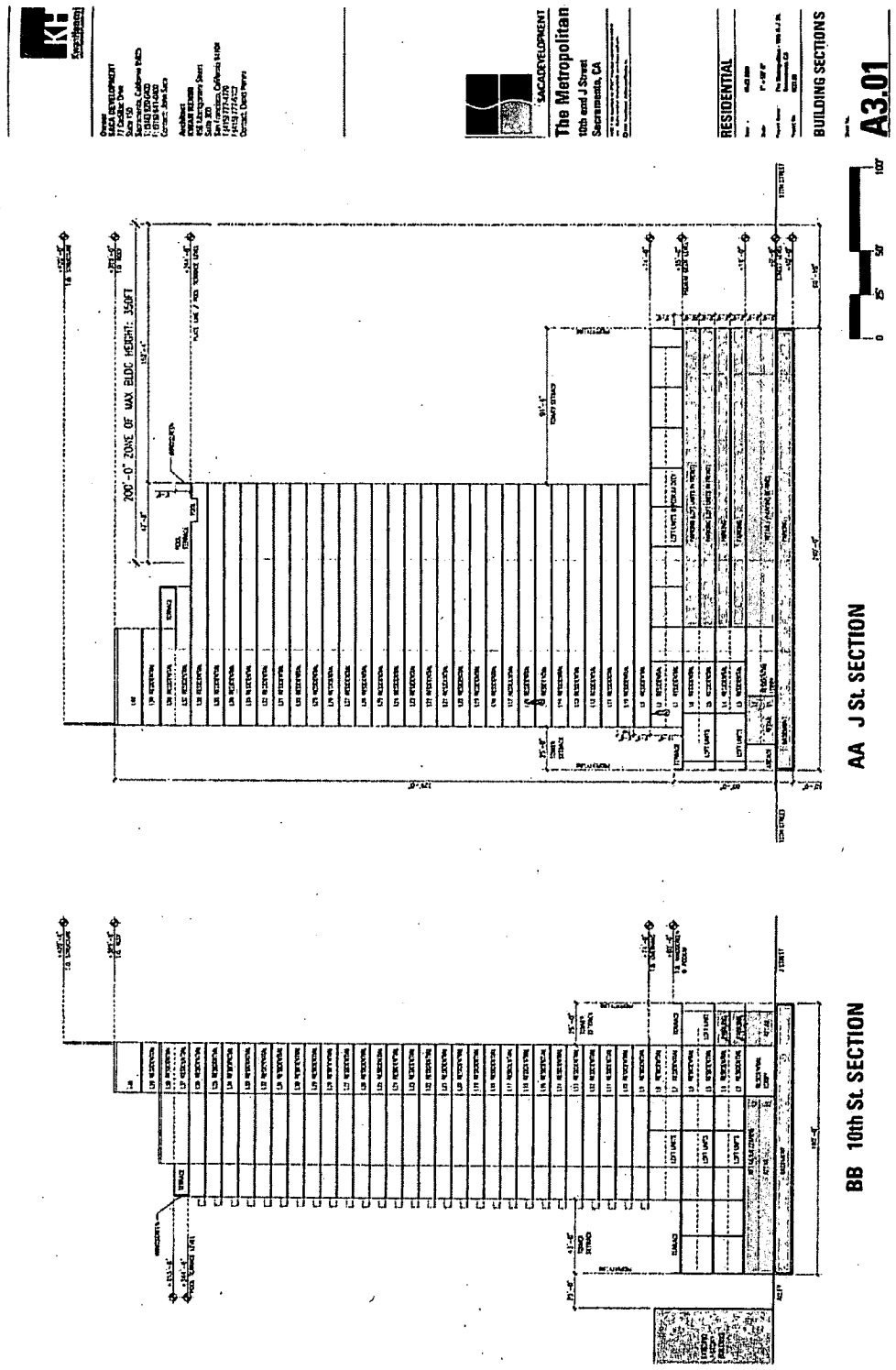


Exhibit O – Building Elevations (10th & J Streets) (320 residential units)

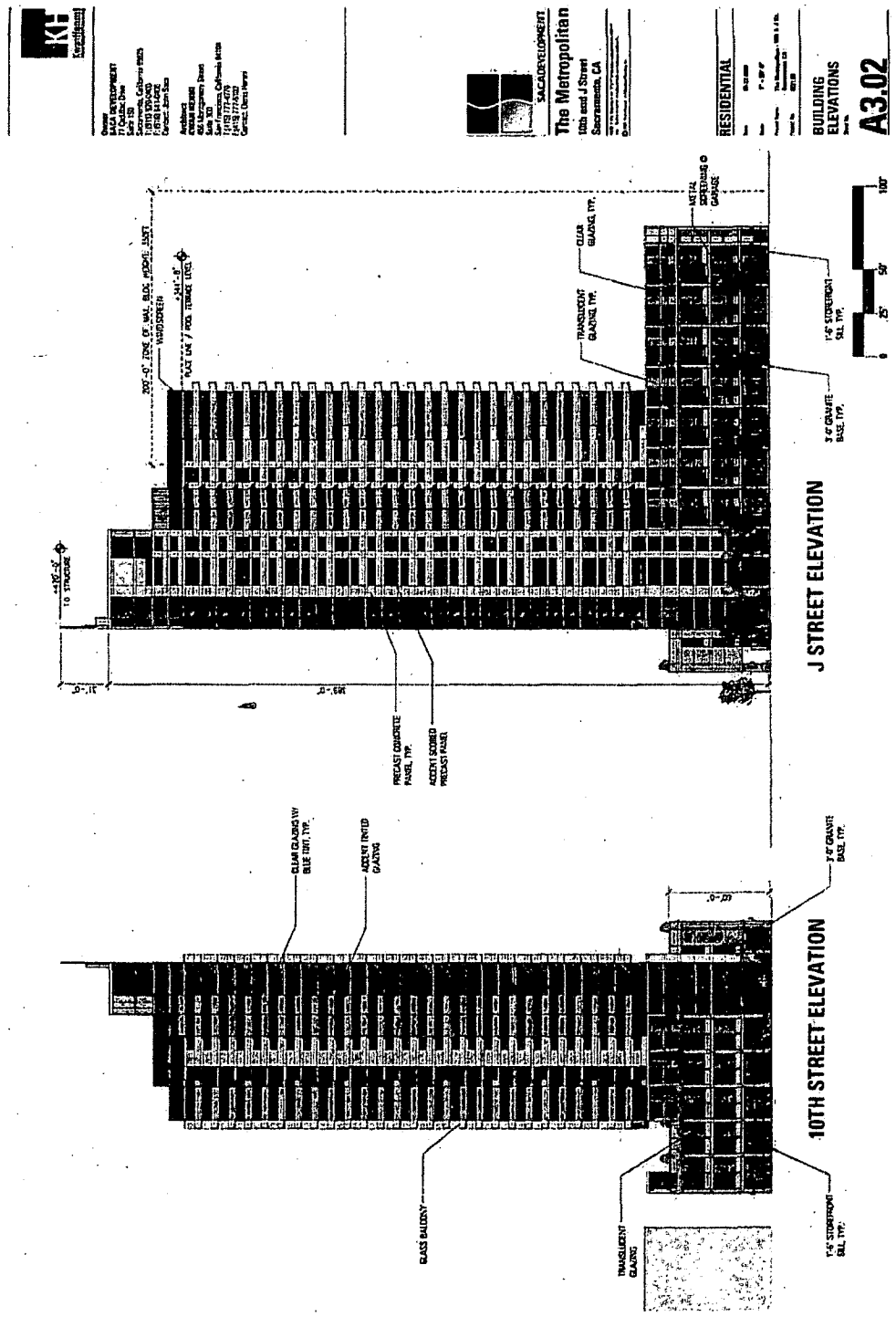


Exhibit P – Building Elevations (Alley & East) (320 residential units)

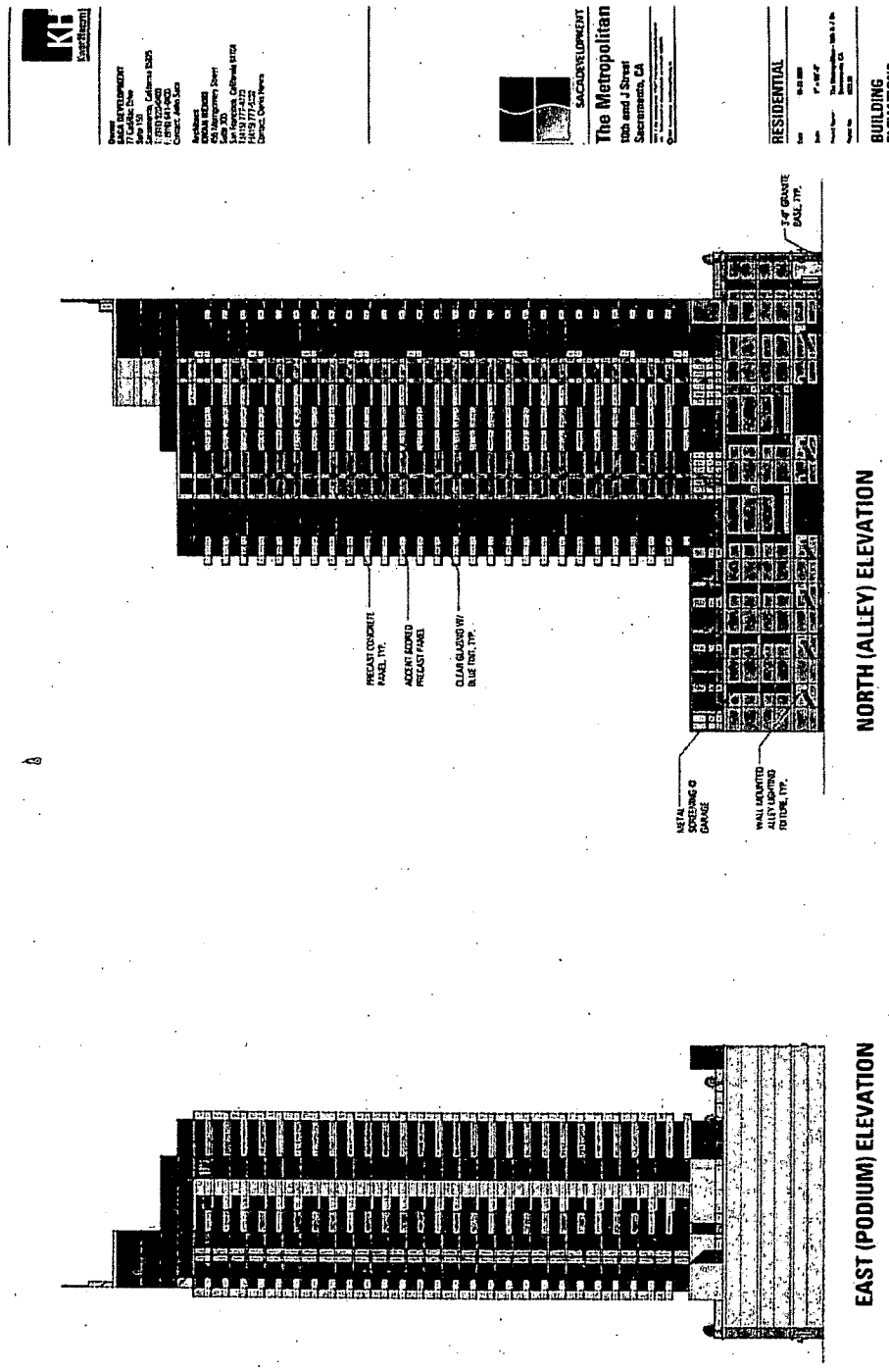
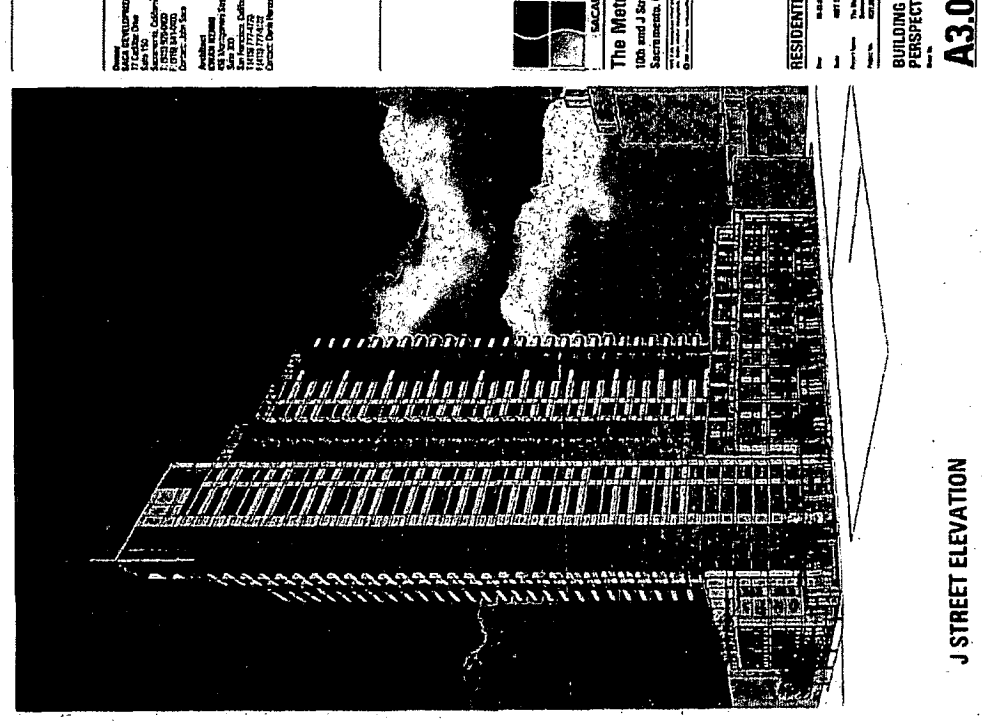


