

**AMENDED
RESOLUTION NO. 2001-029**

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF **MAY 15 201**

MERGED DOWNTOWN PROJECT AREA: CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTION OF FINDINGS OF FACTS AND STATEMENTS OF OVERRIDING CONSIDERATIONS FOR ENVIRONMENTAL EFFECTS AND ADOPTION OF MITIGATION MONITORING PLAN FINDINGS REGARDING LEASE OF REDEVELOPMENT AGENCY PROPERTY AUTHORIZATION FOR THE RECEIPT OF TITLE TO 601 CAPITOL MALL FROM THE CITY OF SACRAMENTO; FINDINGS REGARDING THE DISPOSITION OF PROPERTY; APPROVAL OF DISPOSITION AND DEVELOPMENT AGREEMENT WITH LOT A PARTNERS, LLC, AND RELATED FINDINGS AND AUTHORIZATIONS

WHEREAS, the Redevelopment Agency of the City of Sacramento ("Agency") has adopted the Merged Downtown Redevelopment Plan ("Redevelopment Plan") and an "Implementation Plan" for the Merged Downtown Project Area ("Project Area");

WHEREAS, the Agency is acquiring from the City of Sacramento ("City") certain real property ("Property") in the Project area, which Property is generally described as 601 Capitol Mall, and more particularly described in the legal description attached as Exhibit 1 of the DDA, which acquisition is a condition to the approval of the actions set out in this resolution;

WHEREAS, the Agency and Lot A Partners, LLC ("Developer") desire to enter into a Disposition and Development Agreement ("DDA"), a copy of which accompanies this resolution and is on file with the Agency Clerk, which DDA would convey a fee interest in a portion of the Property and a leasehold interest in the remainder of the Property, as more specifically described in the DDA, and which would require the improvements within the Property, as further described in the DDA (collectively, "Project");

WHEREAS, the Agency has caused an Environmental Impact Report ("EIR") to be prepared pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*) ("CEQA") and the CEQA Guidelines (Code California Regulations, Title XIV, Sections 15000 *et seq.*) and the City of Sacramento and Redevelopment Agency of the City of Sacramento guidelines.

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WHEREAS, the Agency has prepared a report under Health and Safety Code 33433, filed it with the Agency Clerk and duly made it available for public review, a copy of which report ("33433 Report") is attached to and incorporated in this resolution by this reference, and, proper notice having been given, a hearing has been held in accordance with Health and Safety Code Sections 33431;

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1. After preparation and review of the Initial Study for the Project, prepared in accordance with California Code of Regulations ("CCR") 15063, a Notice of Preparation of an Environmental Impact Report has been sent to all appropriate agencies; responses have been received from such agencies in accordance with CCR 15082; all meetings necessary to establish the scope of the EIR have been held with appropriate agencies in accordance with CCR 15083; and the resulting responses and comments have been incorporated in the Draft EIR which has been prepared for the Project in accordance with in accordance with CCR 15084. Notice of Completion of the Draft EIR has been duly filed and provided in accordance with CCR 15085 and 15087, comments have been solicited on the Draft EIR from all appropriate agencies in accordance with CCR 15086, and the Draft EIR has been duly circulated for public review, hearing and comment in accordance with CCR 15086. All resulting public comments having been considered and responses prepared in accordance with CCR 15088, the Final EIR has been prepared and reviewed in public hearing as provided in CCR 15089. It is now certified that the Final EIR for the Project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, that the Final EIR was presented to this body for review, that this body has reviewed and considered the information contained in the Final EIR prior to approving the Project, and that the Final EIR reflects this body's independent judgement and analysis. Pursuant to CEQA Guidelines Section 15093, and in support of its approval of the 601 Capitol Mall Project, the Agency hereby adopts the attached Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented (ATTACHMENT A) and Mitigation Monitoring Program (ATTACHMENT B). The Executive Director is directed to file a Notice of Determination pursuant to CCR 15094.

Section 2. The statements and findings of the 33433 Report are true and correct and are hereby adopted. The Project will assist in the elimination of blight as stated in the 33433 Report. The Project is consistent with the goals and objectives of the Redevelopment Plan and the Implementation Plan. A goal of the Redevelopment Plan, as stated in the Implementation Plan is a) Positioning a key location as a commercial catalyst site; 2) Strengthening retail and other commercial functions in the downtown; 3) Improvement of the visual and aesthetic appearance of downtown; 4) Attraction of new business and/or retention of existing businesses; 5) Assurance of quality site design standards and environmental quality to provide unity and integrity to downtown. The DDA shall be deemed an implementing document approved in furtherance of the Redevelopment Plan, the Implementation Plan for the Project Area and all

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applicable land use plan, studies, and strategies. The foregoing recitals and the findings and recitals of the DDA are true and correct and hereby adopted.

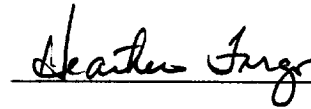
Section 3. The statements and findings of the 33433 Report are true and correct and are hereby adopted. The Project will assist in the elimination of blight as provided in the 33433 Report.

Section 4. The Project is consistent with the goals and objectives of the Redevelopment Plan and the Implementation Plan, as stated in the DDA.

Section 5. The consideration given for the interest conveyed under the DDA, for the interim lease of the Phase II Property as described in the DDA, is not less than the fair reuse value at the use and with the covenants, conditions, restrictions, and necessary development costs authorized by the DDA and conveyance documents.

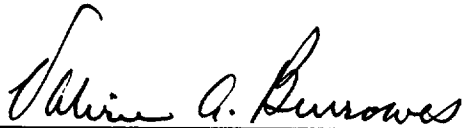
Section 6. The DDA is approved. Subject to City's approval of conveyance of the Property to the Agency, the Deputy City Manager, Thomas V. Lee, is authorized on behalf of the Agency, to accept title to the Property from the City, to execute the DDA and to take such actions, execute such instruments and amend the budgets, as necessary to effectuate and implement this resolution and the DDA.

Section 7. The Developer, Lot A Partners, LLC, is directed to use the services of Metropolitan Arts Commission staff in development of an arts plan and selection of artists (within the APP budgets established in the DDA for Phase I and Phase II).



CHAIR

ATTEST:



SECRETARY

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**REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED 601 CAPITOL MALL PROJECT**

The Redevelopment Agency of the City of Sacramento ("Agency") does hereby find, determine, and resolve as follows:

I. CEQA FINDINGS

1. The Agency finds that the Environmental Impact Report for the proposed 601 Capitol Mall Project (herein EIR) which consists of the Draft EIR and Final EIR - Response to Comments 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.
2. The Agency 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 accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
3. The Agency certifies that the EIR has been presented to it and that the Agency has reviewed it and considered the information contained therein prior to acting on the proposed project, and that the EIR reflects the Agency's independent judgement and analysis.
4. Pursuant to CEQA Guidelines Section 15093, and in support of its approval of the 601 Capitol Mall Project, the Agency hereby adopts the attached Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

II. PROCEDURAL FINDINGS

1. The Agency caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 *et seq.*, and the City of Sacramento environmental guidelines.
2. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research on May 16, 2000.
3. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on February 27, 2001 to those public agencies that have jurisdiction by law

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- with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.
4. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The public review period began on February 27, 2001, and ended on April 16, 2001.
 5. A Notice of Availability was distributed to all responsible and trustee agencies and interested groups, organizations, and individuals on February 27, 2001 for the Draft EIR. The Notice of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Department of Neighborhoods, Planning and Development Services, 1231 I Street, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on April 16, 2001.
 6. A public notice was placed in the Daily Recorder on February 27, 2001, which stated that the 601 Capitol Mall Project Draft EIR was available for public review and comment.
 7. A public notice was posted with the Sacramento County Clerk/Recorder's Office on February 27, 2001.
 8. A public hearing was held by the City Design Review and Preservation Board to consider the adequacy of the DEIR on April 4, 2001 and no comments were made.
 9. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments, including additional information included in the Final EIR.
 10. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the Agency makes the following determinations:
 - A. The EIR consists of the Draft EIR and Final EIR - Responses to Comments.
 - B. The EIR was prepared and completed in compliance with CEQA.
 - C. The EIR has been presented to the Agency which reviewed and considered the information therein prior to acting on the 601 Capitol Mall Project proposal.
 10. The following information is incorporated by reference and made part of the record supporting these findings:
 - A. The Draft and Final EIR and all documents relied upon or incorporated by reference including:

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1. *Air Quality Thresholds of Significance*, Sacramento Metropolitan Air Quality Management District, 1994, First Edition.
2. *California Environmental Protection Agency (Cal/EPA) Office Building, Draft Environmental Impact Report*, City of Sacramento, January 1998.
3. *Capitol Mall Development Site, Draft Environmental Impact Report*, Redevelopment Agency of the City of Sacramento, May 18, 1990.
4. *Capitol View Protection Ordinance*, City of Sacramento, February 1992.
5. *City of Sacramento General Plan*, City of Sacramento, adopted January 19, 1988, with amendments through September 2000.
6. *City of Sacramento Zoning Code*, City of Sacramento.
7. *Downtown Cultural and Entertainment District Master Plan*, Sacramento Housing and Redevelopment Agency and Department of Planning and Development, City of Sacramento, May 22, 1990.
8. *Draft and Final Environmental Impact Report, City of Sacramento General Plan*, City of Sacramento, Draft EIR is dated March 2, 1987 and Final EIR is dated September 30, 1987.
9. *Draft Downtown Parking Study*, City of Sacramento, March 1996.
10. *Draft Environmental Impact Report, Land Use Planning Policy Within the 100-Year Floodplain in the City and County Of Sacramento*, City of Sacramento, September 18, 1989.
11. *East End Office Complex, Capitol Area, Sacramento, California, Blocks 171 Through 174 and 225, Tiered Draft Environmental Impact Report*, State of California Department of General Services, Real Estate Services Division, September 1998.
12. *8th and J Streets Office Tower, Final Environmental Impact Report*, Redevelopment Agency of the City of Sacramento, May 1994.
13. *Esquire Plaza Hotel Project, Draft Environmental Impact Report*, Sacramento Housing and Redevelopment Agency, June 1998.
14. *Implementation Plan for the Merged Downtown Sacramento Redevelopment Project Area*, Redevelopment Agency of the City of Sacramento, February 2000.
15. *Lot C Parking Structure, Draft Environmental Impact Report*, City of Sacramento, February 2000.
16. *Official Listing of Structures and Preservation Areas with Architectural or Historical Significance*, City of Sacramento, October 1998.
17. *Recommended Housing Strategy for the Central City*, Sacramento Housing and Redevelopment Agency and City of Sacramento Department of Planning and Development, May 1991.

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- 18. *Sacramento Central City Community Plan*, City of Sacramento, May 15, 1980.
 - 19. *Sacramento Urban Design Plan, Central Business District Urban Design Framework Plan*, Sacramento Housing and Redevelopment Agency, adopted February 18, 1987.
 - 20. *2005 Downtown Sacramento Redevelopment Strategy*, Redevelopment Agency of the City of Sacramento, February 2000.
- B. The Mitigation Monitoring Plan dated May 15, 2001.
 - C. Testimony, documentary evidence and all correspondence submitted or delivered to the City in connection with the Agency hearing on this project and associated EIR.
 - D. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project including but not limited to City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

III. PROJECT DESCRIPTION

The Environmental Impact Report for the 601 Capitol Mall Project proposal, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the project or alternatives to the project.

The 601 Capitol Mall project includes a request for a Disposition and Development Agreement (DDA) from the Redevelopment Agency of the City of Sacramento (“Agency”) that provides business terms for the development of Phase I and Phase II of the project; City of Sacramento (“City”) approval of the lot line adjustment; abandonment of the existing utility easement; and City Design Review of the Phase I office tower. Located in the Central Business District of the City of Sacramento, the project site is located on one full, 2.4-acre city block between 6th and 7th streets, Capitol Mall and L Street. The project will be accomplished in two phases, and will consist of two 400’ high-rise towers facing Capitol Mall. The two-phased project will provide a combined total of 760,000 gross square feet (gsf) office, 45,000 gsf retail, and parking for 1,600 cars.

The Phase I office building will be a 26-floor Class A office tower, 400 feet to the top of the architectural element, with ground floor retail and parking. The building will feature one level of subterranean parking, six levels of above grade parking on levels 2 through 7, and 18 levels of office space on levels 8 through 25. The total Phase I project would be a maximum of 360,000 gsf of office, 30,000 gsf of retail, 860 parking spaces, and mechanical penthouse. Ingress and egress to all parking will access off 6th Street. Phase I of the project will be set back 135 feet to 160 feet from 7th Street to provide land for Phase II. Until Phase II is started, this area will be landscaped and improved to provide parking for retail uses in Phase I.

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Phase II could follow Phase I within two years, and the DDA provides for a range of allowable land uses on the Phase II site, as follows:

- 1) 400,000 gsf office and 15,000 gsf retail;
- 2) 500 room hotel with minimal meeting space and support retail, or 300 residential units; or
- 3) 65,000 gsf of retail/entertainment uses with parking above.