Exhibit Q – Building Perspectives (10th & J) (320 residential units)



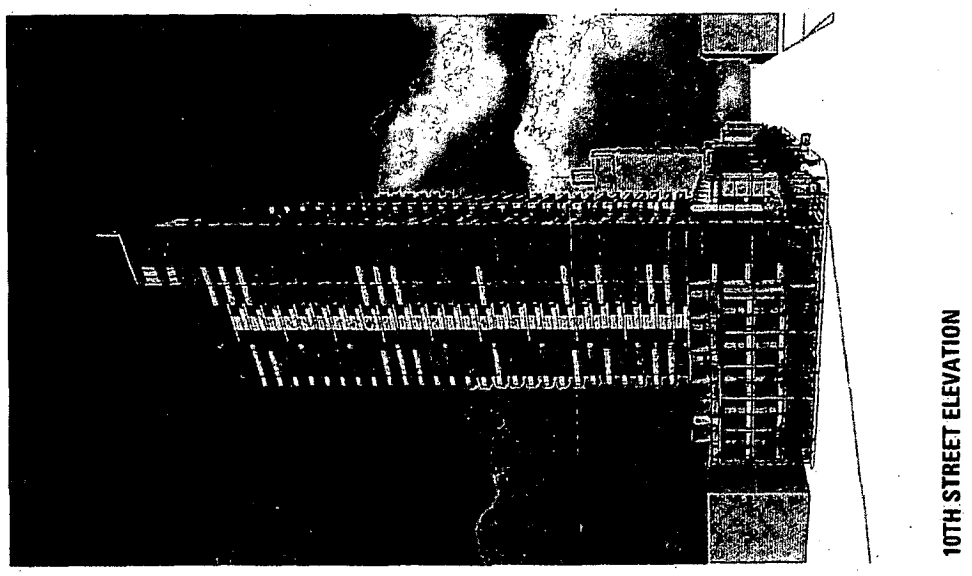
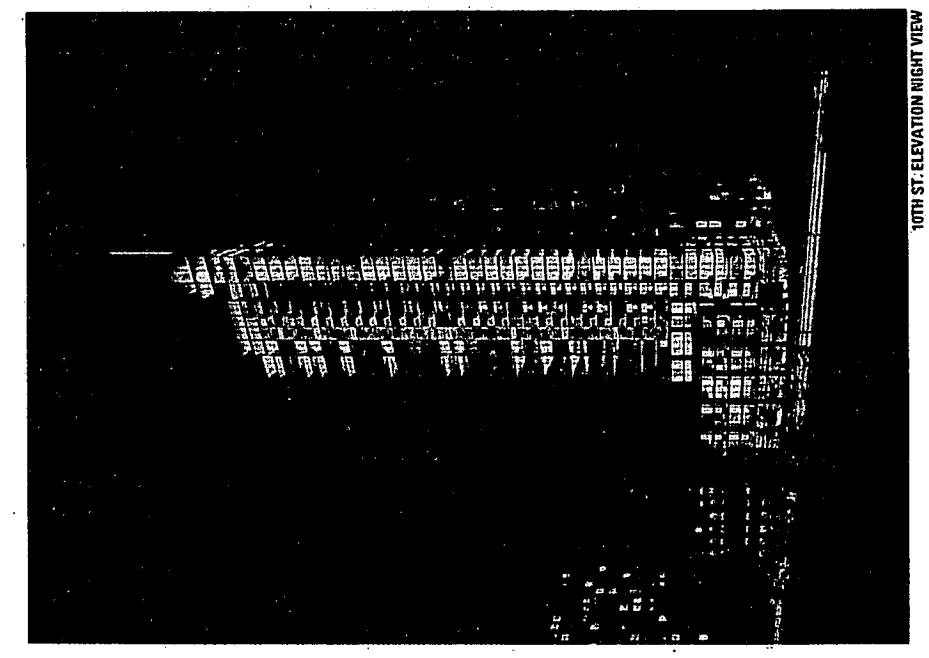


Exhibit R – Building Perspectives (10th Street & East) (320 residential units)



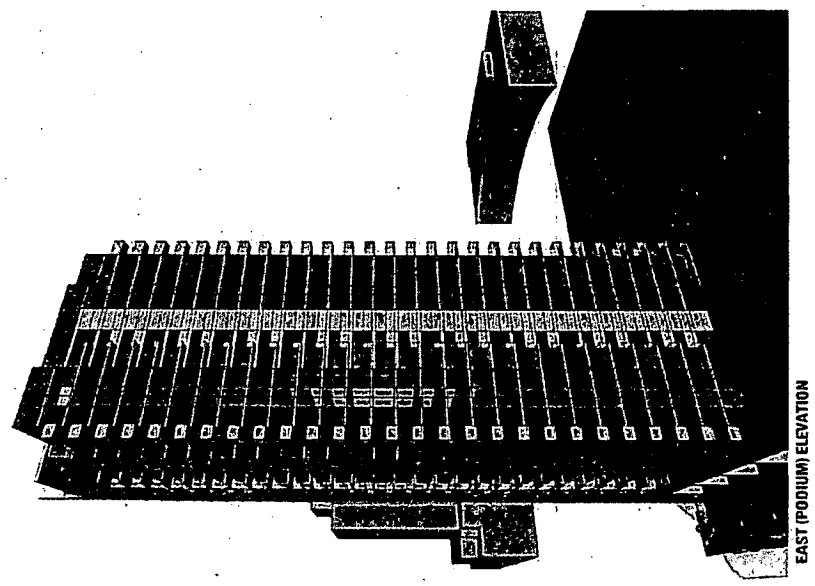


Exhibit S – Building Perspectives (J Street Podium) (320 residential units)

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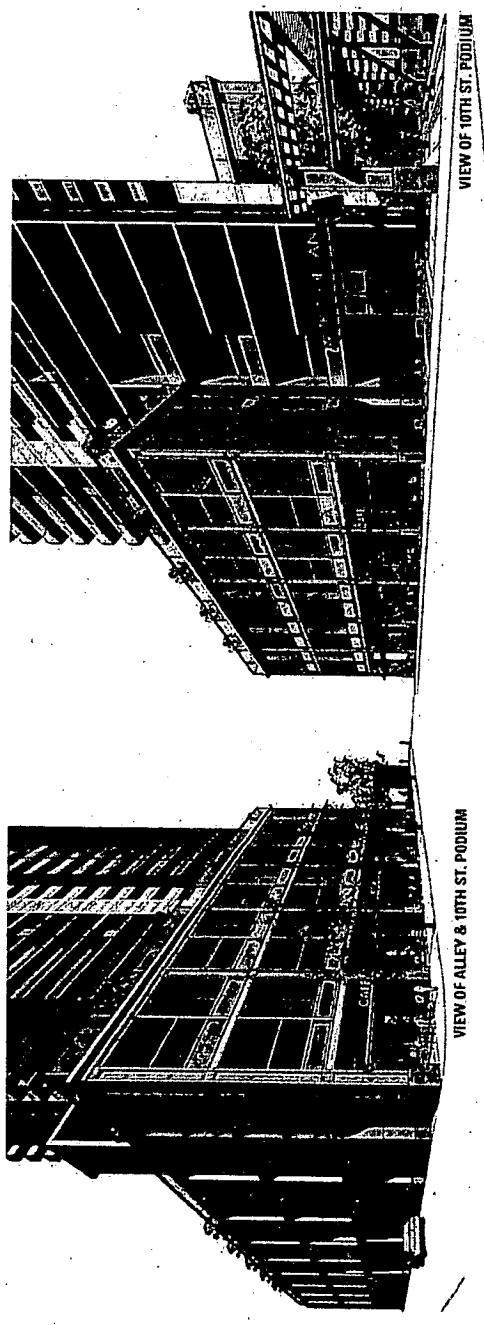
BLDG. PODIUM PERSPECTIVES

A3.06



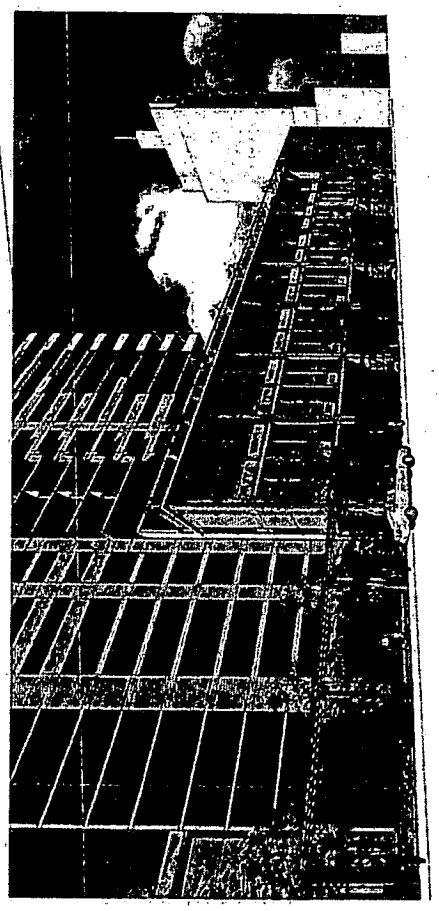


Exhibit T – Plaza Perspectives (320 residential units)

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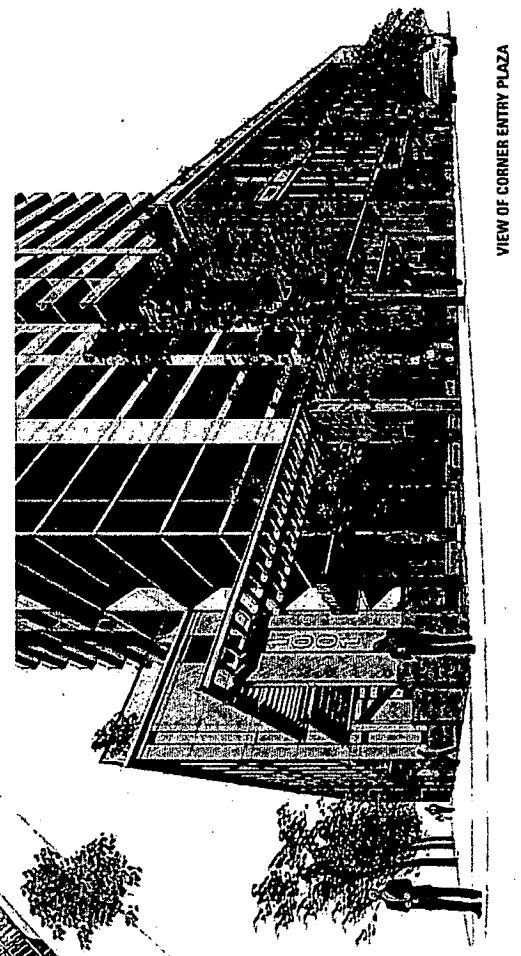
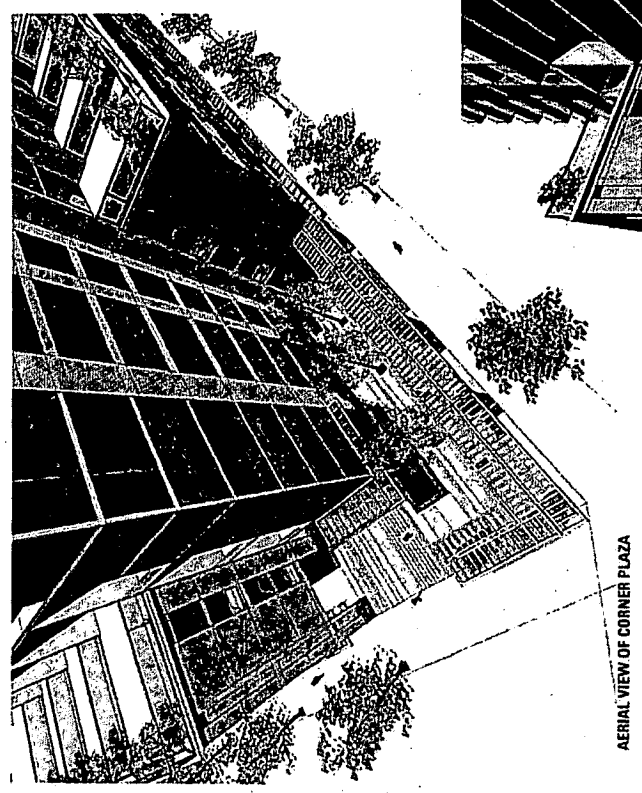
CORNER PLAZA PERSPECTIVES

A3.07

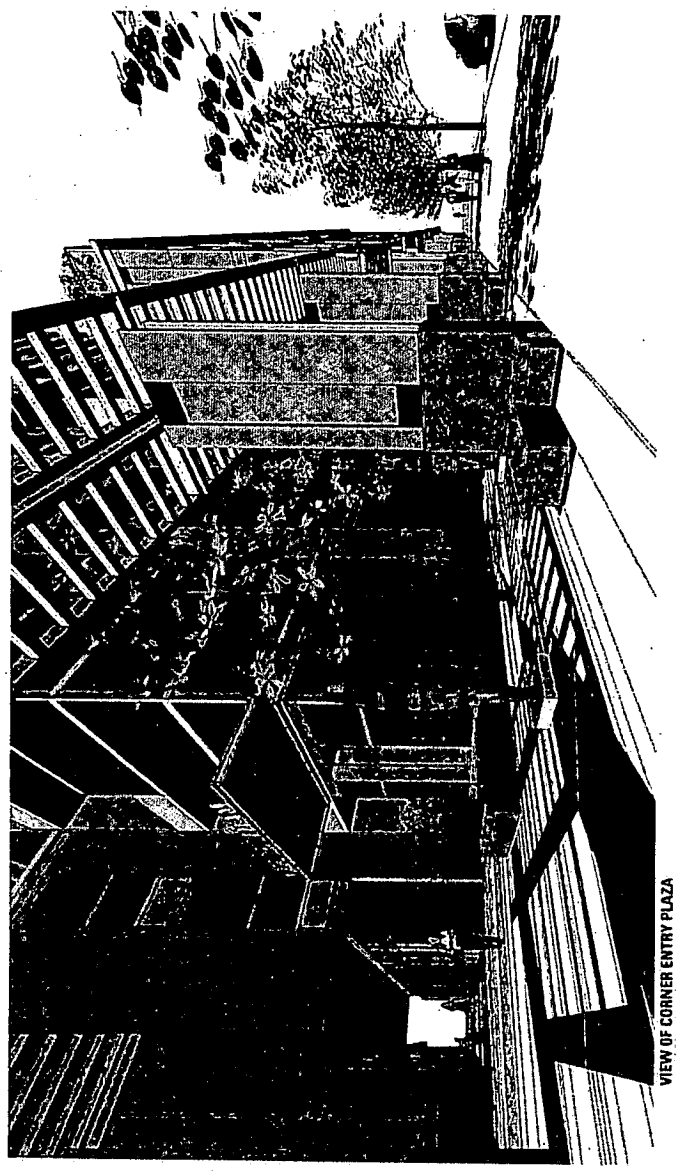


VIEW OF CORNER ENTRY PLAZA



AERIAL VIEW OF CORNER PLAZA

Exhibit U – Plaza Perspectives (320 residential units)



VIEW OF CORNER ENTRY PLAZA

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Sacramento, CA

RESIDENTIAL

CORNER PLAZA PERSPECTIVE

A3.08

Exhibit B1 – Site Plan (190 residential units/190 hotel rooms)

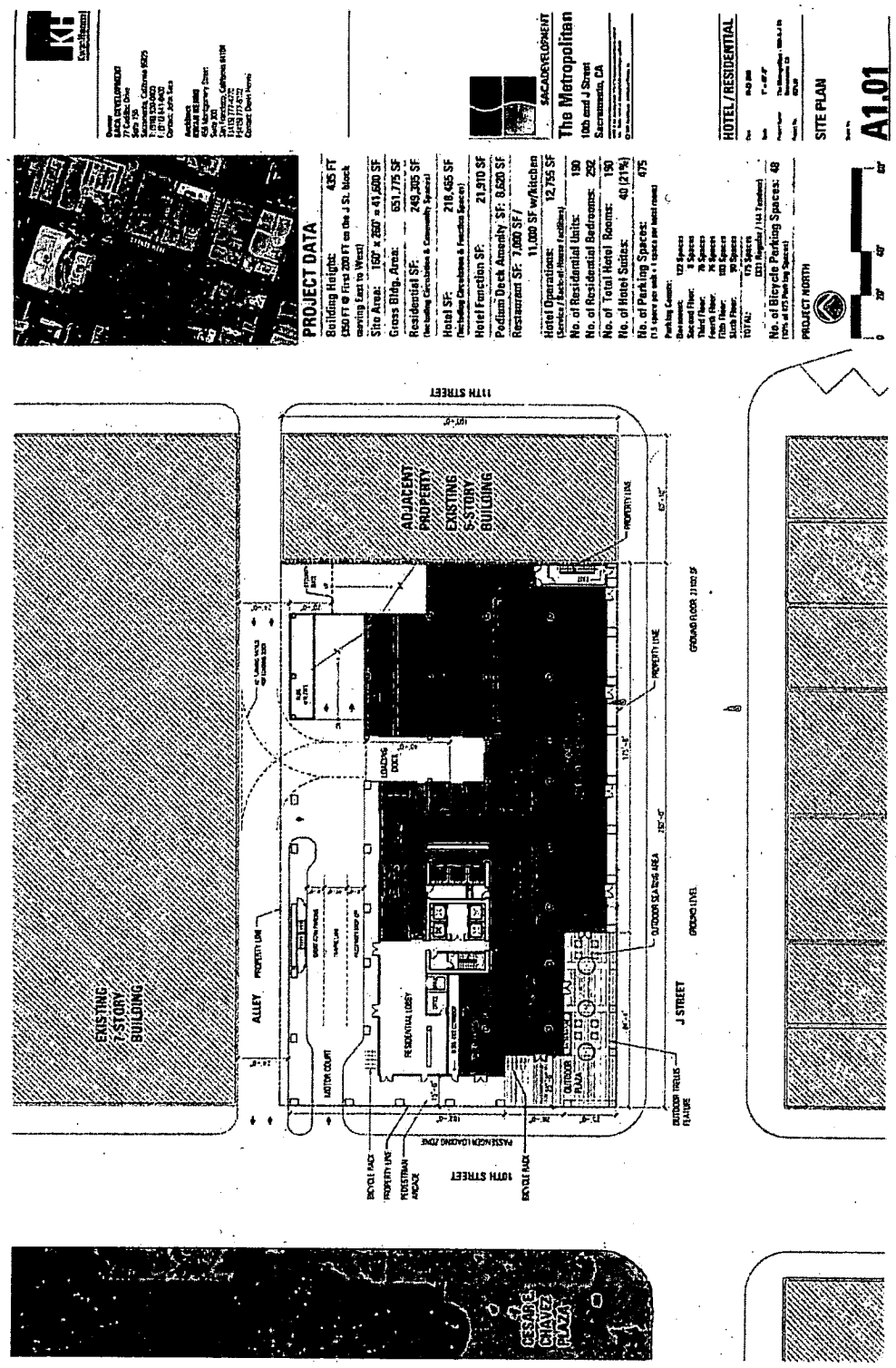


Exhibit C1 – Building Materials (190 residential units/190 hotel rooms)

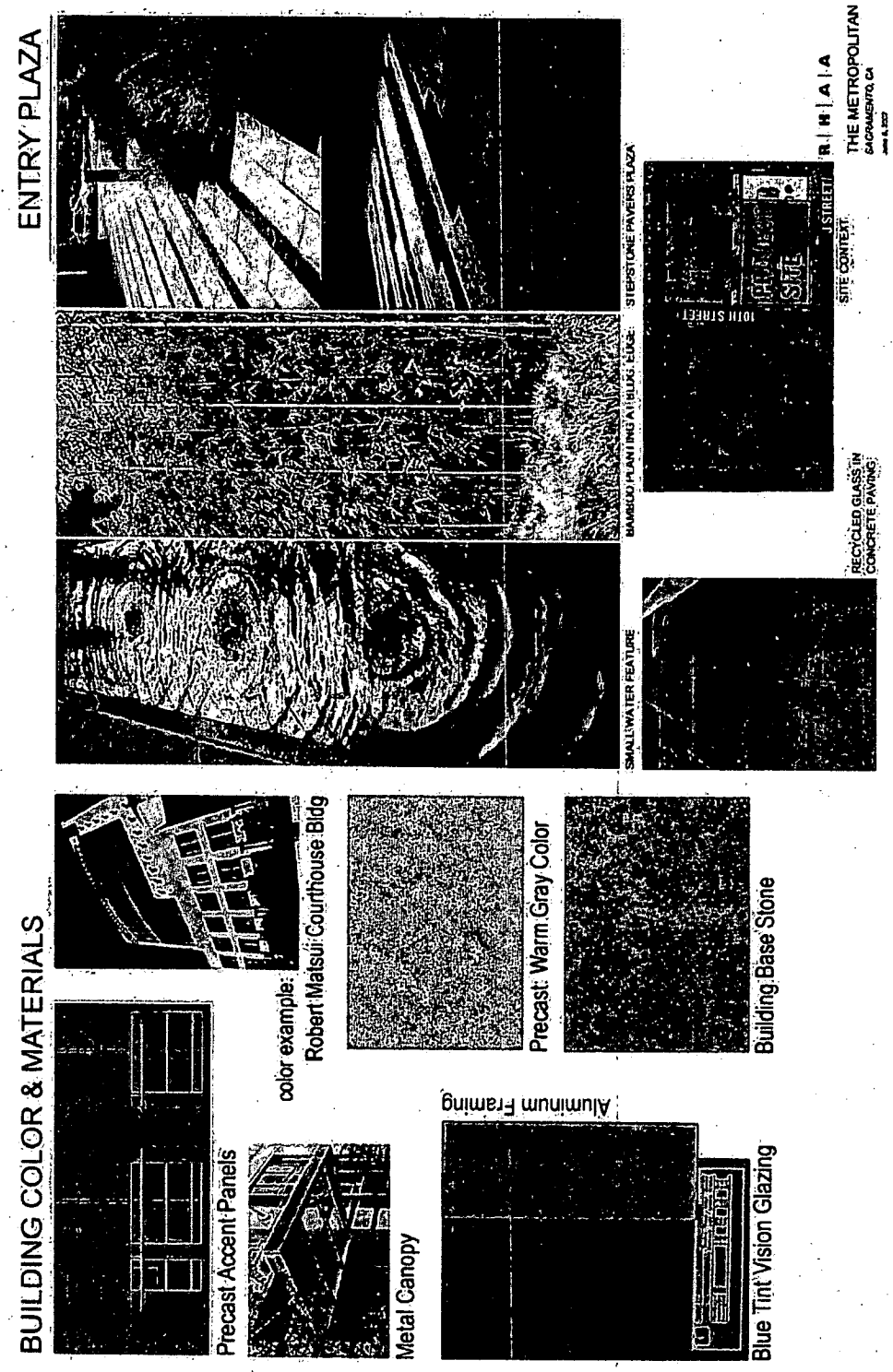


Exhibit D1 – Floor Plan (Basement) (190 residential units/ 190 hotel rooms)

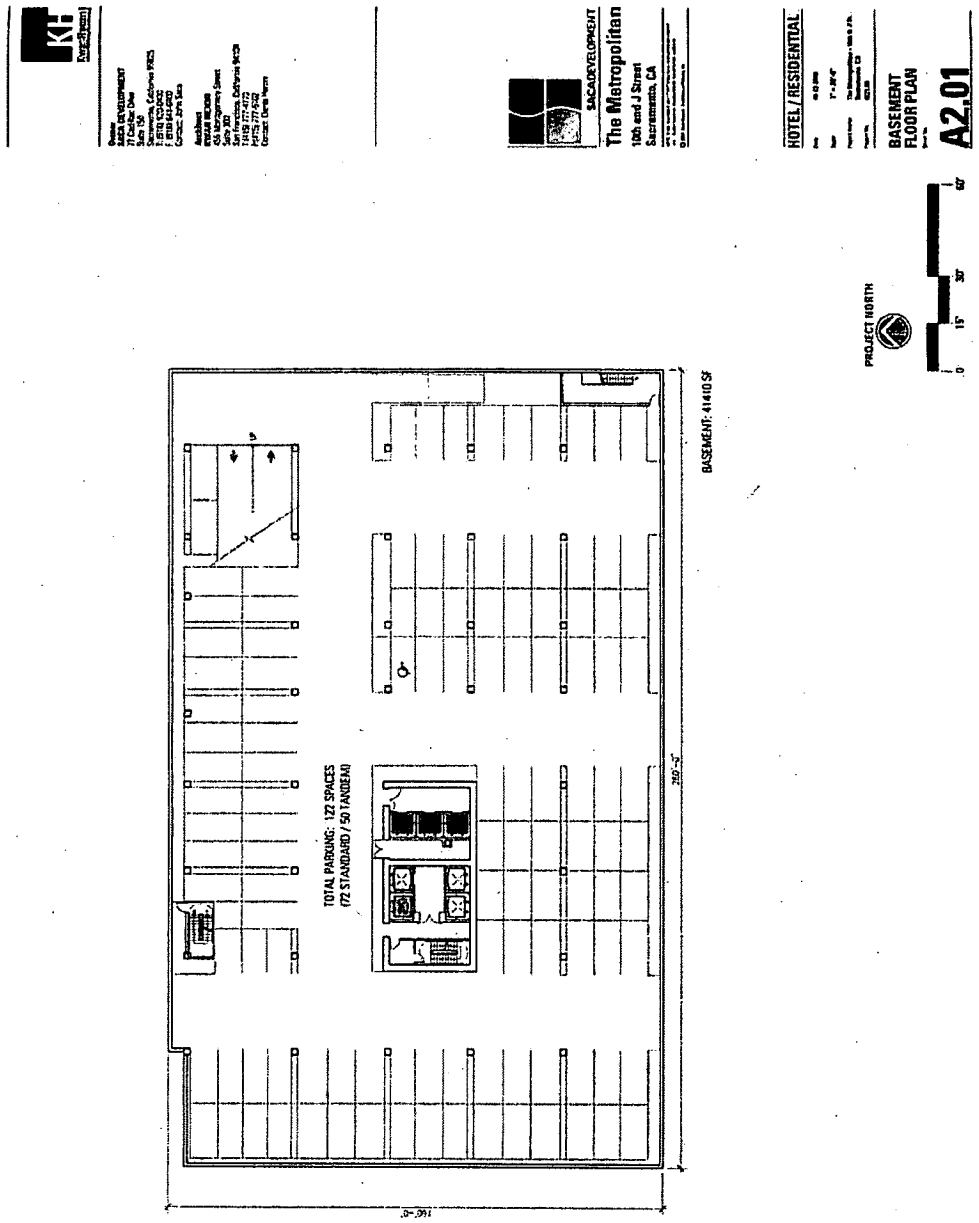


Exhibit E1 – Floor Plan (1st Floor) (190 residential units/ 190 hotel rooms)