Under all scenarios the principal improvements would face Capitol Mall and provide up to 740 parking spaces. The environmental analysis assumed Phase II will be developed at the most intense land use proposed, with 400,000 gsf office and 15,000 gsf retail in a 400 foot tower lining 7th Street.

Because the EIR indicates the implementation of the project (or project alternatives) would result in certain unavoidable adverse impacts, the Agency is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts for the project to be approved. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of implementing the 601 Capitol Mall project. The potentially significant or significant impacts that cannot be mitigated to a less-than-significant level are considered acceptable by the Agency based on a determination that the economic, legal, social, technological or other benefits of the 601 Capitol Mall project (listed in the Statement of Overriding Considerations, Section IV) outweigh the potentially significant environmental effects of the project that are unmitigated or not mitigated to levels of insignificance.

A. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED

Finding - As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the Agency finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1) Impact 6.2.1 Intersections (DEIR page 6.2-31 and FEIR page 14).

a. Significant Impact

The Phase I plus Phase II project would increase traffic volumes at study area intersections. Intersection operating conditions associated with the baseline plus project scenario are summarized in DEIR Tables 6.2-18 and 6.2-19 for the a.m. and p.m. peak hours, respectively. *Significant impacts* occur at the following locations:

- 3rd and L Streets - LOS "E" in the p.m. peak hour, with an average delay increase of 8.1 seconds per vehicle.

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- 3rd and P Streets - LOS "F" in the p.m. peak hour, with an average delay increase of 29.3 seconds per vehicle.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.2.1a The applicant shall implement an aggressive TSM program with a 40% goal under the City's Ordinance 88-082.

6.2.1b At the intersection of 3rd and P Streets, change the p.m. peak hour traffic signal cycle length to at least 60 seconds for the Phase I development.

When Phase II is developed:

6.2.1c At the intersection of 3rd and L Streets, change the p.m. peak hour traffic signal cycle length to 90 seconds.

2) **Impact 6.2.4 Local Vehicular Circulation** (DEIR page 6.2-47).

a. Significant Impact

Peak period access to project parking could result in queuing across sidewalks, and into City streets. Service vehicle access could result in vehicles backing in City streets.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.2.4a The parking garage entrances shall be designed with adequate entry lanes, queuing space, and revenue control systems to avoid queuing onto City sidewalks with a 95 percent probability during the a.m. peak hour on a typical day.

6.2.4b The parking garage entrances shall be designed to permit designated vehicles to enter and exit in all permitted directions without encroaching on adjacent travel lanes.

6.2.4c The loading dock access shall be designed to avoid maneuvering on City streets, so as not to interfere with other traffic. If such design is deemed infeasible, a staging area shall be provided for service vehicles. Vehicles shall back into the loading dock area under the guidance of traffic control personnel to be stationed at the loading dock area.

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3) Impact 6.2.6 Intersections (Cumulative) (DEIR page 6.2-49).**a. Significant Impact**

The Cumulative Plus Phase I and II project condition would increase traffic volumes at study area intersections, resulting in unacceptable operating conditions. Intersection operating conditions associated with the cumulative plus Phase I and II project scenario are summarized in DEIR Tables 6.2-32 and 6.2-33 for the a.m. and p.m. peak hours, respectively. Significant impacts under the Phase I project occur at the following locations:

- 3rd and J Streets – LOS “F” in the a.m. peak hour, with an average delay increase of 16.2 seconds per vehicle.
- 6th Street and Capitol Mall – Changes from LOS “E” to LOS “F” in the a.m. peak hour, with an average delay increase of 42.9 seconds per vehicle.
- 7th Street and Capitol Mall – LOS “E” in the a.m. peak hour, with an average delay increase of 7.1 seconds per vehicle. Changes from LOS “E” to LOS “F” in the p.m. peak hour, with an average delay increase of 11.5 seconds per vehicle.
- 3rd and L Streets – Changes from LOS “E” to LOS “F” in the p.m. peak hour, with an average delay increase of 10.7 seconds per vehicle.
- 3rd Street and Capitol Mall – Changes from LOS “C” to LOS “D” in the p.m. peak hour.
- 5th Street and Capitol Mall – LOS “D” in the p.m. peak hour, with an average delay increase of 8.8 seconds per vehicle.
- 3rd and P Streets - LOS “F” in the p.m. peak hour, with an average delay increase of 10.8 seconds per vehicle.

Significant impacts under the Phase I and II project occur at the following locations:

- 3rd and J Streets – LOS “F” in the a.m. peak hour, with an average delay increase of 15.0 seconds per vehicle.
- 6th Street and Capitol Mall – Changes from LOS “E” to LOS “F” in the a.m. peak hour, with an average delay increase of 44.1 seconds per vehicle. LOS “D” in the p.m. peak hour, with an average delay increase of 15.7 seconds.
- 7th Street and Capitol Mall – LOS “E” in the a.m. peak hour, with an average delay increase of 11.2 seconds per vehicle. Changes from LOS “E” to LOS “F” in the p.m. peak hour, with an average delay increase of 24.7 seconds per vehicle.
- 5th and Q Streets – LOS “D” in the a.m. peak hour, with an average delay increase of 7.9 seconds per vehicle.
- 3rd and L Streets – Changes from LOS “E” to LOS “F” in the p.m. peak hour, with an average delay increase of 19.5 seconds per vehicle.

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- 3rd Street and Capitol Mall – Changes from LOS “C” to LOS “D” in the p.m. peak hour.
- 5th Street and Capitol Mall – Changes from LOS “D” to LOS “E” in the p.m. peak hour, with an average delay increase of 22.3 seconds per vehicle.
- 3rd and P Streets - LOS “F” in the p.m. peak hour, with an average delay increase of 20.1 seconds per vehicle.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

For Phase I of the project:

- 6.2.6a At the intersection of 3rd and L Streets, the p.m. peak hour traffic signal cycle length shall be changed to at least 80 seconds.
- 6.2.6b The traffic signal timing at 6th Street and Capitol Mall shall be revised to operate at an 85-second cycle length during the a.m. peak hour.
- 6.2.6c The traffic signal timing at 7th Street and Capitol Mall shall be revised to operate at an 85-second cycle length during the a.m. peak hour and at an 80-second cycle length during the p.m. peak hour.
- 6.2.6d The traffic signal timing at 3rd Street and Capitol Mall shall be revised to operate at an 80-second cycle length during the p.m. peak hour.
- 6.2.6e The traffic signal timing at 5th Street and Capitol Mall shall be revised to operate at an 80-second cycle length during the p.m. peak hour.
- 6.2.6f At the intersection of 3rd and P Streets, the p.m. peak hour traffic signal cycle length shall be changed to at least 60 seconds.

For Phase II of the project:

- 6.2.6g At the intersection of 3rd and L Streets, change the p.m. peak hour traffic signal cycle length to at least 85 seconds.
- 6.2.6h Revise the traffic signal phasing at the intersection of 6th Street and Capitol Mall from split phase operation to protected operation, and restripe the eastbound approach to provide an exclusive left turn lane.
- 6.2.6i Revise the traffic signal phasing at the intersection of 7th Street and Capitol Mall from split phase operation to protected operation, and restripe the westbound approach to provide an exclusive left turn lane.
- 6.2.6j Revise the traffic signal timing at 3rd Street and Capitol Mall to operate at an 85-second cycle length during the p.m. peak hour.
- 6.2.6k Revise the traffic signal timing at 5th Street and Capitol Mall to operate at an 85-second cycle length during the p.m. peak hour.

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6.2.6l Revise the traffic signal timing at 5th and Q Streets to operate at a 60 second cycle length during the a.m. peak hour for Phase II development.

- 3rd and L Streets - By changing the traffic signal cycle length, the percentage of the cycle length associated with “lost time” will be reduced. This will improve operating conditions. This would reduce the average delay increase to a level that is *less than significant*.
- 6th Street and Capitol Mall – For Phase I, changing the cycle length will reduce the impact of the “lost time.” This will reduce the average delay increase to a level that is *less than significant*. For Phase II, the phasing change will reduce the average delay increase to a level that is *less than significant*.
- 7th Street and Capitol Mall – For Phase I, changing the cycle length will reduce the impact of the “lost time.” This will reduce the average delay increase to a level that is *less than significant*. For Phase II, the phasing change will reduce the average delay increase to a level that is *less than significant*.
- 3rd Street and Capitol Mall - By changing the traffic signal cycle length, the percentage of the cycle length associated with “lost time” will be reduced. This will improve operating conditions. This would reduce the average delay increase to a level that is *less than significant*.
- 5th Street and Capitol Mall - By changing the traffic signal cycle length, the percentage of the cycle length associated with “lost time” will be reduced. This will improve operating conditions. This would reduce the average delay increase to a level that is *less than significant*.
- 3rd and P Streets - By changing the traffic signal cycle length, the percentage of the cycle length associated with “lost time” will be reduced. This will improve operating conditions. This would reduce the average delay increase to a level that is *less than significant*.
- 5th and Q Streets - By changing the traffic signal cycle length, the percentage of the cycle length associated with “lost time” will be reduced. This will improve operating conditions. This would reduce the average delay increase to a level that is *less than significant*.

4) Impact 6.3.1 Construction Grading and Demolition Emissions (DEIR page 6.3-10).

a. Significant Impact

Construction of the project is to take place on one full, 2.4-acre city block between 6th and 7th streets, Capitol Mall and L Street. Construction of Phase I of the project calls for parking lot demolition, site excavation and grading for the Phase I office tower and a surface parking lot on the Phase II site. Phase II would require demolition of the surface parking lot and excavation for the Phase II building at least two years after construction of Phase I. Construction grading emissions would generate PM₁₀, NO_x, and ROG, thereby

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adding to ambient PM₁₀ and O₃ concentrations. Grading activities for the Phase I project would generate an estimated 146.4 lbs./day of PM₁₀, 3.8 lbs./day NO_x, and an estimated 0.6 lbs./day of ROG. Grading activities for the Phase II project would generate an estimated 67 lbs./day of PM₁₀, 1.5 lbs./day NO_x, and an estimated 0.2 lbs./day of ROG. No single constituent would exceed the individual significance threshold set by the SMAQMD. However, any contribution of ozone precursors in a severe non-attainment area is *potentially significant*.

b. Facts in Support of Finding

The largest source of construction-related PM₁₀ emissions would be associated with the demolition of the existing parking lot. Demolition and grading activities are required to conform to the rules and guidelines outlined in the SMAQMD Rule 403 concerning fugitive dusts 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 addition, demolition of buildings is also required to conform to the rules and guidelines outlined in SMAQMD Rule 902, which is primarily concerned with asbestos removal activities.

Although PM₁₀ emissions associated with demolition can be quite large, these emissions would be reduced by Rule 403, and would take place over a very short period of time. In addition, there is currently no method for quantifying PM₁₀ emissions from demolition activities that adequately accounts for the size and nature of the structure being demolished. Therefore, PM₁₀ emissions associated with demolition were not included in the construction-phase emissions analysis.

While PM₁₀ emissions did not exceed significance thresholds, construction activities can increase the short-term dust and dirt from the project site when conditions are windy. The project area is adjacent to the Downtown Plaza and pedestrian travel areas, and short-term, localized dust impacts can be perceived as significant during construction. Section 9.3810 of the Sacramento City Code (SCC) states that any person who has been issued a building permit shall take responsible precautions to prevent and control movement of dust created by construction activities. Also, the Building Division Manager may order the work to be stopped if a project is violating this article (Section 9.382 of the SCC).

Grading construction emissions from construction vehicles and lot preparation were calculated using the assumptions and methodologies outlined in the SMAQMD's *Air Quality Thresholds of Significance Phase I Construction Air Quality Impacts*. The estimation was based on the following additional assumptions:

- Phase I construction will occur on 2.4 acres
- Phase II construction will occur on approximately 0.92 acres
- The alternatives' construction will occur on 2.4 acres

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The potentially significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.3.1a The following measures shall be implemented:

1. Phase construction activities to reduce simultaneous operation of construction equipment and thereby minimize emissions.
2. Routinely tune and maintain construction vehicles and equipment.
3. Use low sulfur fuel.
4. Use existing power sources (e.g., electric-powered equipment) or clean fuel generators instead of temporary onsite power generators.
5. Use low emission mobile construction equipment as available, feasible and appropriate.

6.3.1b Strict compliance with the Sacramento City Code Section 15.40.050 and the SMAQMD's Rule 403 shall be written into construction contracts including a provision requiring excavation to cease when winds exceed 20 mph averaged over one hour.

6.3.1c Implement the following dust abatement program:

1. Water all construction areas at least twice daily;
2. Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site;
3. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer);
4. Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas; and
5. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.