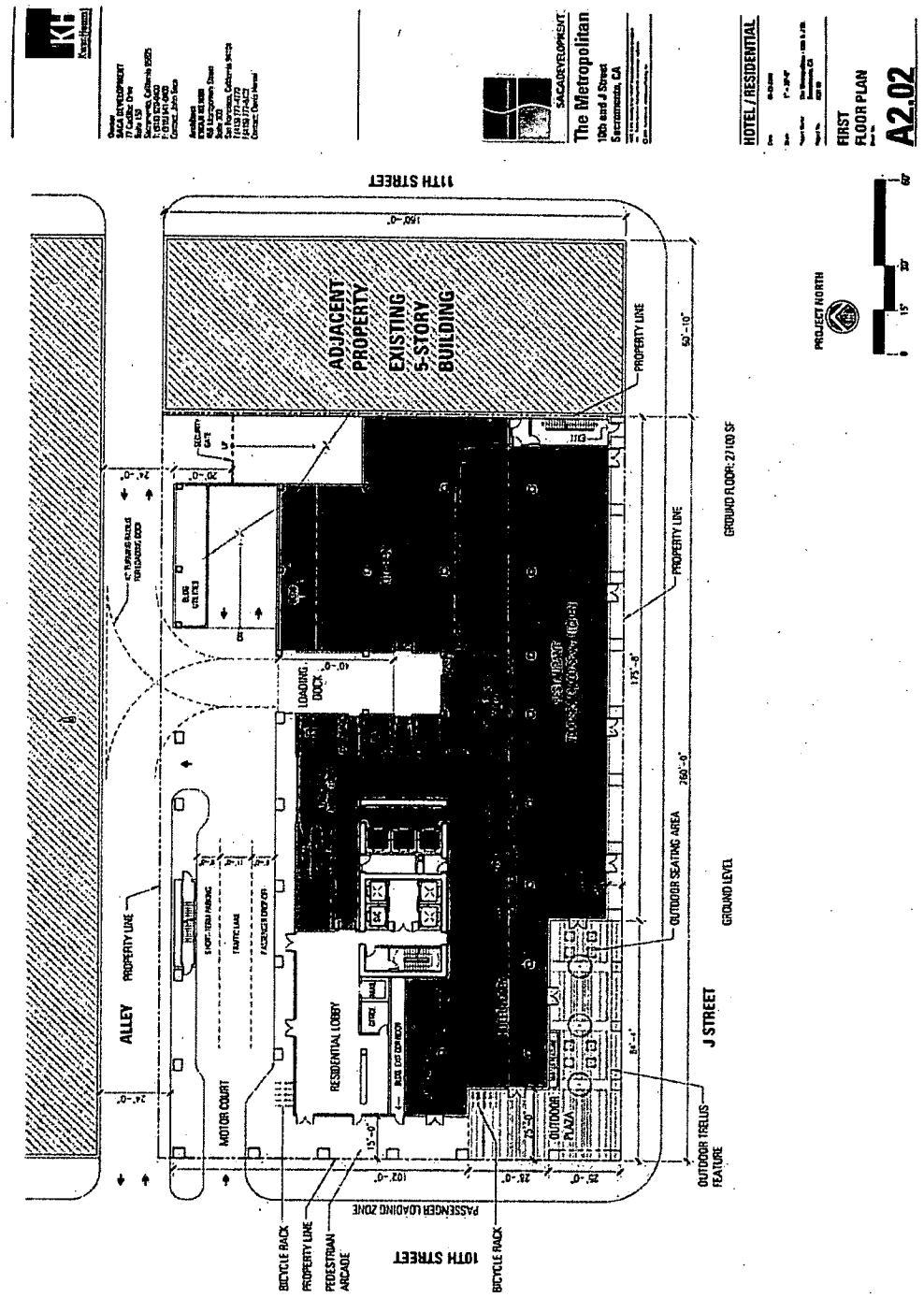


Exhibit F1 – Floor Plan (2nd Floor) (190 residential units/ 190 hotel rooms)

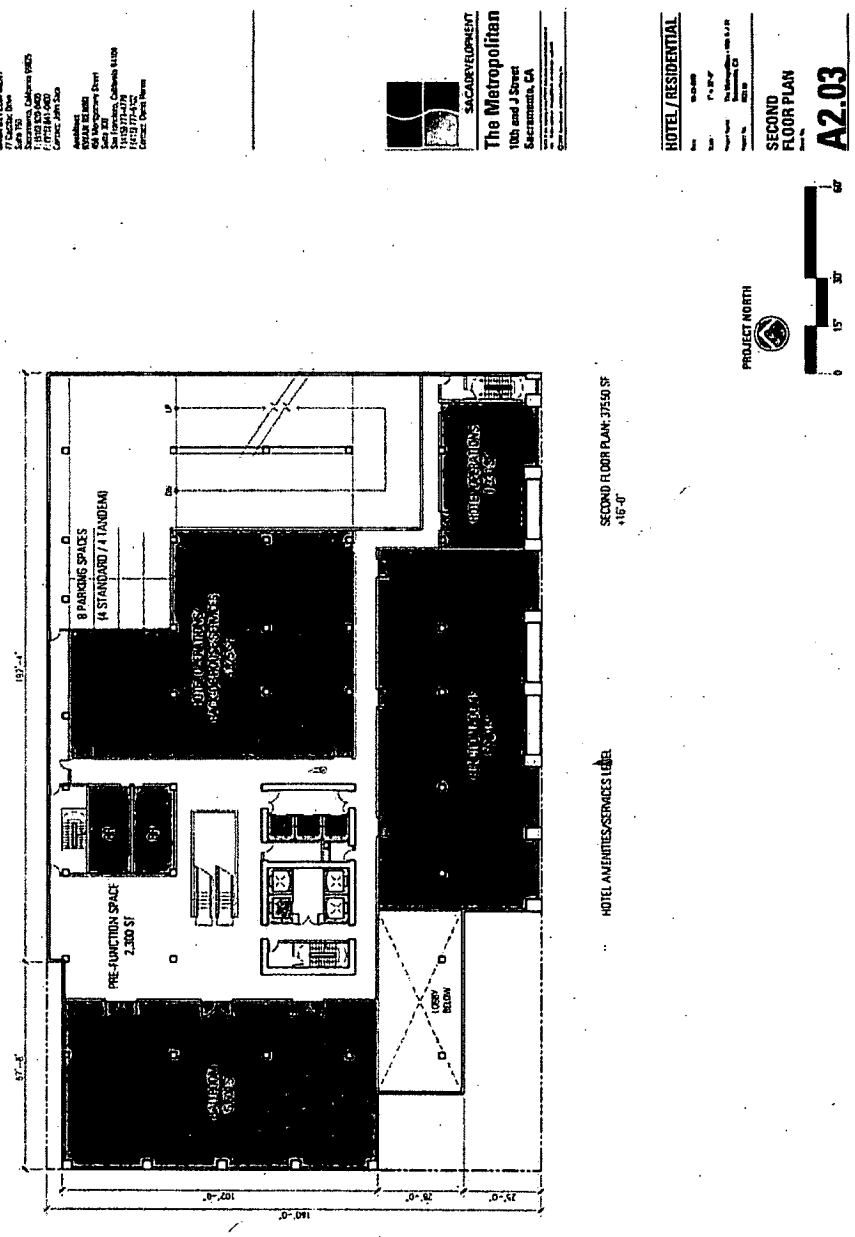


Exhibit G1 – Floor Plan (3rd & 4th Floors) (190 residential units/ 190 hotel rooms)

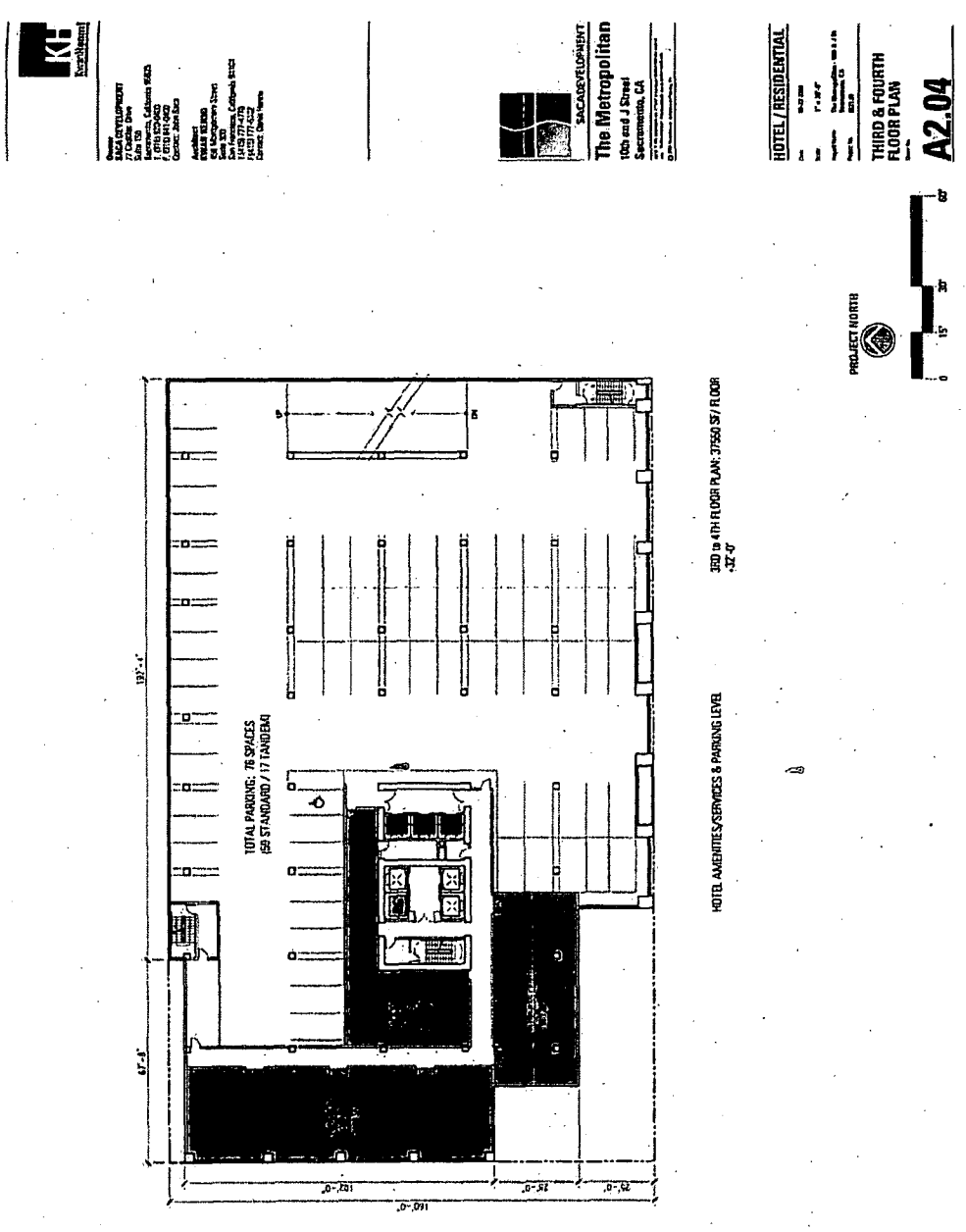


Exhibit H1 – Floor Plan (5th Floor) (190 residential units/ 190 hotel rooms)