5) Impact 6.4.2 Traffic Generated Noise (Cumulative) (DEIR page 6.4-11).

a. Significant Impact

Operation of the proposed Phase I and Phase II combined project would add additional vehicle trips to local downtown surface streets in the vicinity of the project. Noise changes associated with these additional vehicle trips on local downtown surface streets would result in noise levels in the conditionally acceptable range for office, retail, residential and hotel uses.

b. Facts in Support of Finding

Development of the proposed Phase I and Phase II project would increase traffic volumes on downtown streets. It is generally accepted that a doubling of traffic will increase ambient noise by 3-5 dBA, or to a level clearly discernible to most people. As identified on DEIR Table 6.4-2, neither the Phase I project or Phase I plus Phase II project will result

in more than a doubling of traffic volumes. The greatest change, an 89% increase, would occur as a result of baseline plus the Phase I project on 6th Street between L and Capitol Mall. However, the existing traffic volumes on these streets are very low, and vehicles would be traveling short distances at low speeds as they enter or exit the garages. Ambient noise levels would remain within acceptable levels.

The maximum average daily volume increases for 7th Street actually decrease under Phase I conditions, and only slightly increase under Phase I and II project conditions. L Street and Capitol Mall would not increase significantly as a result of the project. Although cumulative traffic conditions on Capitol Mall with or without the project will result in greater ambient noise levels, cumulative levels should be around 65 to 67 dB Ldn at the anticipated traffic volumes.

The Health and Safety Element establishes noise exposure standards for different land uses. The normally acceptable exterior noise level for office and commercial uses is 65 dB, L_{dn} or less, with a conditionally acceptable range up to 80 dB, L_{dn} or less. Based on noise estimates for adjacent streets identified in the SGPU EIR, future plus Phase I and future plus Phase I and Phase II project traffic volumes on all streets will result in noise levels in the conditionally acceptable range for office and commercial uses at a normalized distance of 75 feet from the center of the roadway. The normally acceptable exterior noise level for residential and hotel use is 60 dB, Ldn or less, with a conditionally acceptable range up to 70 dB, Ldn or less for residential, and 75 dB, Ldn or less for hotels.

Current construction methods typically result in a 25 dB noise reduction for interior spaces. The maximum acceptable interior noise level for new residential construction is 45 dB or less. This would be adequate for hotel rooms, but marginal for residential based on anticipated volumes on L Street and Capitol Mall. In the conditionally acceptable range, an acoustical assessment would be required to ensure that interior noise levels for offices, dwelling units or hotel units would be 45 dB or less, and exterior noise levels would not exceed 60 dB at any balconies.

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measure:

- 6.4.2 Prior to construction, the applicant shall provide an acoustical analysis that identifies measures to insure interior noise levels of 45 dBA or less are maintained for future ambient noise levels, and exterior noise levels for balconies would not exceed 60 dB at the balconies. Such measures shall be incorporated into the design of the building in the project's construction documents to the satisfaction of the City Building Division and Design Review staff.

6) **Impact 6.4.3 Construction-Induced Vibration Impacts** (DEIR page 6.4-12).

a. Significant Impact

Construction activities for the proposed Phase I and II projects would each generate construction-induced vibration that could adversely affect the Marshall Hotel, the Education Building and the fire sprinkler systems of nearby buildings. Architectural damage is defined here as cracks in plaster, etc., resulting from repeated building motion.

b. Facts in Support of Finding

The vibration study for the Esquire Plaza Office/IMAX Theater construction, located northeast of the proposed project 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 site are similar to those under the project site. The Esquire 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 site generated vibrations well below the FHWA Architectural Threshold Limits 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. However, two historic buildings are located adjacent to the project site, the Marshall Hotel and the Education Building. Construction activities for the proposed Phase I and II projects would each generate construction-induced vibration that could still potentially adversely affect these buildings.

Other pile driving monitoring for the Convention Center and the Attorney General's office building projects similarly identified vibrations well below the FHWA Architectural Threshold Limits. 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 at the project site. Noise mitigation measure 6.4.1 requires pre-drilling of pile holes, which would result in conditions similar to those at the Esquire site. Since fire sprinkler failure has been observed in the past, monitoring should begin only if such failures are observed in surrounding office buildings.

The significant effects listed above will be reduced to a less-than-significant level by incorporation of the following mitigation measures:

6.4.3a Implement Mitigation Measure 6.4.1c, regarding pre-drilling for pile driving.

6.4.3b Provide protective coverings or temporary shoring of historic features in consultation with the Preservation Director.

6.4.3c The pre-existing condition of the historic Marshall Hotel and Education buildings 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

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will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.

- 6.4.3d Locate construction staging areas away from adjacent structures.
- 6.4.3e If fire sprinkler failures are reported in surrounding office buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.
- 6.4.3f 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.

7) **Impact 6.5.2 Reflected Glare** (DEIR page 6.5-8).

a. Significant Impact

The proposed Phase I and Phase II towers would recreate very limited solar reflections that would not adversely affect pedestrians or motorists. However, if the Phase II design is modified, there is a potential to cause solar reflections that would adversely affect pedestrians or motorists.

b. Facts in Support of Finding

The proposed structure would utilize a glass curtain wall of high performance, non-reflective glass that essentially looks clear. While this type of glass has less potential for glare impacts than mirror-like glass, a percentage of sunlight would be reflected for low angles of incidence.

Phase I. Phase I of the project would create two relatively large, continuous building faces oriented towards the north-northwest and south-southeast. Pedestrians along 6th Street and 7th Street would not be affected by glare from these building faces. The northern building face would not create reflective glare for pedestrians along L Street because the parking garage would intercept any glare. The southern building face could reflect light into pedestrian spaces along the north side of Capitol Mall; these sidewalks will be shaded by street trees throughout most of the year.

Reflected glare may affect driving safety. It is problematic when it is within a driver's field of vision and has a low elevation angle (angle between the light path and the horizon). Low elevation angles occur early in the morning and late in the afternoon, when the sun is near the horizon in the east and west. Traffic along L Street (one way westward) and 7th Street (one-way southward) would be unaffected by reflective glare from Phase I because the presence of the parking garage intercepts glare that might affect drivers. Reflective glare

from Phase I cannot affect drivers on 6th Street because it would be blocked by existing structures. Theoretically, reflective glare from the southern building face could affect westbound traffic on Capitol Mall east of 7th Street and eastbound traffic on Capitol Mall west of 6th Street, but existing structures block the sun path or reflection path at the sun angles that could potentially affect these drivers.

Reflections may also be visible for drivers approaching downtown on elevated freeway segments that would line-of-sight to the project from either the west or east late or early in the day, respectively. Vehicles on I-80 eastbound through West Sacramento in the afternoon could possibly be affected by reflected glare from the project, but only the upper portions of the Phase I building could conceivably be visible past intervening buildings.

Phase I of the proposed project does not appear to "create severe or frequent reflections that could irritate or blind pedestrians or drivers" so Phase I impacts on glare are considered less than significant.

Phase I and II. The large building faces of Phase II would be at right angles to those in Phase I. Phase II of the project would create two relatively large, continuous building faces, one a curved surface oriented towards the west-southwest and the other a flat surface oriented to the east-northeast facing 7th Street. Pedestrians along 6th Street and 7th Street would not be affected by glare from these building faces because of the presence of the parking garage and/or existing structures. Portions of 7th Street could be affected by reflections off the Phase II structure for limited times of the day and times of the year in the early morning hours. Pedestrians along Capitol Mall would largely be unaffected by reflections from the Phase II structure.

Traffic along L Street (one way westward) and 7th Street (one-way southward) could be momentarily affected by reflective glare from Phase II for limited times of the day and times of the year in the mid-morning and early morning hours, respectively. Reflective glare from Phase II cannot affect drivers on 6th Street because it would be blocked by the parking garage and Phase I tower. Theoretically, reflective glare from the Phase II tower could affect westbound traffic on Capitol Mall east of 7th Street in the early morning and eastbound traffic on Capitol Mall west of 6th Street in the late afternoon, but existing structures largely block the sun path or reflection path at the sun angles that could potentially affect these drivers.

Reflections may also be visible for drivers approaching downtown on elevated freeway segments that would be in the line-of-sight to the project from either the west or east late or early in the day, respectively. Vehicles on I-80 eastbound through West Sacramento in the afternoon could possibly be briefly affected by reflected glare from the project, but only a small portion of Phase II could conceivably be visible due to intervening buildings and the Phase I tower.

The proposed Phase I and Phase II project does not appear to "create severe or frequent reflections that could irritate or blind pedestrians or drivers" so project impacts on glare are

considered less than significant. However, the Phase II design could change to accommodate hotel, residential or entertainment uses.

The following mitigation measure will reduce the effects of any change in the Phase II design to a less-than-significant level:

6.5.2 If the current conceptual design of Phase II is altered, the buildings shall be designed to reduce potential solar glare to less than significant levels. The building materials, colors, and building facade treatments will be in conformance with the Sacramento Urban Design Plan and Section 2.98 of the Comprehensive Zoning Ordinance, and will be approved by the Design Review and Preservation Board. A glare analysis of the alternative design would be required to determine the ability of the building materials and design features to eliminate glare.

8) Impact 6.6.2, Cumulatively Exceed Contracted Amount of Sewage to the Sacramento Regional County Sanitation District (SRCSD) (DEIR page 6.6-8).

a. Significant Impact

The proposed Phase I and Phase II combined project would generate approximately 0.07 mgd (175.4 ESD) of sewage, which added to the cumulative demand of new development in the City may cause the City to exceed the contracted amount of sewage to the SRCSD of 60 mgd.

b. Facts in Support of Finding

The City of Sacramento is currently under contract to the Sacramento Regional County Sanitation District to deliver no more than 60 million gallons per day (mgd) peak flow from the City's Sump 2 service area to the regional interceptor sewer. The proposed project and alternatives would increase sewage flows to the SRCSD by as much as 0.098 mgd. Any increased sewage flows generated by the proposed project and alternatives has the potential to exceed the capacity provided to many of the existing properties under this contract (SRCSD, 2000). This may cause the wet weather peak flow from the Sump 2 service area to exceed the 60-mgd contained in the current agreement, requiring additional interceptor/treatment capacity to be provided somewhere in the system.

The City has identified improvements to the older portions of the City's CSS to meet increased demand, including future upgrades to the interceptors that connect into the Regional Wastewater Treatment Plant (RWWTP). Because the proposed project is located in a developed area of the City, new infrastructure would not be required to service the increase in wastewater flows. The ultimate planned expansion of the RWWTP is expected to be able to accommodate the increased sewer flows. SRCSD Impact Fees have been established by the SRCSD in anticipation of new facilities needed to meet the cumulative demand of growth in the City and County of Sacramento, as identified in the Sacramento Regional Wastewater Treatment Plant Master Plan. These fees will be required for the

proposed new development to provide for its fair share cost of the anticipated future construction of relief interceptor sewer and treatment facilities.

The following mitigation measure will reduce the effects of the project to a less-than-significant level:

6.6.2 The developer shall pay all required SRCSD Impact Fees for the proposed new development to provide for its fair share cost of the construction of relief interceptor sewer and treatment facilities.

9) **Impact 6.6.3, Combined Sewer Service System Impacts from Dewatering Activities** (DEIR page 6.6-10).

a. Significant Impact

The proposed Phase I and Phase II combined project would result in excavation for one sub-grade basement level that could reach groundwater levels, resulting in the need for de-watering and disposal of wastewater into the sanitary sewer or stormwater drainage system during construction. Such construction discharges would be required to obtain City and SRCSD approvals prior de-watering activities. This impact is considered *potentially significant*.

b. Facts in Support of Finding

Excavation activities of the proposed project phases and alternatives could reach groundwater levels and require dewatering activities. The project site is south of the known extent of the Southern Pacific Railyards contaminated groundwater plume. Although groundwater testing in 1989 determined that all constituents were below laboratory detection limits in all samples analyzed (HLA, 12/6/89), the full extent and progression of the plume is unknown and de-watering activities could result in the discharge of contaminated groundwater.

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 drainage and sewer systems. Groundwater discharges to the drainage or sewer system go beyond the original design of the City's systems, thus removing existing 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.

Because of these impacts, 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 (City Council Resolution #92-439).

Foundation or basement dewatering discharges to the CSS after construction for the purpose of preventing uplift and flooding due to the groundwater will not be allowed. The CSS does not have adequate capacity to allow for continuous dewatering discharges for foundations or basements. Foundations and basements shall 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 seven days duration 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 seven 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.

The following mitigation measures will reduce the significant impact listed above to a less-than-significant level:

- 6.6.3a Construction contract documents shall include provisions for the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements.
- 6.6.3b 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 Regional Water Quality Control Board, City and SRCSD.

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10) **Impact 6.7.1, Loss or degradation of undiscovered prehistoric and historic resources** (DEIR page 6.7-21).

a. Significant Impact

Construction activities for both Phase I and Phase II could affect undiscovered prehistoric and historic resources. Both prehistoric and historic resources could exist beneath the existing surface. These resources could be adversely impacted by construction grading and excavation activity, resulting in the loss of cultural resources and information. This would be a *potentially significant impact*.

b. Facts in Support of Finding

The project site is located in an area of the City that was settled early in its history, and could contain unknown subsurface resources. At present, there are no known or recorded prehistoric sites that have been identified on the proposed project site. The project site is currently a surface parking garage. There are no remaining above-ground historic resources to be considered for preservation purposes. However, due to the fact that the properties formerly contained both dwelling units and commercial establishments, it is likely that some subsurface historic artifacts are present on the properties. Historic maps indicate the footprint outlines of former buildings on the properties and serve as a guide to possible nearby locations of trash pits or privy pits that may contain artifacts from those eras. Areas of the parcels that have not been covered by a building are potential sites for artifacts to be found, and for dump sites and privy pits.