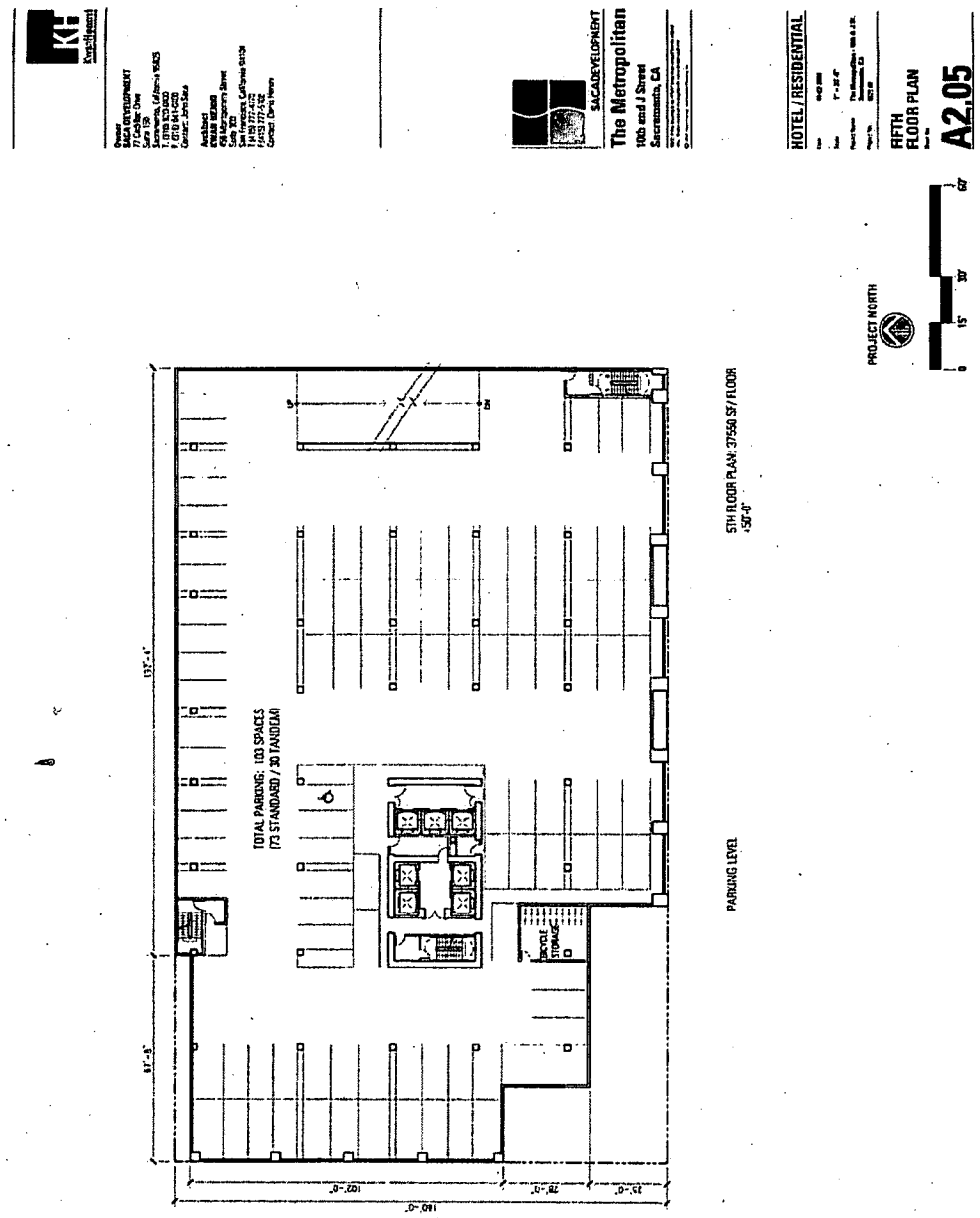


Exhibit I1 – Floor Plan (6th Floor) (190 residential units/ 190 hotel rooms)

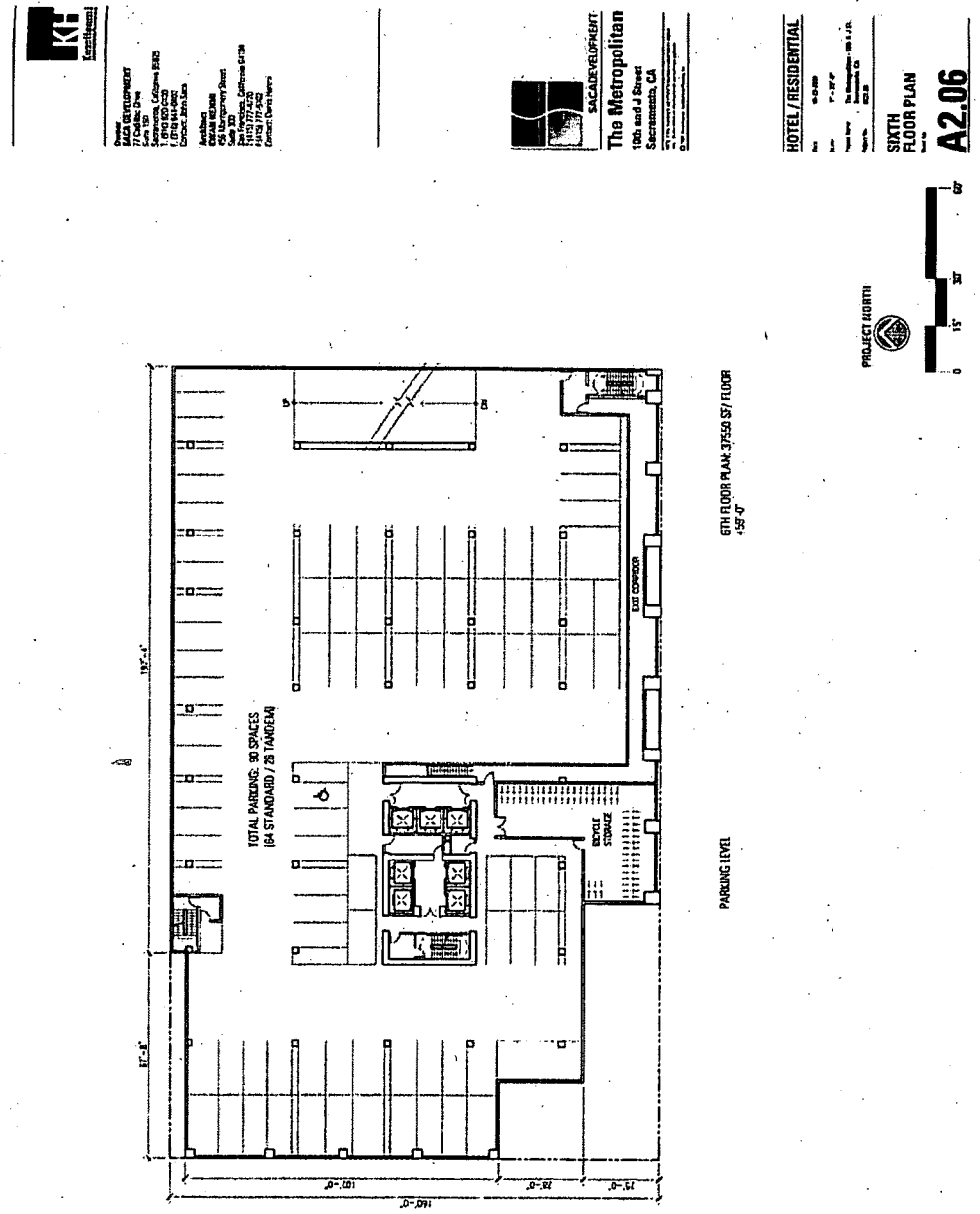


Exhibit J1 – Floor Plan (7th Floor podium) (190 residential units/ 190 hotel rooms)

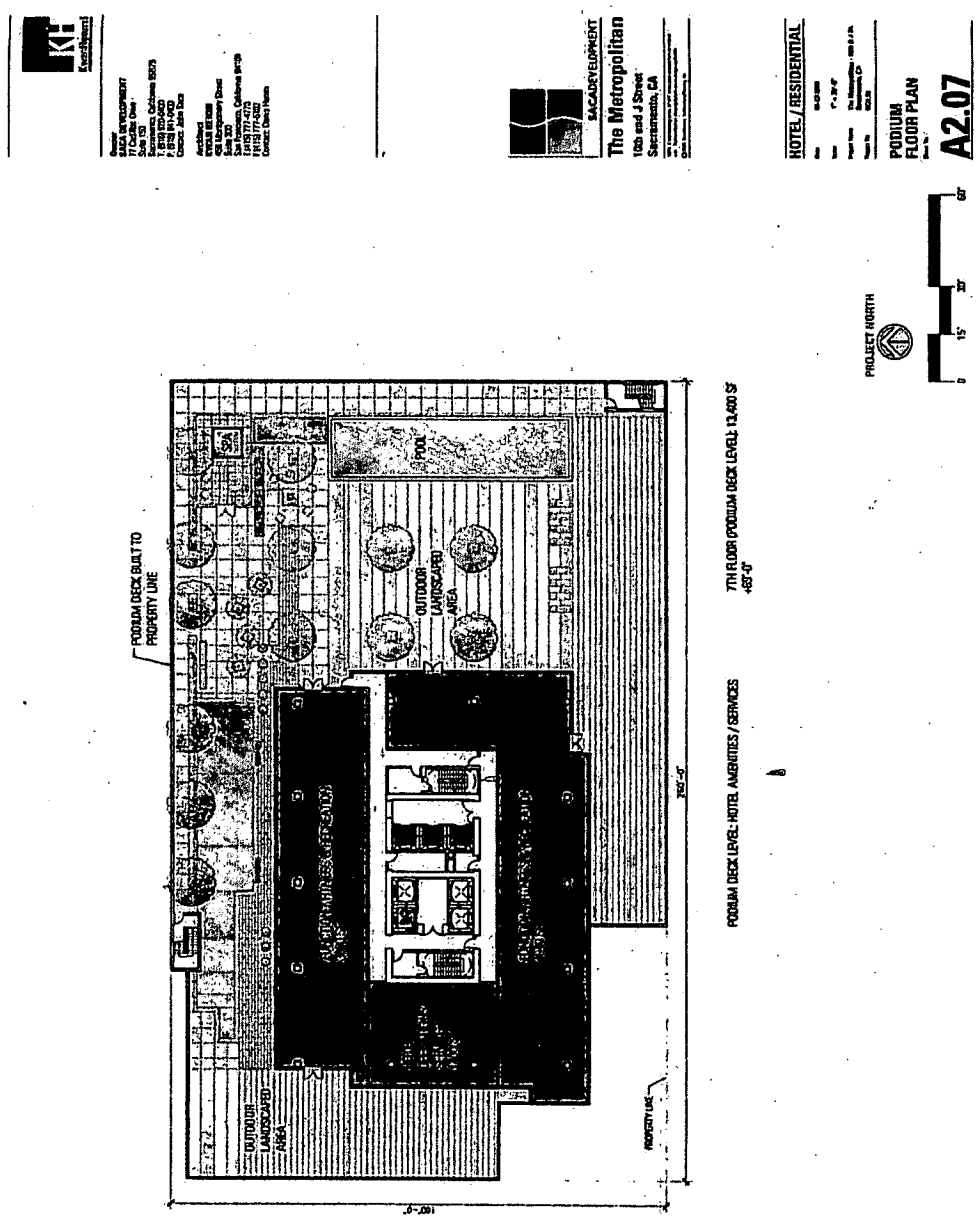


Exhibit K1 – Floor Plan (Floors 8-17) (190 residential units/ 190 hotel rooms)