The potentially significant effect listed above will be reduced to a less-than-significant level by incorporation of the following mitigation measure:

6.7.1 A qualified archaeologist shall be retained on site to monitor artifacts that may be discovered during excavation of the sites for construction. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the qualified archaeologist shall develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues. Such measures could include, but are not limited to, researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

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11) **Impact 6.7.3 Construction impacts to on-site and adjacent historic structures** (DEIR page 6.7-13).

a. Significant Impact

Construction of both Phase I and Phase II would involve work such as pile driving and foundation preparation. Such construction activities, as well as construction staging activities, could damage the Marshall Hotel building or the Education Building. This would be a *potentially significant adverse impact*.

b. Facts in Support of Finding

The vibration study for the Esquire Plaza Office/IMAX Theater construction was reviewed to estimate the potential for vibration impacts on nearby historic structures. Soils beneath the Esquire site are similar to those under the project site. The Esquire 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 site generated vibrations well below the FHWA Architectural Threshold Limits 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. However, the close proximity of the Marshall Hotel and Education Building to the project construction could result in construction related damage without mitigation.

The potentially significant effect listed above will be reduced to a less-than-significant level by the following mitigation measure:

6.7.3 Implement Noise and Vibration mitigation measure 6.4.3.

12) **Impact 6.8.3 Interference With In-Building Police / Fire Communications** (DEIR page 6.8-5).

a. Significant Impact

The proposed Phase I and Phase II towers would have one sub-grade level that could prevent public safety radio signals from being received in or sent from the lower level. High-rise construction can impact radio communication through interference with radio communication within the building and radio shadowing. Communication between police and/or fire personnel responding to an emergency inside a modern high-rise is difficult due to common construction materials such as concrete and steel that can block radio signals. Also, energy efficient tinting used in modern building windows contain heavy metals, such as copper, than can absorb radio waves, and impact mobile communications. The proposed project could impact radio communications between police and fire units and their City headquarters when the units are inside the proposed building, especially on floors below

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ground level. This impact would occur as a result of the building structure itself interfering with the radio signals. This would be a *significant impact*.

b. Facts in Support of Finding

According to the City of Sacramento, Telecommunications Division, test results from a comparable structure (1201 K Street building) found that the lower ground level and any sub-grade of the proposed project would require an in-building distributed antenna system, or Radio Re-radiation System. The lower levels of the building could need a Bi-directional Amplifier (BDA) radio system to work with the existing SRRCS public safety radio band (PS). The system would receive outbound traffic from the PS system via a rooftop antenna, amplify it, and rebroadcast it through a distributed antenna system in the lower levels of the building. The BDA will also receive PS radio signals from the lower floors of the building, amplify them, and rebroadcast them through the rooftop antenna back to the PS radio system. The rooftop antenna will need to be directional in nature and have a line of sight path to the PS antenna on top of the Sacramento County Jail, which would allow clear and reliable communications within the building, thereby eliminating the impact to in-building communications (Stuber, 2000).

The significant effect described above will be reduced to a less-than-significant level by the following mitigation measure:

- 6.8.3 The project sponsor shall determine if in-building radio amplification is needed to provide the minimum signal levels required for public safety radio communications (PS). If amplification is needed, the project sponsor shall install a Radio Re-radiation System tuned to the SRRCS public safety radio band. The lower levels of the building shall have a bi-directional amplifier (BDA) radio system to work with the existing SRRCS public safety radio band, an 800 MHz PS trunked radio system. The system shall receive outbound traffic from the PS system via a rooftop antenna, amplify it, and rebroadcast it through a distributed antenna system in the lower levels of the building. The BDA shall also receive PS radio signals from the lower floors of the building, amplify them, and rebroadcast them through the rooftop antenna back to the PS radio system. The rooftop antenna shall be directional in nature and have a line of sight path to the PS antenna on top of the Sacramento County Jail. Since there are a large number of radio signals in the downtown area, the system shall be broadband enough to pass signals from 821 to 824 MHz and signals from 866 through 869 MHz. Band pass filters shall block all other signals. Floors above the first level shall have adequate PS radio coverage without additional amplification. Each radio system must be custom designed for the structure requiring radio coverage.

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13) Impact 6.8.4, Interference with the Automated Local Evaluation in Real Time System (DEIR page 6.8-6).

a. Significant Impact

The proposed Phase I and Phase II towers would each be approximately 400 feet in height and may interfere with the rain gages, stream gages, and weather station radio signals. This would interfere with the County's ability to predict potential flood locations. This would be a *potentially significant impact*.

b. Facts in Support of Finding

The potentially significant effect listed above will be reduced to a less-than-significant level by the following mitigation measure:

6.8.4 The project sponsor shall install a receiving antenna on top of the office tower in a manner consistent with the Sacramento Urban Design Plan. The receiving antenna would be connected directly to 700 H Street via wires, not via a transmitting antenna. The facilities may be included with other necessary communication equipment.

14) Impact 6.9.1 Substantially Compromise the Visual Quality of the Project Area (DEIR page 6.9-11)

a. Significant Impact

Implementation of the Phase I plus Phase II project would alter the visual characteristics of the project area. This would be a *potentially significant impact*.

b. Facts in Support of Finding

Views of the project site from Interstate 5 are easily identifiable due to its location near the Wells Fargo Bank Building (5th & Capitol Mall) and the Renaissance Tower (8th & K). Along with other prominent buildings in the Central Business district, these structures generally make up downtown Sacramento's visible skyline. The proposed tower would be just north and east of the Wells Fargo Bank Tower which has similar east and west elevations. Although the proposed tower is very modern in appearance, it would generally complement the surrounding buildings in the downtown area that make up the skyline. As such, the proposed project and alternatives would be perceived as "filling in" the skyline of downtown.

The proposed project would generally conform to the massing, setback, rhythm, and design guidelines set forth in the Framework Plan, Architectural Design Guidelines, and Streets Guidelines of the Sacramento Urban Design Plan. The project must complete a design review process that will finalize decisions on materials, colors, façade treatments, massing, setbacks and stepbacks.

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The potentially significant effect listed above will be reduced to a less than significant level with the following mitigation measure:

6.9.1 The building materials, colors, massing, setbacks, stepbacks and building facade treatments shall be in conformance with the Sacramento Urban Design Plan and Section 2.98 of the Comprehensive Zoning Ordinance, and shall be approved by the Design Review and Preservation Board.

15) **Impact 6.9.2 Effects to existing viewsheds along designated important view corridors** (DEIR page 6.9-12)

a. Significant Impact

The Phase II portion of the combined project would be constructed between Capitol Mall and L Street, on 7th Street, and would result in temporary alteration of views along Capitol Mall and L Street during construction activities. 7th Street and Capitol Mall are designated as important view corridors in the Sacramento Urban Design Plan. Although no pedestrian walkways or other intrusions are proposed, the design of Phase II is conceptual thus the impact cannot be determined at this time. This would be a *potentially significant impact*.

b. Facts in Support of Finding

The Sacramento Urban Design Plan Framework Plan identifies particular streets as important view corridors. 7th Street and Capitol Mall are designated as protected view and vista streets. A goal of the Urban Design Plan is to protect views of landmarks and spatial continuity of streets by prohibiting second level pedestrian bridges or intrusion of buildings over public streets and right-of-ways, and by requiring that landscaping and building massing enhance views of landmarks.

The base of Phase I will be on the property line along L Street and the tower will be setback approximately 125 feet from L Street. The base of the building is set back 90 feet from the center line of Capitol Mall and the tower is set back an additional 50 feet on the south side to protect the Capitol Mall View Corridor. Also in consideration of the view corridor on Capitol Mall, the tower has narrow east/west elevations above the parking levels, leaving the bulk of its massing to the north/south elevations. The design for Phase II is conceptual, so the impact on the 7th Street corridor cannot be determined at this time.

Construction staging for the project phases would be within the limits of the property. However, to accommodate the delivery of materials to the site, as well as provide an area for a mobile crane, a portion of one of the streets will need to be utilized as a loading zone / staging area for each phase. Based on the baseline traffic volumes around the site, 6th and 7th streets have been identified as the preferred locations. Existing light rail tracks are located on the east side of 7th Street, and would not be affected by the use of the west parking lane for construction staging.

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The potentially significant effect of Phase II listed above will be reduced to a less than significant level with the following mitigation measure:

6.9.2 Implement mitigation measure 6.9.1.

16) Impact 6.9.3 Effects to existing street trees (DEIR page 6.9-13).

a. Significant Impact

Street trees are considered valuable aesthetic resources by the City and are protected under City Ordinance 93-066. Aesthetics along State route 275 (Capitol Mall) approaching the State Capitol are also considered of great importance to Caltrans and the State Architect's Office. Construction of the proposed Phase I project would result in the removal of or significant damage to existing street trees. This would be a *significant impact*.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.9.3a Prior to the issuance of building permits, the project proponent shall provide a final site plan for each building Phase that plots existing trees and lists those that are proposed for removal to the City Arborist, and identifies utilities to be installed and their proposed location relative to existing street trees. The Arborist shall review the plan and determine which trees, if any, are acceptable for removal (Section 6-1-3c).

6.9.3b Existing street trees will be preserved and protected to the maximum extent feasible, as determined by the City Arborist. A tree protection plan will be developed consistent with City Ordinance 93-066. An ISA Certified Arborist will be retained by the developer and/or construction contractor to monitor the tree protection plan and will make weekly inspections of the project site during construction. The arborist will monitor and take any required action to ensure the health of the trees.

Street trees to be retained will be protected during construction by the following means:

- (1) Prior to the issuance of grading/building permits, a 6-foot chain link fence shall be erected along the back of curb and will extend 15 feet on either side of the tree and 12 feet from the back of curb. Fence poles will be set in the ground if possible. The fencing shall remain in place during the duration of the project except for temporary removal required as part of construction activities. The project arborist shall make weekly inspections to ensure the protective fencing stays in place and to monitor the health of the trees.
- (2) No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles within the fenced area. Boring or hand trenching for utilities shall be allowed within the fenced areas under the supervision of the project arborist.

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- (3) If during excavation for the project or for any necessary sidewalk, curb, gutter repair, or driveway construction tree roots greater than 2 inches in diameter are encountered, work shall stop immediately until the project arborist can perform an on-site inspection. All roots shall be cut clean. The affected tree may require supplemental irrigation/fertilization and pruning as a result of the root cutting.
- (4) Pruning will be allowed by permit when approved by the City Arborist for crane or other equipment clearance.
- (5) The contractor shall be held liable for any damage to existing street trees, i.e., trunk wounds, broken limbs, pouring of any deleterious materials, or washing out concrete under the dripline of the tree. Damage will be assessed using "Guide to Plan Appraisal." The project arborist will submit a report for review by the City Arborist.
- (6) The trees to be saved and the protection methods noted above shall be identified on all grading and building site plans for the project.

6.9.3c If street tree avoidance and/or preservation are not feasible, street trees may be removed and replaced consistent with City Ordinance 93-066. The project developer will implement a landscape plan in consultation with the City Arborist that assesses what trees need to be removed as a result of the project and satisfactorily mitigates for tree losses as a part of the landscape plan, as follows:

- (1) Trees that are to be removed must be posted with a removal sign for 30 days.
- (2) Applicant shall hire an International Society of Arboriculture (ISA) certified arborist to do a tree value appraisal using the "Guide to Plant Appraisal," ninth edition, published by the ISA.
- (3) Reimbursement to the City of Sacramento for the tree value, and
- (4) Plant a 48-inch box size replacement tree for any tree removed; all trees along Capitol Mall shall be replaced with the same species and Landscape/Irrigation plans shall be submitted to Caltrans for review.

17) Impact 6.10.1 Cumulative Demand for Fire Services (DEIR page 6.10-6).

a. Significant Impact

The proposed project would develop two office towers significantly taller than 100 feet, which is above the ability of ladders to provide evacuation in an emergency. This would increase downtown demand for fire protection services, contributing to a cumulative demand in the Central City for an additional fire station, equipment and company. This would be a *significant impact*.

b. Facts in Support of Finding

The Sacramento City Fire Department has determined that there is a minor effect to the

methods used and processes adopted in providing fire suppression. But the cumulative effects, risk analysis and probability of an occurrence increases with the residential aspect added to a high rise. The increased demand on fire services is in addition to the cumulative effect of significant new downtown development now occurring, and results in the need to provide an additional station, company and new equipment resources to meet anticipated growth.

The Fire Department has determined that there are insufficient tax dollars being generated from new development downtown, since much of the demand is from new State offices that are exempt from property taxes. Without the ability to finance construction of a new fire station and company to serve the downtown area, response times will continue to decrease at a risk to public health and safety. Currently, response times downtown are within the goals established by the Department. However, the incremental effects of the 601 Capitol Mall project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects that continue to demand increased fire services downtown. It is anticipated that a new station and company downtown will be built in time to ensure adequate response times are maintained downtown.

The significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.10.1a The Sacramento City Fire Department shall prepare a nexus report to identify the Department's need for a new fire station and company in the Central City, the timing for a new station and company that would ensure adequate response times are maintained downtown, and the fair share cost that should be applied to new development.

6.10.1b The project proponent shall agree to pay the fair share assessment amount identified in the Sacramento City Fire Department nexus study and approved by the City Council. This assessment shall be payable to the Sacramento City Fire Department for allocation to a new fire station and company in the Central City.

18) Impact 6.11.1 Exposure of individuals to contaminated groundwater and/or soil (DEIR page 6.10-6).

a. Significant Impact

The Phase I and II project would result in excavation of a site that has suspected underground storage tanks. Excavation could damage a UST with some remaining petroleum products that could result in the exposure of construction workers and result in associated significant adverse health effects. In addition, construction activity could uncover unknown sites of soil contamination that could result in the exposure of construction workers and result in associated significant adverse health effects. This would be a *potentially significant impact*.

b. Facts in Support of Finding

The potentially significant effect listed above will be reduced to a less-than-significant level with the following mitigation measures:

6.11.1a Conduct a geophysical survey of the site including an electromagnetic survey and ground penetrating radar to confirm the presence of any underground storage tanks. If verified, any identified tanks shall be removed prior to excavation. Soil and groundwater at the location of such tanks shall be investigated and any contamination remediated prior to general site excavation and grading.

6.11.1b A hazardous materials removal team shall be on-call and available for immediate response during site preparation, excavation, and 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 *shall* 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(s) as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department 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 Sacramento County Environmental Management Department 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(s) 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.

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B. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

Finding - The Agency finds that, where feasible, the changes or alterations have been required in, or incorporated into, the Project which reduce the significant environmental impacts listed below as identified in the EIR. However, specific economic, social, or other considerations make infeasible mitigation measures or project alternatives to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceeding before the Agency including the Draft and Final EIR prepared for this project and the General Plan for the City of Sacramento and the associated EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the reduction is not to a less-than-significant level. Also incorporated into this section are the findings and facts stated in Section III that reject the No Project Alternative for failure or infeasibility to mitigate the potential effect and achieve the basic objectives of the project.

1) Impact 6.2.1 Intersections (DEIR page 6.2-31 and FEIR page 14).**a. Significant Impact**

The Phase I plus Phase II project would increase traffic volumes at study area intersections. Intersection operating conditions associated with the baseline plus project scenario are summarized in Tables 6.2-18 and 6.2-19 for the a.m. and p.m. peak hours, respectively. *Significant and unavoidable impacts* occur at the following location:

- 3rd and J Streets – Changes from LOS “E” to LOS “F” in the a.m. peak hour, with an average delay increase of 18.7 seconds per vehicle.

b. Facts in Support of Finding

Development of the proposed project would result in a significant impact at the 3rd Street/J Street intersection. The traffic added to the 3rd Street/J Street intersection will increase the vehicle delay by over 5 seconds, meeting the City’s criteria for a significant impact.

“Above average” trip reduction programs should be implemented. These trip reduction programs should provide results greater than the 35 percent alternative mode goal of the City. However, because of existing traffic congestion near the site, the trip reduction necessary to avoid significant impacts is considered to be unattainable.

To improve the 3rd Street/J Street intersection to acceptable operation, one through lane and one right turn lane need to be added to the northbound and southbound I-5 off-ramps, respectively. Constructing a second through lane for northbound I-5 off-ramp traffic improves the intersection to a Level of Service “D”. The added exclusive southbound right turn lane is necessary to accommodate the heavy right turn movement from southbound I-5. The improvements at this intersection are required without this project in order to meet City standards.

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Due to the existing physical constraints, widening of the I-5 off-ramps is not feasible, and the intersection will continue to operate with a significant and unavoidable impact. Mitigation would involve extensive redesign of the pillars holding up the freeway because of the way the streets merge into the area, which would be cost prohibitive and is not supported by Caltrans at this time (Dodgie Vidad, City Transportation Division).

The following mitigation measure will reduce the magnitude of the impact, but not to a less than significant level:

6.2.1a The applicant shall implement an aggressive TSM program with a 40% goal under the City's Ordinance 88-082.

2) Impact 6.2.6 Intersections (Cumulative) (DEIR page 6.2-49).

a. Significant Impact

The Cumulative Plus Phase I and II project condition would increase traffic volumes at study area intersections, resulting in unacceptable operating conditions. Intersection operating conditions associated with the cumulative plus Phase I and II project scenario are summarized in DEIR Tables 6.2-32 and 6.2-33 for the a.m. and p.m. peak hours, respectively. A significant and unavoidable impact under the Phase I project occurs at the following location:

- 3rd and J Streets – LOS “F” in the a.m. peak hour, with an average delay increase of 16.2 seconds per vehicle.

A significant and unavoidable impact under the Phase I and II project occurs at the following location:

- 3rd and J Streets – LOS “F” in the a.m. peak hour, with an average delay increase of 15.0 seconds per vehicle.

b. Facts in Support of Finding

To improve the 3rd Street/J Street intersection to acceptable operation, one through lane and one right turn lane need to be added to the northbound and southbound I-5 off-ramps, respectively. Constructing a second through lane for northbound I-5 off-ramp traffic improves the intersection to a Level of Service “D”. The added exclusive southbound right turn lane is necessary to accommodate the heavy right turn movement from southbound I-5. The improvements at this intersection are required without this project in order to meet City standards.

Due to the existing physical constraints, widening of the I-5 off-ramps is not feasible, and the intersection will continue to operate with a significant and unavoidable impact. . Mitigation would involve extensive redesign of the pillars holding up the freeway because

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of the way the streets merge into the area, which would be cost prohibitive and is not supported by Caltrans at this time (Dodgie Vidad, City Transportation Division).

3) **Impact 6.3.2 Construction - Erection and Construction Emissions** (DEIR page 6.3-12 and FEIR page 14).

a. Significant Impact

Emissions associated with erection and construction of Phase I would generate PM₁₀, NO_x, and ROG, thereby adding to ambient PM₁₀ and O₃ concentrations. Construction activities for Phase I would generate an estimated 6.41 lbs./day of PM₁₀, 90.5 lbs./day of NO_x, and 80.64 lbs/day ROG, primarily through the operation of mobile and stationary construction equipment and architectural coatings. Construction activities for Phase II would generate an estimated 6.42 lbs./day of PM₁₀, 90 lbs./day of NO_x, and 78.63 lbs./day ROG, primarily through the operation of mobile and stationary construction equipment and architectural coatings. Because of the way SMAQMD emissions are calculated, Phase II construction impacts are not cumulative with Phase I. Although PM₁₀ and ROG emissions are below the SMAQMD's significance thresholds of 275 lbs./day and 85 lbs./day, respectively, construction NO_x emissions would exceed the District's threshold, constituting a *significant impact*.

b. Facts in Support of Finding

Erection and construction emissions are primarily associated with construction employee commute vehicles, asphalt paving operations, mobile construction equipment (i.e., cranes, forklifts, etc.), stationary construction equipment, and architectural coatings. Based on the size of the proposed project, erection and construction emissions would principally be generated from architectural coatings, as well as diesel-powered mobile construction equipment. No mitigation is available to reduce emissions from architectural coatings, the primary source of ROG and NO_x emissions. However, construction coatings are required to conform to the rules outlined in the SMAQMD's Rule 453 and Rule 442 governing the manufacture and use of architectural coatings, which provides for using the Best Available Technology.

The analysis for the Phase I project was based on the additional assumptions listed below:

- 360,000 gsf office space
- 30,000 gsf retail
- 300,000 gsf parking area
- 15,000 gsf asphalt paving
-

The analysis for the Phase I and Phase II project was based on the additional assumptions listed below:

- 760,000 gsf office space
- 45,000 gsf retail space

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- 560,000 gsf parking area

The incorporation of the following mitigation measures will reduce the air quality impact in magnitude, but the impact still remains significant and unavoidable for the duration of the construction period:

6.3.2a Implement mitigation measures 6.3.1a and 6.3.1b.

6.3.2b Construction employees shall be encouraged to use transit and carpooling to the job site(s).

6.3.2c The prime contractor shall provide a plan for approval by the City of Sacramento and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average.

6.3.2d The prime contractor shall submit the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

6.3.2e The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

4) **Impact 6.3.3 Operational: Project-Generated Ozone Impacts (Project Specific)** (DEIR page 6.3-15 and FEIR page 14).

a. Significant Impact

The proposed Phase I/Phase II project would generate an estimated 102.4 lbs./day of NO_x and an estimated 108.8 lbs./day of ROG emissions, which are precursors to ozone. Project-

specific PM₁₀ emissions for the Phase I plus Phase II project exceed the significance thresholds of 275 lbs./day set by the SMAQMD.

b. Facts in Support of Finding

An aggressive TSM plan, as recommended in the transportation analysis, will further reduce vehicle trips and NO_x and ROG emissions, but is it not possible to accurately measure its effectiveness. The incorporation of the following mitigation measure will reduce the air quality impact in magnitude, but since it is infeasible to quantitatively assess the precise effectiveness of trip reduction and air quality measures, it is not possible to state that the impact is mitigated. It is City policy to encourage the most intense development adjacent to light rail and extensive bus services, and it is not feasible to fully quantify the effectiveness of aggressive TSM goals, therefore, the impact remains potentially significant and unavoidable:

6.3.3 Implement mitigation measure 6.2.1a AND provide an additional 5% mitigation that may include either trip reduction measures or air quality measures that are not mobile source based.

5) **Impact 6.3.4 Operational: Particulate Matter (Project Specific)** (DEIR page 6.3-16 and FEIR page 14).

a. Significant Impact

Employee, customer, resident and delivery vehicle trips associated with the proposed Phase I plus Phase II project would generate net long term mobile PM₁₀ emissions of 424.9 lbs./day, contributing to regional ambient PM₁₀ concentrations. Project-specific PM₁₀ emissions for the Phase I plus Phase II project exceed the significance thresholds of 275 lbs./day set by the SMAQMD.

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b. Facts in Support of Finding

The principal source of PM₁₀ emissions is from project-related vehicle trips generating road-entrained dust (particulates from tires and dusts from roads). Project traffic-generated PM₁₀ emissions estimates were calculated using the assumptions and methodologies outlined in the SMAQMD's *Air Quality Thresholds of Significance* Long-Term Air Quality Impacts. The estimation for Phase I plus Phase II combined was based on the additional assumptions of 6,639 total vehicle trips generated for the proposed Phase I plus Phase II project (2000 estimation taken from traffic report published by DKS Associates), and Year 2005 SMAQMD vehicular emission factors.

The incorporation of the following mitigation measure will reduce the air quality impact in magnitude. However, it is City policy to encourage the most intense development adjacent to light rail and extensive bus services, and it is not feasible to fully quantify the effectiveness of aggressive TSM goals, thus the impact remains significant and unavoidable:

6.3.4 Implement Transportation mitigation measure 6.2.1a.

6) **Impact 6.4.1 Increased noise levels during construction** (DEIR page 6.4-9).

a. Significant Impact

Construction of the proposed Phase I and II project would temporarily increase noise levels corresponding to the various phases of building construction. This would be a *temporary, significant impact*. Construction activities would begin with excavation for foundations. Foundation piles would be driven and the building would be erected. Construction noise would be persistent throughout the entire construction period. Construction noise levels would vary from hour to hour and day to day, with individual pieces of equipment and some construction phases being relatively louder than others would.

Typical construction noise levels range from 76 dBA to 89 dBA for both construction equipment and construction activities. Pile driving is by far the noisiest construction activity associated with the construction of high-rise building. Noise from pile driving equipment can reach 100 dBA at 100 feet. Noise from pile driving would be loud enough to interrupt speech and activities in the outdoor seating areas along L Street and K Street, and impact the interior noise levels for residents of the Marshall Hotel.

During noisy construction periods, background ambient noise levels will be increased by more than 5 dBA and will be clearly perceivable to surrounding individuals. Construction noise could make outdoor dining and conversation at the Downtown Plaza difficult and unpleasant. Therefore, construction noise impacts will be significant, even though they are conditionally exempt from the Noise Ordinance when restricted to 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.

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b. Facts in Support of Finding

The following mitigation measures are required for the proposed project to mitigate construction noise impacts. Implementation of these mitigation measures would reduce the magnitude and severity of construction noise impacts. However, it is infeasible to reduce construction noise impacts further due to the technological impossibility of fully enclosing and sealing off all sound from a large construction site, thus temporary and significant noise impacts would remain as part of the construction phase.

6.4.1a Erect a solid plywood construction/noise barrier along the exposed project boundaries. The barrier shall not contain any significant gaps at its base or face, except for site access and surveying openings.

6.4.1b Construction activities shall comply with all elements of the City of Sacramento Noise Ordinance relating to construction noise, including restricting construction to 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, and ensuring the operation of internal combustion engines are equipped with suitable exhaust and intake silencers. Equipment shall have sound-control devices no less effective than those provided in the original equipment and muffled exhaust.