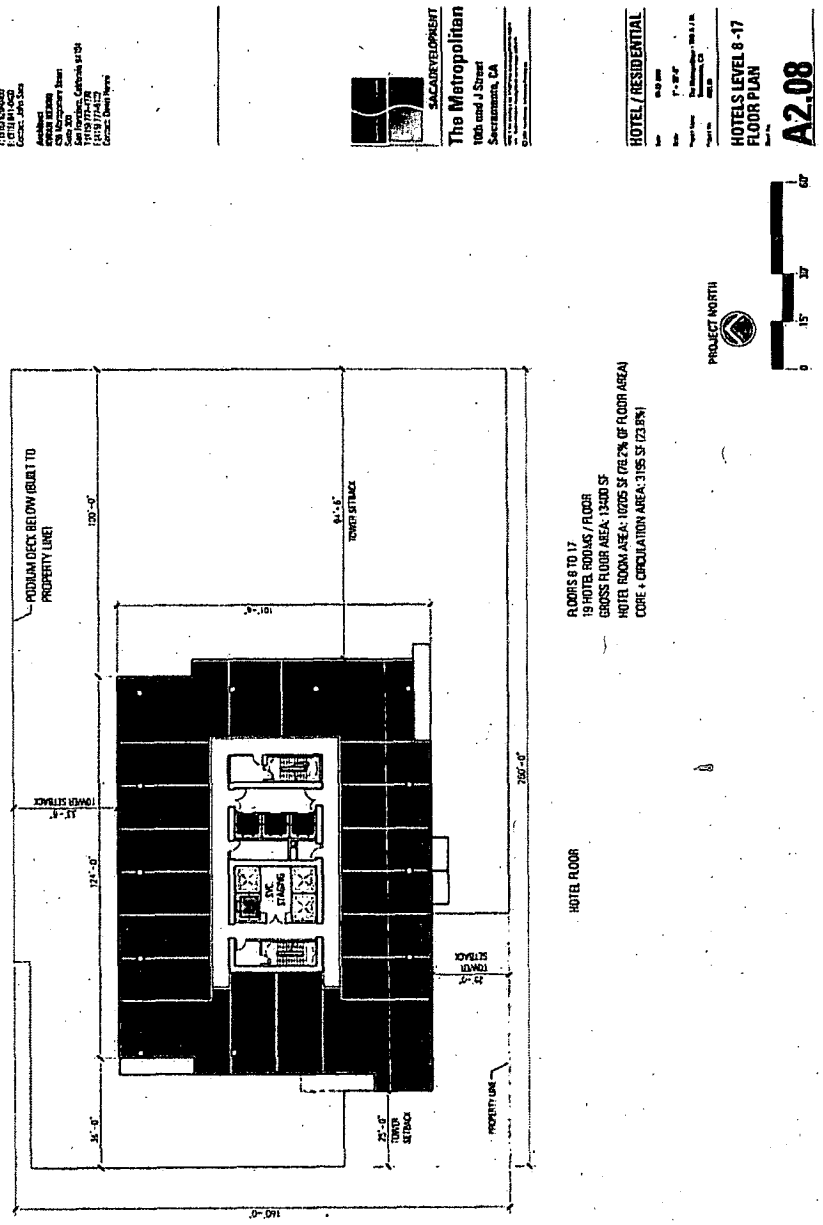


Exhibit L1 – Floor Plan (Floors 18-35) (190 residential units/ 190 hotel rooms)

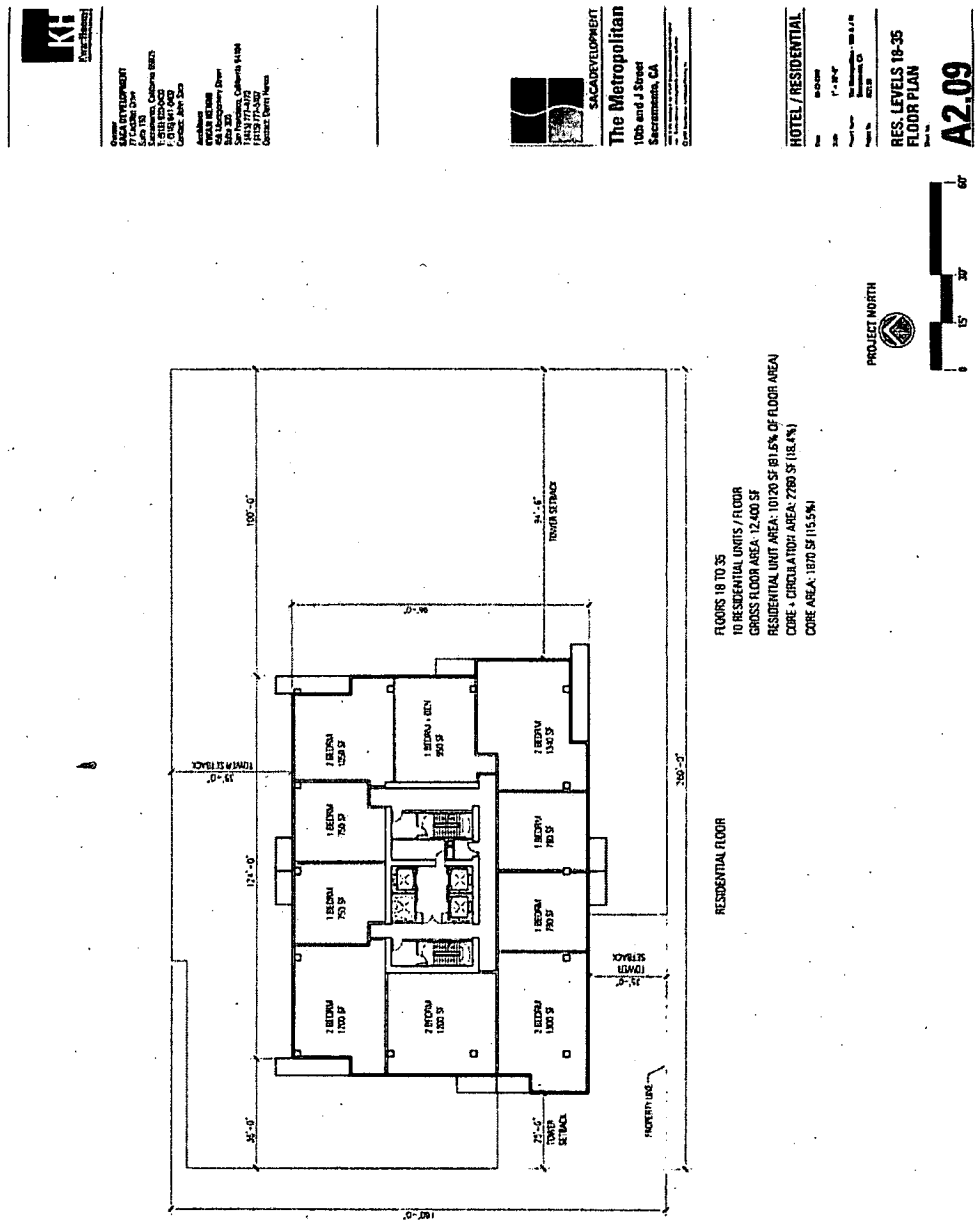


Exhibit M1 – Floor Plan (Floors 36-37) (190 residential units/ 190 hotel rooms)

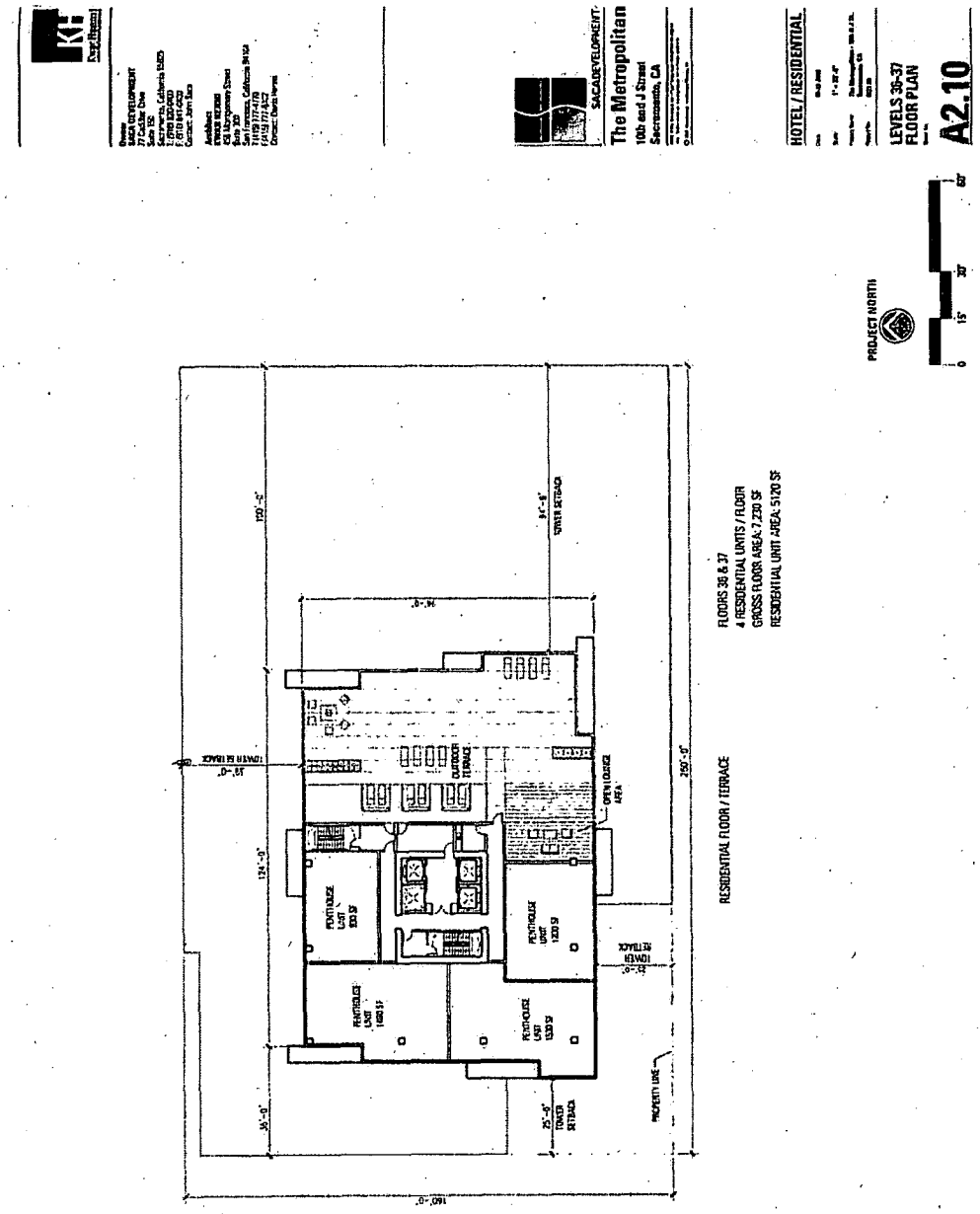


Exhibit N1 – Building Cross Sections (190 residential units/ 190 hotel rooms)

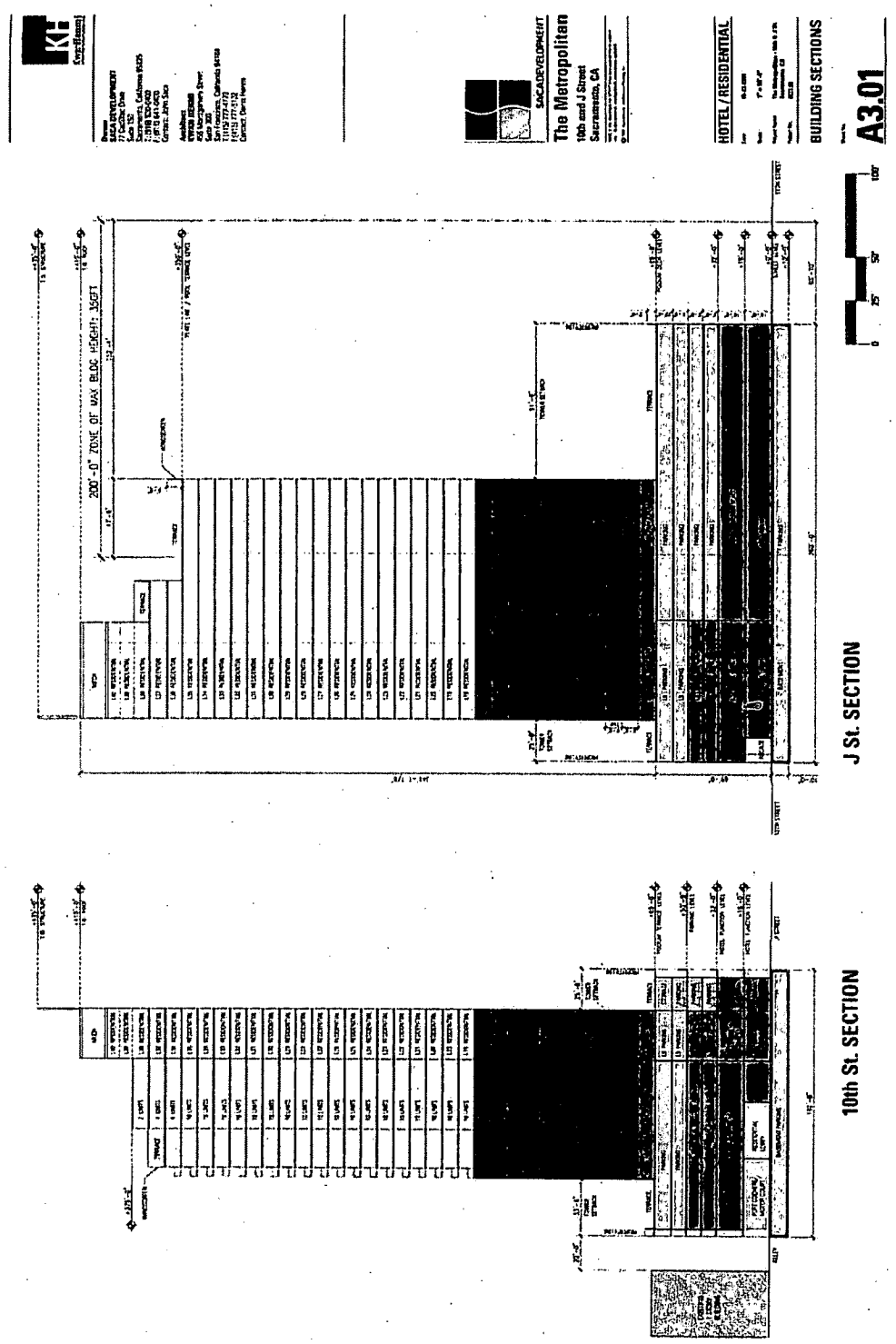


Exhibit O1 – Building Elevations (10th & J) (190 residential units/ 190 hotel rooms)