6.4.1c Pile driving activities shall be coordinated with adjacent land uses, particularly the Downtown Plaza and Marshall Hotel, in order to minimize potential disturbance of residential users and planned activities. To further mitigate pile driving noise impacts, 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.

6.4.1d Locate fixed construction equipment such as compressors and generators as far as possible from the Marshall Hotel and Downtown Plaza. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

6.4.1e 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.

7) **Impact 6.5.3 Project Wind Effects - Pedestrian Comfort** (DEIR page 6.5-10).

a. Significant Impact

Implementation of Phase I of the proposed project would result in 16 new locations exceeding the comfort criterion while eliminating 2 existing exceedances. The net result would be 14 additional locations exceeding the pedestrian comfort threshold. This would be a *significant impact*. Implementation of Phase I and Phase II of the proposed project

would result in 12 new locations exceeding the comfort criterion while eliminating 2 existing exceedances. The net result would be 10 additional locations exceeding the pedestrian comfort threshold (compared to the existing condition). This would be a *significant impact*.

b. Facts in Support of Finding

Provision of substantial street trees in the pedestrian areas adjacent the project could reduce winds. Existing trees were purposely not included in the wind tunnel model; therefore existing wind speeds and project impacts may be over-stated in areas where substantial street tree coverage exists. A dense planting of both short and tall trees within the public spaces around the project buildings would reduce on-site winds. The southeast side of the Phase I building and passageway between two buildings in Phase II should be landscaped to provide as much shelter for pedestrians as possible. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements should be utilized. The above measures, together with the wind-sheltering effects of existing streets trees that were not modeled in the wind tunnel tests, are likely to reduce impacts of the proposed project on comfort within the project block, but would not be effective in reducing wind impacts at locations across streets from the project site.

The increase in wind speed that would result from project construction is largely due to the exposure and massing of the project. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. The project is substantially taller than surrounding buildings and is exposed to winds from all four of the wind directions tests. Nothing can be done to reduce the exposure of the site.

The incorporation of the mitigation measures below will reduce the magnitude of pedestrian comfort impacts. However, because it takes several years for trees to grow to the size that can effectively block or divert wind movement, the impact remains significant and unavoidable. Mitigating the wind impacts through a modified design was considered in Alternative A. It was determined that a smaller, redesigned building would require that the cost of the land be amortized over the smaller project causing lease rates to significantly exceed downtown market rates for office space, thus Alternative A would require a significant subsidy from the Redevelopment Agency to make the project financially feasible, thus potentially resulting in an ineffective and inefficient use of available resources.

6.5.3a Prior to receiving a Certificate of Occupancy from the City of Sacramento, the applicant shall install a dense planting of both short and tall trees within the public spaces around the project building(s) to reduce on-site winds. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements should be utilized.

This mitigation measure applies to PI&PII:

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6.5.3b Prior to receiving a Certificate of Occupancy from the City of Sacramento for Phase II, landscape the southeast side of the Phase I building and passageway between two buildings in Phase II to provide as much shelter for pedestrians as possible. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements shall be utilized.

8) **Impact 6.5.5 Wind Hazard Conditions** (DEIR page 6.5-14).

a. Significant Impact

Implementation of Phase I of the proposed project would result in exceedances of the hazard criterion at 14 measurement locations. Hazardous wind conditions would occur over 10 hours per year at the location with highest winds. Total duration of all exceedances would be 58 hours per year. This total of 14 wind hazard criteria exceedances would be a *significant impact*. Implementation of Phase II of the proposed project would result in exceedances of the hazard criterion at 9 measurement locations, 5 less than for Phase I alone but 8 more than existing conditions. Hazardous wind conditions would occur 7 hours per year at the location with highest winds. Total duration of all exceedances would be 37 hours per year. This total of 9 wind hazard criteria exceedances would be a *significant impact*.

b. Facts in Support of Finding

Pedestrian-level wind speeds were measured at selected points (DEIR Figures 6.5-1 and 6.5-2) to quantify resulting pedestrian-level winds in public spaces near the project. DEIR Table 6.5-1 describes compliance with the pedestrian comfort criterion (wind speed greater than 13 mph for more than 10 percent of the year) under existing and project conditions.

Provision of substantial street trees in the pedestrian areas adjacent the project could reduce winds. Existing trees were purposely not included in the wind tunnel model; therefore existing wind speeds and project impacts may be over-stated in areas where substantial street tree coverage exists. A dense planting of both short and tall trees within the public spaces around the project buildings would reduce on-site winds. The southeast side of the Phase I building and passageway between two buildings in Phase II should be landscaped to provide as much shelter for pedestrians as possible. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements should be utilized. The above measures, together with the wind-sheltering effects of existing streets trees that were not modeled in the wind tunnel tests, are likely to reduce impacts of the proposed project on comfort within the project block, but would not be effective in reducing wind impacts at locations across streets from the project site.

Implementation of the following mitigation measures would reduce the magnitude and severity of the wind impacts. However, because it takes several years for trees to grow to the size that can effectively block or divert wind movement, the impact remains significant and unavoidable. Mitigating the wind impacts through a modified design was considered in Alternative A. It was determined that a smaller, redesigned building would require that

the cost of the land be amortized over the smaller project causing lease rates to significantly exceed downtown market rates for office space, thus Alternative A would require a significant subsidy from the Redevelopment Agency to make the project financially feasible, thus potentially resulting in an ineffective and inefficient use of available resources.

6.5.3a Prior to receiving a Certificate of Occupancy from the City of Sacramento, the applicant shall install a dense planting of both short and tall trees within the public spaces around the project building(s) to reduce on-site winds. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements should be utilized.

This mitigation measure applies to PI&PII:

6.5.3b Prior to receiving a Certificate of Occupancy from the City of Sacramento for Phase II, landscape the southeast side of the Phase I building and passageway between two buildings in Phase II to provide as much shelter for pedestrians as possible. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements shall be utilized.

9) Impact 6.6.1 Substantial increases to Combined Sewer System flows (DEIR pg. 6.6-5).

a. Significant Impact

The proposed Phase I project would result in sanitary sewer flows of 92.4 ESD, which would exceed the City's screening criteria for project-generated wastewater flows by 52.4 ESD. The proposed Phase I and Phase II combined project would result in sanitary sewer flows of 175.4 ESD, which would exceed the City's screening criteria for project-generated wastewater flows by 135.4 ESD. This would be a *significant impact*.

b. Facts in Support of Finding

The City requires that existing and proposed storm drainage and sewer flow calculations be submitted to the Department of Utilities. The proposed project would exceed City screening criteria. If the Department determines that the project's impacts are significant, the project proponent will be required to work with Department staff to develop a method of mitigating these impacts. A mitigation plan could include such measures as on-site storage and/or detention of site-generated storm water flows, CSS pipe up sizing, and replacement of pipes. The current project design does not include on-site storage.

1. If mitigation is not practical, the City would require the project developers to enter into an Impact/Mitigation Agreement with the City. The agreement would include, but is not limited to, the following: Agreement to pay associated CSS impact fees and a waiver of all rights to protest fees, assessment districts, or Mello Roos districts.

2. Consent to all conditions by any lienholder.

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3. Indemnification of the City in implementing the Agreement.

The mitigation plan or Impact/Mitigation Agreement is required by local regulations to be reviewed and approved by the City of Sacramento Department of Utilities prior to the issuance of building permits.

The following mitigation measure would reduce the magnitude of the impact:

- 6.6.1 If mitigation of impacts is not practical, the developer must enter into an impact fee agreement with the City. The fee, as yet to be determined, will be used for improvements to the CSS.

If mitigation during construction and prior to building occupancy is not practical, improvements to the combined sewer system would not occur until after the proposed project is constructed, resulting in potentially unmitigated substantial additions to the combined sewer system for an unknown period of time. However, the project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area, and will strengthen the economic base of the Project Area. The mitigation fee will be used for overall improvements in the CSS infrastructure consistent with the City's capital improvements plan (Yee).

III. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative. Alternatives provide a basis of comparison to the Proposed Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to determine the most feasible for implementation. The alternatives studied in the EIR are infeasible based upon the following specific economic, social, or other considerations.

1. No Project Alternative

Section 15126(d)(2) of the State CEQA Guidelines requires that a "no project alternative" be evaluated in comparison to the proposed project. The No Project Alternative is defined as the continuation of the existing condition of the project site. The proposed project site would remain a surface parking lot, providing parking for about 265 vehicles. The existing general plan and zoning designations would remain in place and, while no activity would occur on the project site, surrounding uses would continue to develop over time according to existing adopted plans.

No changes would occur on the project site under the No Project Alternative. Existing traffic and circulation patterns would continue, increasing and changing over time only in association with other growth in the area. The potential for new project-related cumulative air emissions would not occur. Construction would not occur; thus noise and vibration impacts would not occur. Increased demands on the combined sewer systems would not be generated. Given these conditions, the No Project Alternative would result in less environmental impacts than the proposed project in the following areas: transportation and

circulation; air quality; construction noise; urban design; stormwater, wastewater, flooding and dewatering; glare and wind tunnel effects; and street trees. However, this alternative would not meet the primary objectives of the Agency for the project site.

Finding

Specific economic, social, or other considerations make infeasible the No Project Alternative identified in the EIR and described above in that:

- a) The No Project Alternative would not promote the City's General Plan policies related to maintaining downtown's role as a major regional office and governmental center because it would maintain the parcel as underutilized surface parking on prime downtown real estate.
- b) The No Project Alternative would be inconsistent with City and Regional Transit policy to locate high intensity development proximate to light rail stations or other available or proposed transit services, to support air quality and traffic management goals and utilize existing infrastructure.
- c) The No Project Alternative would not achieve the basic goals and objectives of the proposed project, including providing a premier office or mixed-use project on a redevelopment catalyst site, alleviating the existing parking deficit in the west area, or assisting in the revitalization of the west end of the K Street Mall.
- d) The No Project alternative would not strengthen the economic base of the downtown area.
- e) The No Project alternative would provide physical improvements to the site and area that will be an asset to the character of the Central Business District and enhance the visual and pedestrian connection to the Capitol and K Street Mall.
- d) Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

2. Alternative A: Phase I Project Only - Modified Design

Alternative A assumes the construction of the proposed Phase I project, without construction of a Phase II. The project would be 22 stories of office and parking, with an architectural element that extends to 300 feet. The design places the office tower on a wider low-rise base of two to four stories in height, providing larger office floor plates, and re-masses the building to eliminate any wide, continuous faces that can transport wind energy from high level to the pedestrian environment. This design does not reduce the wind accelerations created by the tower, but instead intercepts and redirects them such they do not reach ground level. Alternative A includes office (360,000 gsf), retail (30,000 gsf), parking (300,000 gsf / 860 parking spaces) and mechanical penthouse. Parking would

ingress from 6th Street and egress onto 7th Street, with passenger loading along Capitol Mall and 6th Street. A landscaped plaza with open air dining would face L Street.

A significant impact to pedestrian safety and comfort was identified in initial wind tests of the proposed project. This alternative was developed to address the potential hazardous wind impacts associated with the proposed project. The substantial increase in wind speed that would result from project construction is largely due to the exposure and massing of the project. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. Massing is important in determining wind impact because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above-ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind problems. Buildings that have an unusual shape or utilize set-backs have a lesser effect.

Finding

Specific economic, social, or other considerations make infeasible the Phase I Only - Modified Design Alternative identified in the EIR and described above in that:

- a) Alternative A is less successful than the proposed project at fulfilling the City's policy to increase employment densities within the Central Business District.
- b) Alternative A is less successful than the proposed project at promoting the City's General Plan policies related to maintaining downtown's role as a major regional office and governmental center because it would maintain the parcel as underutilized relative to the size and capacity of the parcel.
- c) Alternative A would require that the cost of the land be amortized over the smaller project causing lease rates to significantly exceed downtown market rates for office space, thus Alternative A would require a significant subsidy from the Redevelopment Agency to make the project financially feasible.
- d) The Alternative A design would be inconsistent with the trend to provide premier class A high rise office space in the CBD and maximize floor area ratios.
- c) Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

3. Alternative B - Mixed Use Office/Retail / Residential or Hotel

Alternative B assumes the construction of the Phase I project as proposed, with a 26 story/400 ft. tower facing Capitol Mall, office (360,000 gsf), retail (30,000 gsf), parking (720 spaces). However, this alternative would include another tower facing Capitol Mall with a 500 room hotel with minimal meeting space and support retail on seven levels above-grade parking and 15,000 gsf retail. 600 additional parking spaces would connect

with the office tower parking to ingress from 6th St and egress onto 7th Street, for a total of 1,320 parking spaces. Passenger loading for the office tower would occur along Capitol Mall, and residential/hotel passenger loading would occur through a porte-cochere accessed off 7th Street.

Finding

Specific economic, social, or other considerations make infeasible the Mixed Use Office/Retail / Residential or Hotel Alternative identified in the EIR and described above in that:

- a) Alternative B would result in a reduction in future employment opportunities on a C-3 parcel in the Central Business District, reducing the concentration of employment in downtown that supports light rail/transit and reduces urban sprawl.
- b) Alternative B is would result in greater impacts on the Combined Sewer System.
- c) Alternative B would require a significant financial subsidy from the City for any housing component, thus potentially resulting in an ineffective and inefficient use of available resources.
- c) Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

4. Alternative C - Mixed Use Office/Retail/Residential/Entertainment

This alternative would construct a 26 story, 360 foot office - residential tower with 261,000 gsf office, 120 residential units, 59,391 gsf retail facing Capitol Mall, and 65,000 gsf of retail/entertainment uses facing L Street, over a total of 1,000 parking spaces.

Finding

Specific economic, social, or other considerations make infeasible the Mixed Use Office/Retail/Residential/Entertainment Alternative identified in the EIR in that:

- a) Alternative C would result in a reduction in future employment opportunities on a C-3 parcel in the Central Business District, reducing the concentration of employment in downtown that supports light rail/transit and reduces urban sprawl.
- b) Alternative C would require a significant financial subsidy from the City for the housing component, thus potentially resulting in an ineffective and inefficient use of available resources.

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- c) Alternative C would result in greater combined sewer system impacts than the project.
- d) Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

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IV. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the Agency has determined pursuant to Section 15093 of the CEQA Guidelines that the benefits of the project as revised outweigh each and every one of the project's environmental impacts that will not be mitigated to a level of insignificance, and the proposed project shall be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City has determined that the proposed project would contribute to environmental impacts which are considered significant and adverse, as disclosed in the EIR prepared for the proposed project.

The Agency specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the Proposed Project have been eliminated or substantially lessened where feasible. Furthermore, the Agency has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

1. The project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area, including among others, underutilized parcels and inadequate or deteriorated infrastructure and facilities.
2. The Proposed Project helps achieve the Agency's goals to maintain and strengthen downtown's role as a major regional office, retail, commercial and governmental center.
3. The Proposed Project will support the public investment in the transit system by developing intense office uses within close proximity to light rail stations and transit corridors.
4. The Proposed Project will provide physical improvements to the site and area that will be an asset to the character of the downtown area and enhance the visual and pedestrian connection to the State Capitol and the K Street Mall.
5. The Proposed Project will provide public amenities in support of the Downtown Cultural and Entertainment District Master Plan.
6. The Proposed Project will help alleviate the existing parking deficit in the K Street Mall and civic center area.
7. The Proposed Project would provide for an efficient and financially beneficial use of underutilized commercial properties by constructing a project that will provide long term employment opportunities in the City of Sacramento.

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8. The project will increase commercial use in the downtown area and increase employment adjacent to the K Street Mall, the revitalization of which is a priority of the City.
9. The project will strengthen the economic base of the Project Area and the community by installing needed site improvements that will stimulate new commercial expansion, new employment and economic growth.
10. The project will provide increased sales, business license and other fees, taxes and revenues to the City of Sacramento and will enhance the value of neighboring properties and the Project Area as a whole.

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ATTACHMENT B

MITIGATION MONITORING PLAN

FOR

**601 CAPITOL MALL PROJECT
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 2000052076)

CITY OF SACRAMENTO

Prepared By:

GAIL ERVIN CONSULTING
for the
City of Sacramento
Downtown Development Group

May 15, 2001

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MITIGATION MONITORING PLAN

601 CAPITOL MALL PROJECT, PHASE I CITY OF SACRAMENTO

The California Environment Quality Act (CEQA) as amended by Chapter 1232 (California 1988: implementing AB 3180, 1988) provides that a decision making body "shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment."

The purpose of this mitigation monitoring and reporting plan is to ensure compliance with and effectiveness of the mitigation measures set forth in the certified Final Environmental Impact Report (FEIR) for both phases of the 601 Capitol Mall Project. . Any changes to mitigation measures required for the final design of Phase II will be provided as an amendment to this MMP. This MMP identifies the impact for the 601 Capitol Mall Project as it relates back to the environmental impact report, what the mitigation is, the monitoring or reporting action for the mitigation measure, the responsible party for the action, the timing of the monitoring or reporting action, and how the action will be verified.

The requirements of this MMP run with the real property that is the subject of the project and successive heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted MMP. Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the Developer shall provide a copy of the adopted MMP to the prospective lessee, buyer, transferee, or one to whom the conveyance is made. The Developer shall not be relieved of its obligations under the MMP if the Developer conveys any interest in the site unless the Agency agrees in writing to relieve the Developer=s obligations.

The Economic Development Department, Downtown Development Group will be responsible maintaining records of compliance with this program for the City of Sacramento and Redevelopment Agency. All records shall be maintained in the 601 Capitol Mall Project Mitigation Monitoring Plan file at the City of Sacramento, Economic Development Department, Downtown Development Group, 1030 15th Street, Suite 250, Sacramento, California 95814.

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TRANSPORTATION/CIRCULATION

Impact 6.2.1 Intersections

Mitigation:

6.2.1a The applicant shall implement an aggressive TSM program with a 40% goal under the City's Ordinance 88-082.

6.2.1b At the intersection of 3rd and P Streets, change the p.m. peak hour traffic signal cycle length to at least 60 seconds for the Phase I development.

When Phase II is developed:

6.2.1c At the intersection of 3rd and L Streets, change the p.m. peak hour traffic signal cycle length to 90 seconds.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The TSM Plan shall be submitted to and approved by the City Transportation Division and the City's Transportation Engineering Department shall implement traffic signal changes prior to issuance of an occupancy permit. Compliance with all city conditions and mitigation measures will be required in the DDA.	Applicant shall submit copy of the plans identifying compliance with these measures to the 601 Capitol Mall Project Manager, Downtown Development Group. Include copy of the safety and traffic control plan, DDA and construction conditions in MMP file. Submit verification of compliance to the Building Division.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

Impact 6.2.4 Local Vehicular Circulation

Mitigation:

- 6.2.4a** The parking garage entrances shall be designed with adequate entry lanes, queuing space, and revenue control systems to avoid queuing onto City sidewalks with a 95 percent probability during the a.m. peak hour on a typical day.
- 6.2.4b** The parking garage entrances shall be designed to permit designated vehicles to enter and exit in all permitted directions without encroaching on adjacent travel lanes.
- 6.2.4c** The loading dock access shall be designed to avoid maneuvering on City streets, so as not to interfere with other traffic. If such design is deemed infeasible, a staging area shall be provided for service vehicles. Vehicles shall back into the loading dock area under the guidance of traffic control personnel to be stationed at the loading dock area.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
A parking and loading plan shall be submitted to the City Traffic Engineer for review and approval, then forwarded to the Building Division. The Building Division shall include the conditions in the project's construction permits prior to issuing building permits. Compliance with all City conditions and mitigation measures shall be required in the DDA.	Applicant shall submit a copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group. Include copy of parking plan, DDA and construction conditions in MMP file. Submit verification of compliance to the Building Division.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.2.6 Intersections - Cumulative, Phase I Development

Mitigation:

- 6.2.6a** At the intersection of 3rd and L Streets, the p.m. peak hour traffic signal cycle length shall be changed to at least 80 seconds.
- 6.2.6b** The traffic signal timing at 6th Street and Capitol Mall shall be revised to operate at an 85-second cycle length during the a.m. peak hour.
- 6.2.6c** The traffic signal timing at 7th Street and Capitol Mall shall be revised to operate at an 85-second cycle length during the a.m. peak hour and at an 80-second cycle length during the p.m. peak hour.
- 6.2.6d** The traffic signal timing at 3rd Street and Capitol Mall shall be revised to operate at an 80-second cycle length during the p.m. peak hour.
- 6.2.6e** The traffic signal timing at 5th Street and Capitol Mall shall be revised to operate at an 80-second cycle length during the p.m. peak hour.
- 6.2.6f** At the intersection of 3rd and P Streets, the p.m. peak hour traffic signal cycle length shall be changed to at least 60 seconds.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City's Transportation Engineering Department shall implement traffic signal changes prior to the issuance of occupancy permits.	The City's Traffic Engineer shall submit verification of compliance to the Building Division and to the 601 Capitol Mall Project Manager, Downtown Development Group for inclusion in the MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.2.6 Intersections - Cumulative, Phase II Development

Mitigation:

- 6.2.6g** At the intersection of 3rd and L Streets, change the p.m. peak hour traffic signal cycle length to at least 85 seconds.
- 6.2.6h** Revise the traffic signal phasing at the intersection of 6th Street and Capitol Mall from split phase operation to protected operation, and restripe the eastbound approach to provide an exclusive left turn lane.
- 6.2.6i** Revise the traffic signal phasing at the intersection of 7th Street and Capitol Mall from split phase operation to protected operation, and restripe the westbound approach to provide an exclusive left turn lane.
- 6.2.6j** Revise the traffic signal timing at 3rd Street and Capitol Mall to operate at an 85-second cycle length during the p.m. peak hour.
- 6.2.6k** Revise the traffic signal timing at 5th Street and Capitol Mall to operate at an 85-second cycle length during the p.m. peak hour.
- 6.2.6l** Revise the traffic signal timing at 5th and Q Streets to operate at a 60 second cycle length during the a.m. peak hour for Phase II development.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City's Transportation Engineering Department shall implement traffic signal changes prior to the issuance of occupancy permits.	The City's Traffic Engineer shall submit verification of compliance to the Building Division and to the 601 Capitol Mall Project Manager, Downtown Development Group for inclusion in the MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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AIR QUALITY

Impact 6.3.1 Construction grading and demolition emissions

Mitigation:

6.3.1a The following measures shall be implemented:

1. Phase construction activities to reduce simultaneous operation of construction equipment and thereby minimize emissions.
2. Routinely tune and maintain construction vehicles and equipment.
3. Use low sulfur fuel.
4. Use existing power sources (e.g., electric-powered equipment) or clean fuel generators instead of temporary onsite power generators.
5. Use low emission mobile construction equipment as available, feasible and appropriate.

6.3.1b Strict compliance with the Sacramento City Code Section 15.40.050 and the SMAQMD's Rule 403 shall be written into construction contracts including a provision requiring excavation to cease when winds exceed 20 mph averaged over one hour.

6.3.1c Implement the following dust abatement program:

1. Water all construction areas at least twice daily;
2. Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site;
3. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer);
4. Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas; and
5. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide the City Building Division with a copy of contract requirements that include the conditions for the contractor. Compliance with all city conditions and mitigation measures shall be required in the DDA.	Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.3.2: Construction - erection and construction emissions

Mitigation:

- 6.3.2a** See mitigation measures 6.3.1a and 6.3.1b.
- 6.3.2b** Construction employees shall be encouraged to use transit and carpooling to the job site(s).
- 6.3.2c** The prime contractor shall provide a plan for approval by the City of Sacramento and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average.
- 6.3.2d** The prime contractor shall submit the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
- 6.3.2e** The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide the City with a copy of contract requirements that include the conditions for the contractor. Compliance with all city conditions and mitigation measures will be required in the DDA.	Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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6.3.3 Project-generated ozone impacts - Phase II specific

Mitigation:

6.3.3 Implement Transportation mitigation measure 6.2.1a AND provide an additional 5% mitigation that may include either trip reduction measures or air quality measures that are not mobile source based.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide the City with a 40% TSM plan and the list of additional measures that will meet a 5% emissions reduction goal. Compliance with all city conditions and mitigation measures will be required in the DDA.	Building Division shall verify compliance prior to issuing occupancy permits. Applicant shall submit copy of the TSM plan and conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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NOISE/VIBRATION

Impact 6.4.1: Increased noise levels during construction.

Mitigation:

- 6.4.1a** Erect a solid plywood construction/noise barrier along the exposed project boundaries. The barrier shall not contain any significant gaps at its base or face, except for site access and surveying openings.
- 6.4.1b** Construction activities shall comply with all elements of the City of Sacramento Noise Ordinance relating to construction noise, including restricting construction to 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, and ensuring the operation of internal combustion engines are equipped with suitable exhaust and intake silencers. Equipment shall have sound-control devices no less effective than those provided in the original equipment and muffled exhaust.
- 6.4.1c** Pile driving activities shall be coordinated with adjacent land uses, particularly the Downtown Plaza and Marshall Hotel, in order to minimize potential disturbance of residential users and planned activities. To further mitigate pile driving noise impacts, holes shall be pre-drilled to the maximum feasible depth to reduce the number of blows required to seat the pile, and concentrate the pile driving activity closer to the ground.
- 6.4.1d** Locate fixed construction equipment such as compressors and generators as far as possible from the Marshall Hotel and Downtown Plaza. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.
- 6.4.1e** Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City of Sacramento shall include the construction noise conditions in the project's construction permits. Compliance with all city conditions and mitigation measures shall be required in the DDA.	Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.4.2 Traffic-generated noise.

Mitigation:

6.4.2 The applicant shall provide an acoustical analysis that identifies measures to insure interior noise levels of 45 dBA or less are maintained for future ambient noise levels, and exterior noise levels for balconies, if any, would not exceed 60 dB at the balconies.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall submit an acoustical analysis to the Building Division prior to the issuance of building permits for both Phase I and II. The City of Sacramento shall include any recommended conditions in the project's construction permits. Compliance with all City conditions and mitigation measures shall be required in the DDA.	Building Division shall verify compliance prior to issuing building permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.4.3 Construction-induced vibration impacts.