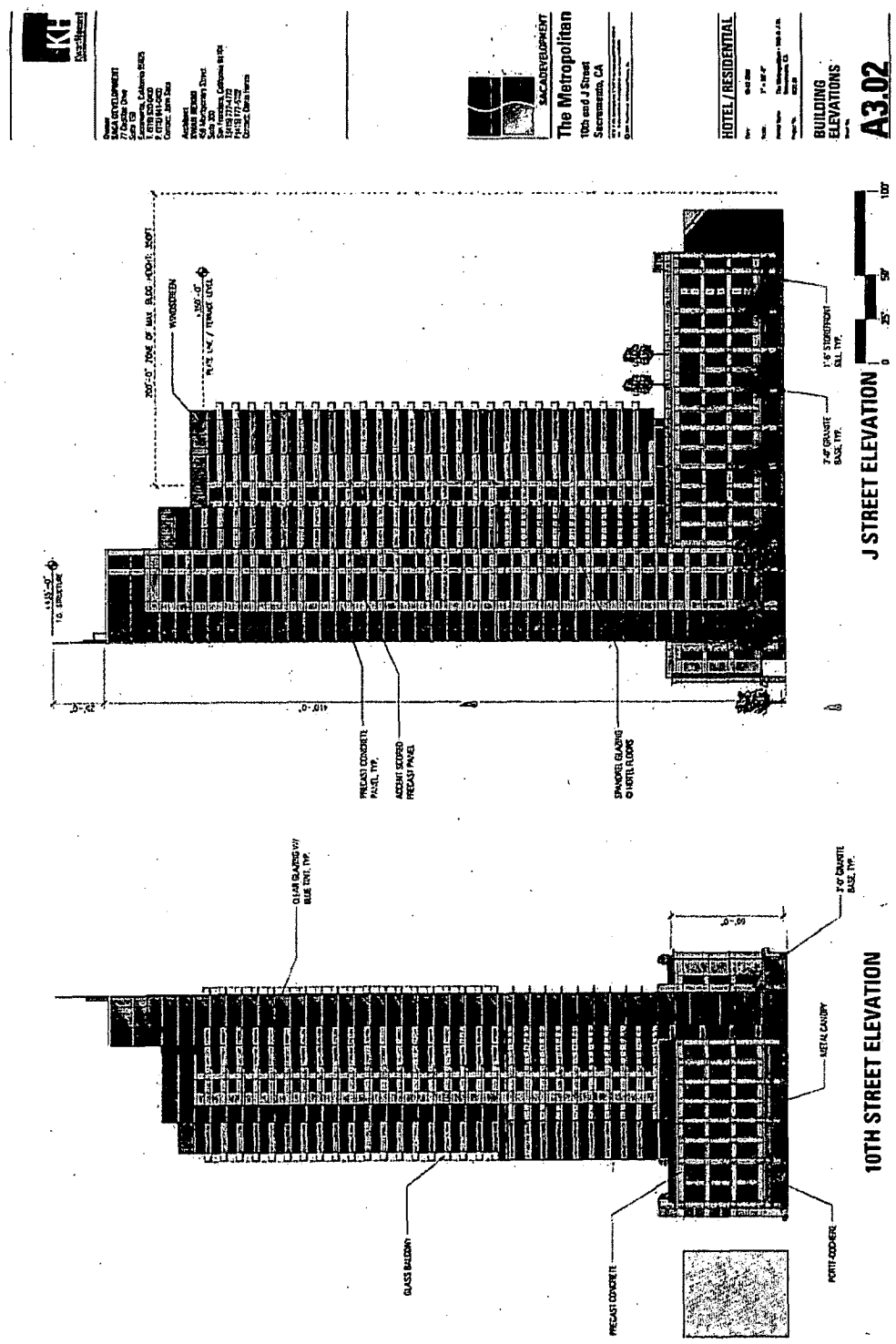


Exhibit P1 – Building Elevations (Alley & East) (190 residential units/ 190 hotel rooms)

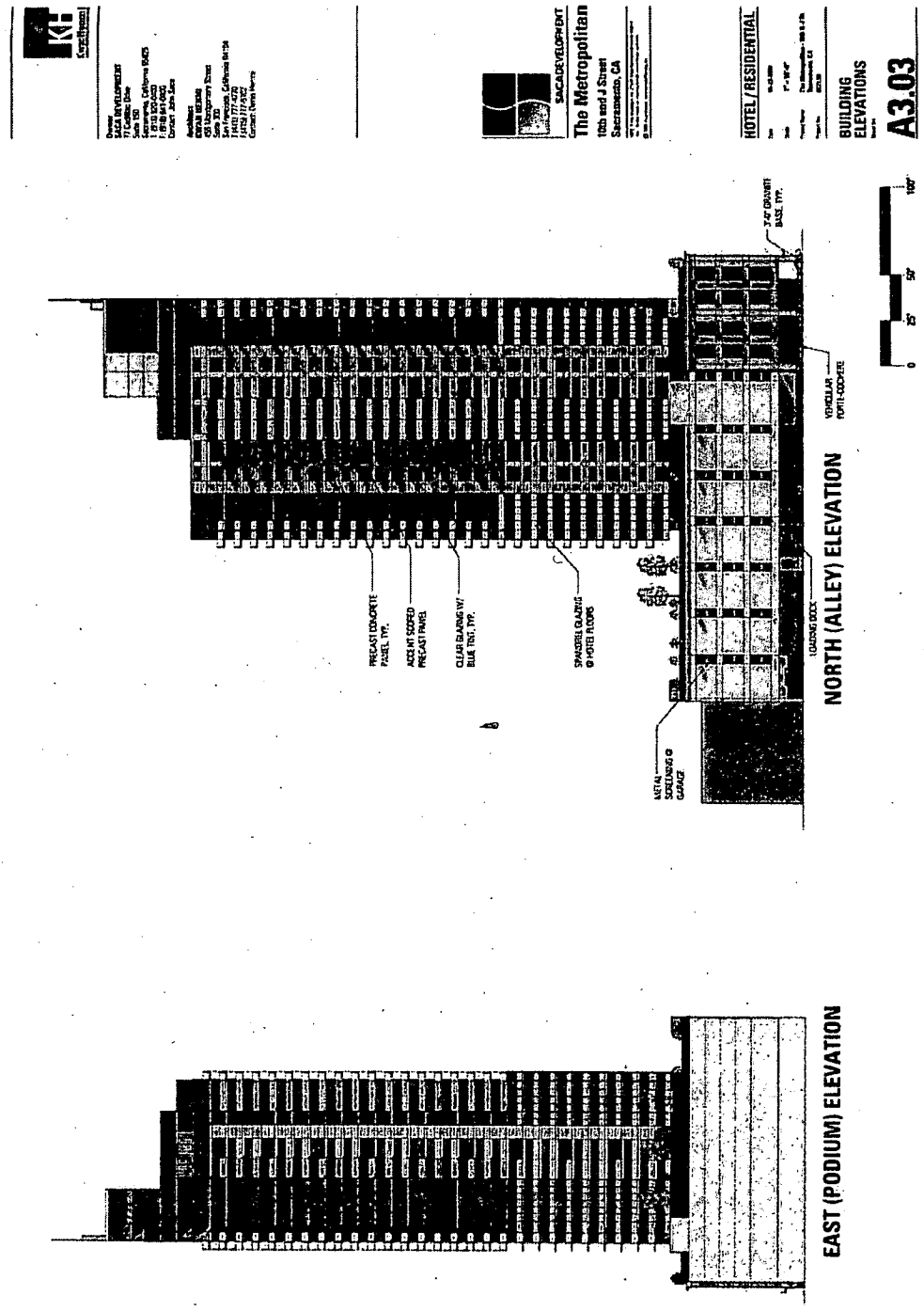


Exhibit Q1 – Building Perspectives (10th & J) (190 residential units/ 190 hotel rooms)

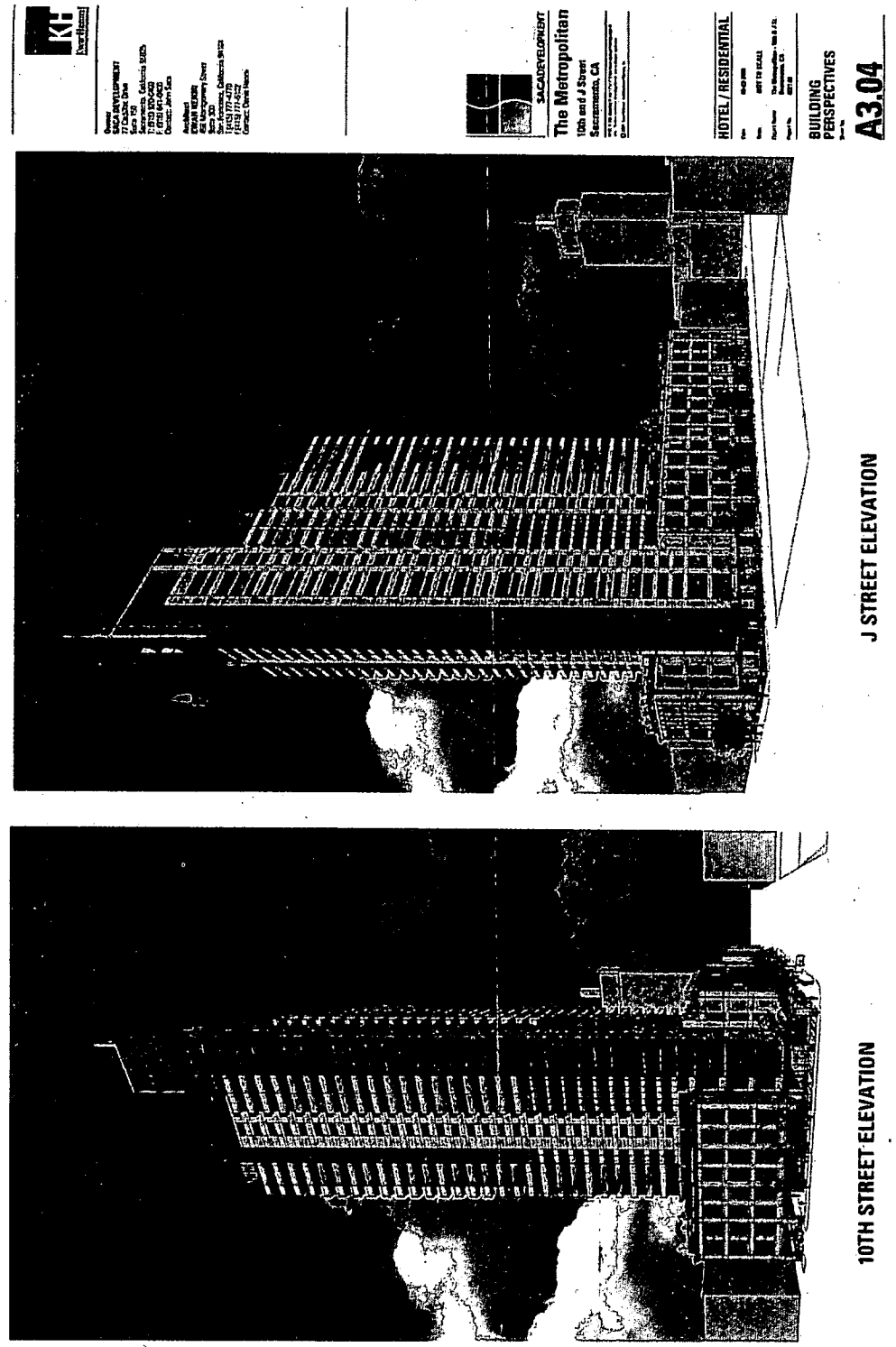
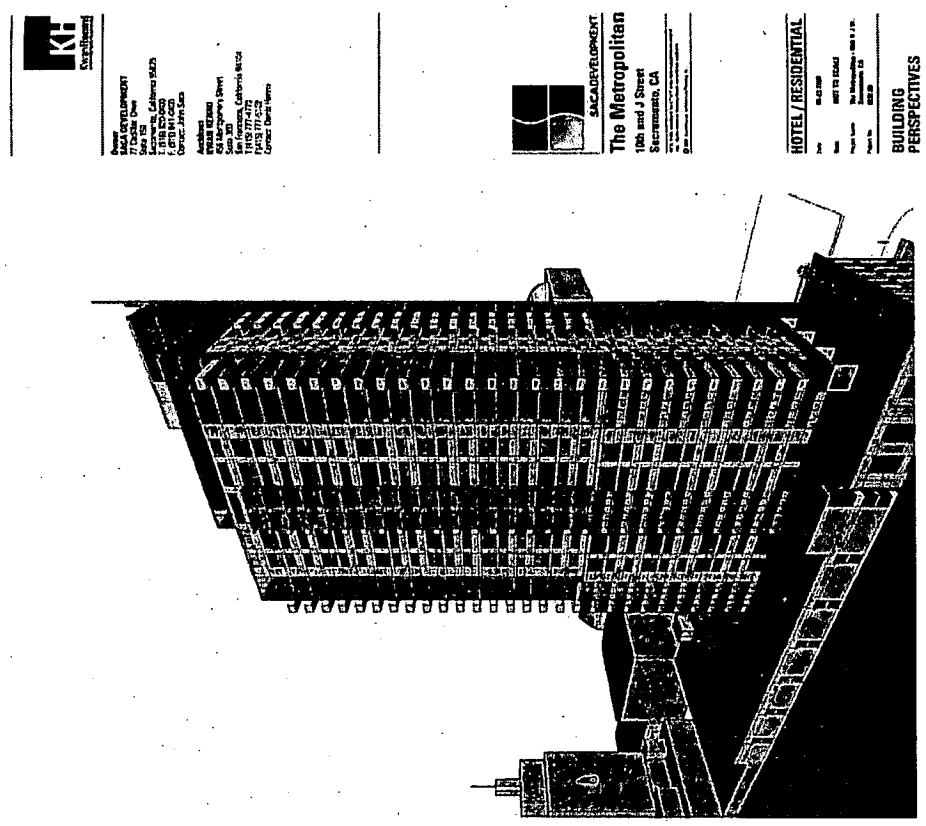