Mitigation:

- 6.4.3a** See Mitigation Measure 6.4.1c, regarding pre-drilling for pile driving.
- 6.4.3b** Provide protective coverings or temporary shoring of historic features in consultation with the Preservation Director.
- 6.4.3c** Record the pre-existing condition of the historic Marshall Hotel and Education buildings in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its pre-existing condition.
- 6.4.3d** Locate construction staging areas away from adjacent structures.
- 6.4.3e** If fire sprinkler failures are reported in surrounding office buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.
- 6.4.3f** 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.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide verification to the Building Division that the pre-existing condition of adjacent and sensitive buildings has been assessed and recorded to the satisfaction of the Preservation Director. The Building Division shall include conditions in the project's construction permits. Compliance with all city conditions and mitigation measures shall be required in the DDA.	Building Division shall verify compliance prior to issuing building permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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MICROCLIMATE

**Impact 6.5.4 Project Wind Effects - Pedestrian Comfort
and
Impact 6.5.5 Wind Hazard Conditions**

Mitigation:

6.5.3/4 The applicant shall install a dense planting of both short and tall trees within the public spaces around the project building(s) to reduce on-site winds. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements shall be utilized.

This mitigation measure applies to Phase II:

6.5.3b In Phase II, the applicant shall landscape the southeast side of the Phase I building and passageway between two buildings in Phase II to provide as much shelter for pedestrians as possible. In addition to trees, large planters, hedges, bulky statuary and other shelter-producing elements shall be utilized.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide landscape plans that identify the spacing and appropriate species for approval by the City Arborist prior to the issuance of construction permits. Planting shall be completed prior to issuance of the Certificate of Occupancy.	Building Division shall verify approval by the City Arborist prior to issuing building permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
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Impact 6.5.2 Reflected Glare - Phase II

Mitigation:

6.5.2 If the current conceptual design of Phase II is altered, the building materials, colors, and building facade treatments shall be in conformance with the Sacramento Urban Design Plan and Section 2.98 of the Comprehensive Zoning Ordinance, and shall be approved by the Design Review and Preservation Board. A glare analysis shall be conducted to determine the ability of the building materials and design features to eliminate glare, and the building shall be designed to reduce potential solar glare to less than significant levels prior to the submittal of final design plans.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall include a glare analysis with the final Phase II plans submitted for DRPB review and approval.	Building Division shall verify approval by the City Arborist prior to issuing building permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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WASTEWATER, STORM WATER, WATER QUALITY & FLOODING

Impact 6.6.1 Substantial increases to CSS flows

Mitigation:

6.6.1 If mitigation of impacts is not practical, the developer must enter into an impact fee agreement with the City. The fee, as yet to be determined, shall be used for improvements to the CSS.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall work with the Department of Utilities to mitigate impacts to the CSS. If mitigation of impacts is not practical as determined by Utilities, the applicant shall pay a mitigation fee as determined by Utilities.	Utilities shall provide verification of mitigation or payment of fees to the Building Division, prior to issuing occupancy permits. Applicant shall submit copy of mitigation or fee verification to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.6.2 Cumulatively Exceed Contracted Amount of Sewage to the Sacramento Regional County Sanitation District

Mitigation:

6.6.2 The developer shall pay all required SRCSD Impact Fees for the proposed new development to provide for its fair share cost of the construction of relief interceptor sewer and treatment facilities.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Building Division shall verify fee payment with the City Utilities Department prior to issuing occupancy permits.	The applicant shall provide verification of payment of fees to the 601 Capitol Mall Project Manager, Downtown Development Group. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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Impact 6.6.3 Combined sewer service system impacts from de-watering activities.

Mitigation:

- 6.6.3a** Construction contract documents shall include provisions for the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements.
- 6.6.3b** 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 CVRWQCB, City and SRCSD.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall submit contractor conditions to the City Utilities Department for review. The Building Division shall incorporate approved conditions in the project's construction permits. Compliance with all city conditions and mitigation measures shall be required in the DDA.	Building Division shall verify the City Utilities Department review and approval prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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CULTURAL AND HISTORIC RESOURCES

Impact 6.7.1 Loss or degradation of undiscovered prehistoric and historic resources.

Mitigation:

6.7.1 Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues. Such measures could include, but are not limited to, researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City of Sacramento shall include the condition in the project's construction permits. Contractor shall contact City Preservation Director if resources are encountered. Compliance with all city conditions and mitigation measures shall be required in the DDA.	Building Division shall verify compliance during construction. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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MICROWAVE, RADAR AND RADIO TRANSMISSIONS

Impact 6.8.3 Interference with in-building police and fire communications

Mitigation:

6.8.3 The project sponsor shall determine if in-building radio amplification is needed to provide the minimum signal levels required for public safety radio communications (PS). If amplification is needed, the project sponsor shall install a Radio Re-radiation System tuned to the SRRCS public safety radio band. The lower levels of the building shall have a bi-directional amplifier (BDA) radio system to work with the existing SRRCS public safety radio band, an 800 MHz PS trunked radio system. The system shall receive outbound traffic from the PS system via a rooftop antenna, amplify it, and rebroadcast it through a distributed antenna system in the lower levels of the building. The BDA shall also receive PS radio signals from the lower floors of the building, amplify them, and rebroadcast them through the rooftop antenna back to the PS radio system. The rooftop antenna shall be directional in nature and have a line of sight path to the PS antenna on top of the Sacramento County Jail. Since there are a large number of radio signals in the downtown area, the system shall be broadband enough to pass signals from 821 to 824 MHz and signals from 866 through 869 MHz. Band pass filters shall block all other signals. Floors above the first level shall have adequate PS radio coverage without additional amplification. Each radio system must be custom designed for the structure requiring radio coverage.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Prior to issuance of a occupancy permit, provide verification from the County Communications Division that the installed system is adequate. Compliance with all conditions and mitigation measures shall be required in the DDA.	Applicant shall submit copy of CCD verification to the 601 Capitol Mall Project Manager, Downtown Development Group. Include with copy of DDA in MMP file.
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Impact 6.8.4 Interference with the Automated Local Evaluation in Real Time System

Mitigation:

6.8.4 The project sponsor shall install a receiving antenna on top of the office tower in a manner consistent with the Sacramento Urban Design Plan. The receiving antenna would be connected directly to 700 H Street via wires, not via a transmitting antenna. The facilities may be included with other necessary communication equipment.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
<p>Prior to issuance of a occupancy permit, the Building Division shall receive verification from the County Communications Division that the installed system is adequate. Compliance with all conditions and mitigation measures shall be required in the DDA.</p>	<p>Applicant shall submit copy of CCD verification to the 601 Capitol Mall Project Manager, Downtown Development Group. Include with copy of DDA in MMP file.</p>
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URBAN DESIGN AND AESTHETICS

Impact 6.9.1 Substantial alteration to the project area's visual characteristics

Mitigation:

6.9.1 The building materials, colors, massing, setbacks, stepbacks and building facade treatments shall be in conformance with the Sacramento Urban Design Plan and Section 2.98 of the Comprehensive Zoning Ordinance, and shall be approved by the Design Review and Preservation Board.

MITIGATION / REPORTING PROCEDURE	VERIFICATION PROCEDURE
The City Design Review staff shall include conditions in the project's final design approvals, and forwarded to the Building Division. Compliance with all city conditions and mitigation measures shall be required in the DDA. Applicant shall submit copy of approved final designs to the 601 Capitol Mall Project Manager, Downtown Development Group.	Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
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Impact 6.9.1 Effects to existing street trees.

Mitigation:

6.9.3a The project proponent shall provide a final site plan that plots existing trees and lists those that are proposed for removal to the City Arborist, and identifies utilities to be installed and their proposed location relative to existing street trees. The Arborist shall review the plan and determine which trees, if any, are acceptable for removal (Section 6-1-3c).

6.9.3b Existing street trees shall be preserved and protected to the maximum extent feasible, as determined by the City Arborist. A tree protection plan shall be developed consistent with City Ordinance 93-066. An ISA Certified Arborist shall be retained by the developer and/or construction contractor to monitor the tree protection plan and shall make weekly inspections of the project site during construction. The arborist shall monitor and take any required action to ensure the health of the trees.

Street trees to be retained shall be protected during construction by the following means:

- (1) Prior to the issuance of grading/building permits, a 6-foot chain link fence shall be erected along the back of curb and will extend 15 feet on either side of the tree and 12 feet from the back of curb. Fence poles shall be set in the ground if possible. The fencing shall remain in place during the duration of the project except for temporary removal required as part of construction activities. The project arborist shall make weekly inspections to ensure the protective fencing stays in place and to monitor the health of the trees.
- (2) No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles within the fenced area. Boring or hand trenching for utilities shall be allowed within the fenced areas under the supervision of the project arborist.
- (3) If during excavation for the project or for any necessary sidewalk, curb, gutter repair, or driveway construction tree roots greater than 2 inches in diameter are encountered, work shall stop immediately until the project arborist can perform an on-site inspection. All roots shall be cut clean. The affected tree may require supplemental irrigation/fertilization and pruning as a result of the root cutting.
- (4) Pruning shall be allowed by permit when approved by the City Arborist for crane or other equipment clearance.
- (5) The contractor shall be held liable for any damage to existing street trees, i.e., trunk wounds, broken limbs, pouring of any deleterious materials, or washing out concrete under the dripline of the tree. Damage shall be assessed using "Guide to Plan Appraisal." The project arborist shall submit a report for review by the City Arborist.

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(6) The trees to be saved and the protection methods noted above shall be identified on all grading and building site plans for the project.

6.9.3c If street tree avoidance and/or preservation are not feasible, street trees may be removed and replaced consistent with City Ordinance 93-066. The project developer shall implement a landscape plan in consultation with the City Arborist that assesses what trees need to be removed as a result of the project and satisfactorily mitigates for tree losses as a part of the landscape plan, as follows:

- (1) Trees that are to be removed must be posted with a removal sign for 30 days
- (2) Applicant shall hire an International Society of Arboriculture (ISA) certified arborist to do a tree value appraisal using the "Guide to Plant Appraisal," ninth edition, published by the ISA.
- (3) Reimbursement to the City of Sacramento for the tree value, and
- (4) Plant a 48-inch box size replacement tree for any tree removed; all trees along Capitol Mall shall be replaced with the same species and Landscape/Irrigation plans shall be submitted to Caltrans for review.

MITIGATION / REPORTING PROCEDURE	VERIFICATION PROCEDURE
The City Design Review staff shall include conditions in the project's final design approvals, and forwarded to the Building Division. Compliance with all city conditions and mitigation measures <i>shall</i> be required in the DDA. Applicant shall submit copy of approved final designs to the 601 Capitol Mall Project Manager, Downtown Development Group.	Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions to the 601 Capitol Mall Project Manager, Downtown Development Group.
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FIRE PROTECTION

Impact 6.10.1 Cumulative Demand for Fire Services.

Mitigation:

- 6.10.1a** The Sacramento City Fire Department shall prepare a nexus report to identify the Department's need for a new fire station and company in the Central City, the timing for a new station and company that would ensure adequate response times are maintained downtown, and the fair share cost that shall be applied to new development.
- 6.10.1b** The project proponent shall agree to pay the fair share assessment amount identified in a SCFD nexus study and approved by the City Council. This assessment shall be payable to the Sacramento City Fire Department for allocation to a new fire station and company in the Central City.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The fire department shall provide a resolution from the City Council ordering payment of fair share assessments and implementing regulations. Developer shall provide verification of payment of fees to the 601 Capitol Mall Project Manager, Downtown Development Group. Compliance with all city conditions and mitigation measures <i>shall</i> be required in the DDA.	Include copy of fire assessment regulations and copy of receipt of assessment in MMP file. Include copy of DDA and construction conditions in MMP file.
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HAZARDS AND HAZARDOUS MATERIALS

6.11.1 Exposure of individuals to contaminated groundwater and/or soil

Mitigation:

- 6.11.1a** Conduct a geophysical survey of the site including an electromagnetic survey and ground penetrating radar to confirm the presence of any underground storage tanks. If verified, any identified tanks shall be removed prior to excavation. Soil and groundwater at the location of such tanks shall be investigated and any contamination remediated prior to general site excavation and grading.
- 6.11.1b** A hazardous materials removal team shall be on-call and available for immediate response during site preparation, excavation, and 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 *shall* 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(s) as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department 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 Sacramento County Environmental Management Department 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(s) 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).

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- (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.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
<p>Applicant shall provide copy of closure and/or No Further Action letter(s) to the building department prior to the issuance of building permits. Construction contract documents shall include all provisions specified above.</p>	<p>The Building Division shall verify compliance during construction, prior to issuing occupancy permits. Applicant shall submit copy of construction conditions and copy of closure and/or No Further Action letter(s) to the 601 Capitol Mall Project Manager, Downtown Development Group.</p>
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