Exhibit R1 – Building Perspectives (East & Alley) (190 residential units/190 hotel rooms)



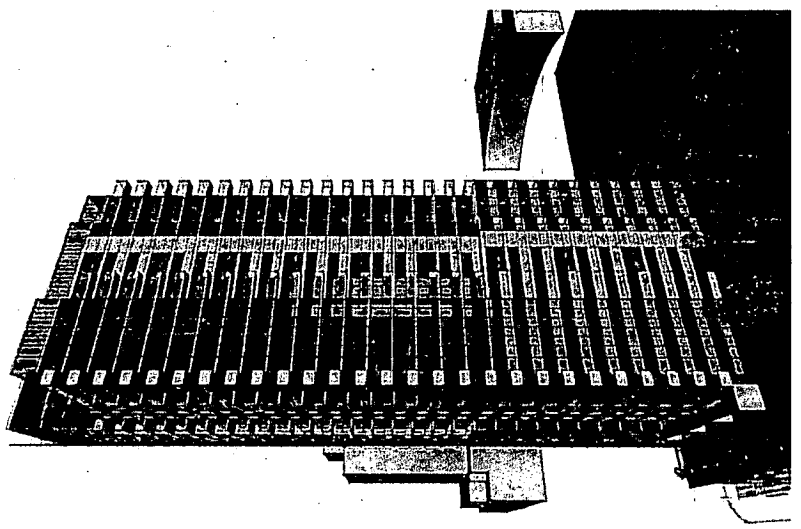
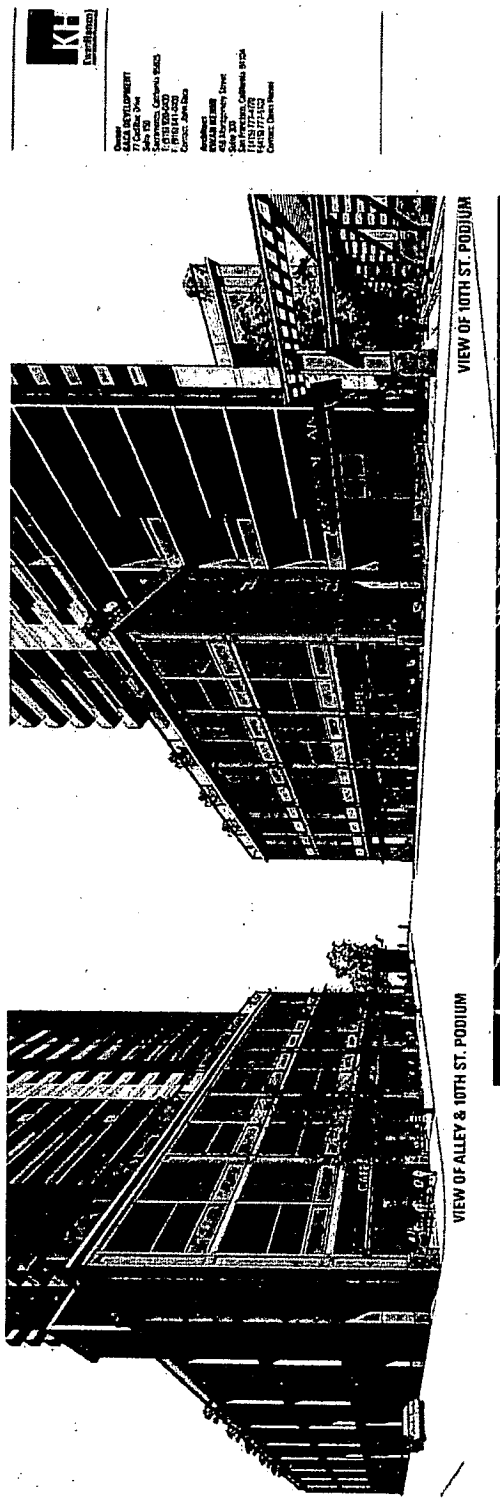


Exhibit S1 – Building Podium Perspectives (190 residential units/190 hotel rooms)



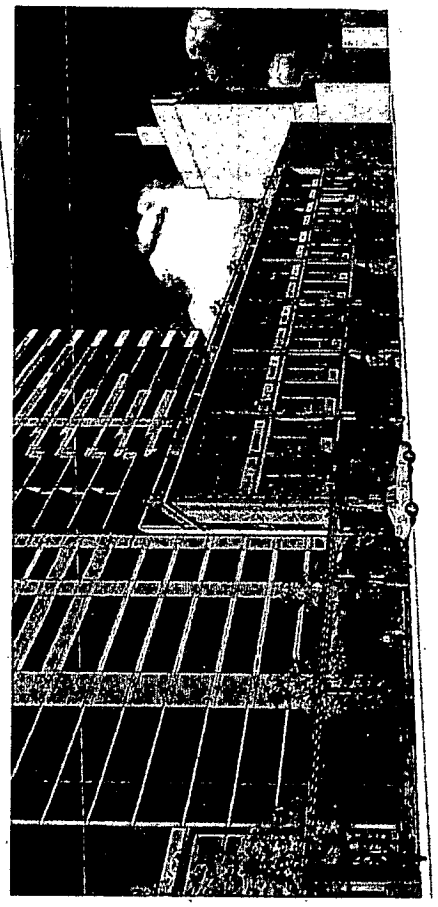
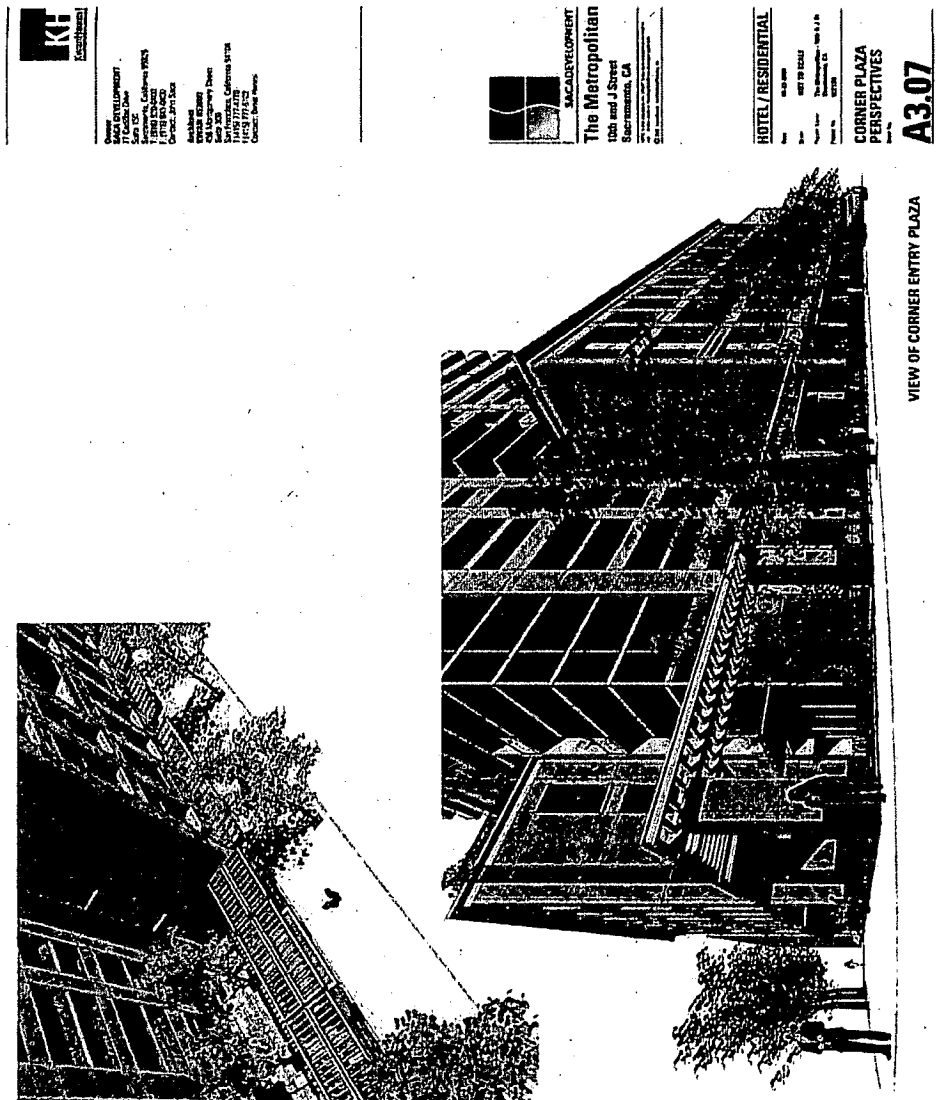


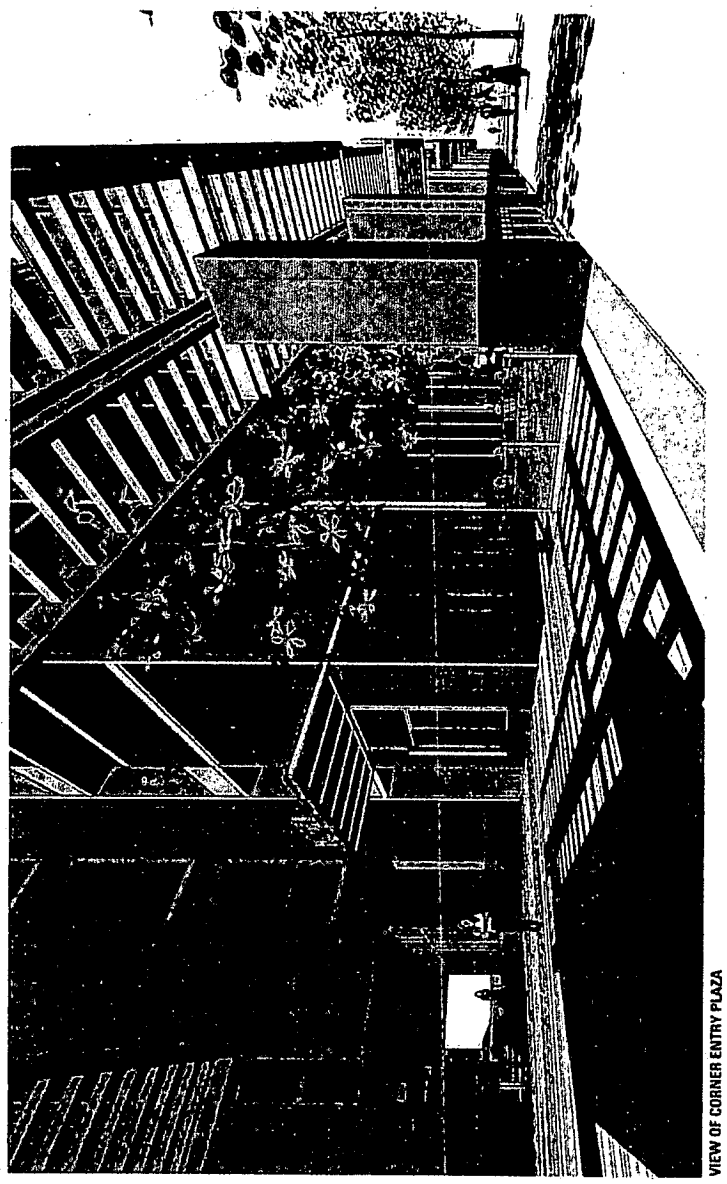
Exhibit T1 - Plaza Perspectives



VIEW OF CORNER ENTRY PLAZA

AERIAL VIEW OF CORNER PLAZA

Exhibit U1 - Plaza Perspectives



VIEW OF CORNER ENTRY PLAZA