

RESOLUTION NO. 98-062

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF DEC 15 1998

**MERGED DOWNTOWN REDEVELOPMENT PROJECT AREA –  
PROPOSED ESQUIRE PLAZA HOTEL PROJECT:  
ADOPTING THE FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS FOR  
ENVIRONMENTAL EFFECTS AND THE  
MITIGATION MONITORING PLAN**

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 Redevelopment Project Area ("Project Area");

WHEREAS, Public Market Building LLC ("Developer") owns certain real property ("Property"), in the Project area, which Property is generally described as three parcels in the northeast corner of the block bounded by "J", "K", "12<sup>th</sup>" and "13<sup>th</sup>" Streets, which property is within the Project Area

WHEREAS, the Agency, the City of Sacramento ("City") and the Developer desire to enter into various agreements for the eventual development of the Esquire Plaza Hotel Project, a first-class, convention-oriented hotel, to be developed on the Property by a corporation to be formed and controlled by the City, all as further described in the staff report which accompanies this resolution ("Project");

WHEREAS, the Agency has taken the following actions pursuant to, and in accordance with, the California Environmental Quality Act (Public Resources Code Section 21000 *et. seq.*, hereinafter "CEQA") and the administrative guidelines thereunder (14 Cal, Adm. Code Section 150000 *et. seq.*, hereinafter the "CEQA Guidelines") and local procedures adopted by the Agency pursuant to CEQA and the CEQA Guidelines;

WHEREAS, an Initial Study was prepared for the Project, and based upon the Initial Study, a Notice of Preparation of an Environmental Impact Report ("EIR") for the Project has been sent to all appropriate agencies;

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**WHEREAS**, responses have been received from such agencies; all meetings necessary to establish the scope of the EIR have been held with appropriate agencies, and the resulting responses and comments have been incorporated in the Draft EIR for the Project;

**WHEREAS**, Notice of Completion of the Draft EIR has been duly filed and provided, comments have been solicited on the Draft EIR from all appropriate agencies, and the Draft EIR has been duly circulated for public review, hearing and comment;

**WHEREAS**, the Final EIR has been prepared, all resulting public comments have been considered and responses incorporated;

**WHEREAS**, a joint public hearing has been held on the Project on December 15, 1998 with the City of Council of the City of Sacramento, as a responsible agency, and all interested persons present having been heard; and

**WHEREAS**, said Final EIR, all comments and responses to the EIR, and evidence presented at the hearing have been reviewed and considered.

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

Section 1: The above statements are true and correct.

Section 2: It is hereby certified that the Final EIR for the Project has been completed in compliance with CEQA, the CEQA Guidelines and adopted Agency procedures, that the Final EIR was presented to this body for review, and that this body has reviewed and considered the Final EIR prior to approving the Project.

Section 3: The statement of facts stated in Attachment 1 ("Findings"), attached to and incorporated in this resolution by this reference, are approved. The written findings for each of the significant effects of the Project, as stated in the Findings, are approved.

Section 4: As indicated in the Findings, adoption of the Mitigation Monitoring and Reporting Plan for the Esquire Plaza Hotel Project, ("Mitigation Plan"), attached to and incorporated in this resolution by this reference, is necessary to ensure that the significant environmental effects of the Project are reduced to an acceptable level. The Mitigation Plan is adopted as a condition of approval of the Project.

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Section 5: Based on the Findings and evidence presented, the Agency finds that certain of the significant environmental effects of the Project have been reduced to an acceptable level in that certain of the significant environmental effects have been eliminated or substantially lessened where feasible. However, implementation of the Project could result in the following significant unavoidable environmental impacts:

- (1) Traffic generated by the proposed project blocking lanes on J Street and queuing into the intersection of 12th and J Streets several days per month;
- (2) Traffic generated by the proposed project blocking lanes on J Street and queuing into the intersection of 12th and J Streets several days per month, interfering with bus and light rail operations;
- (3) Intensive hotel operations at the curbside passenger and luggage loading / unloading / valet parking area along the southern curb of J Street and access to Lot E parking could impede through traffic on J Street, causing extended blockage of a J Street travel lane;
- (4) Anticipated blockage of J Street at the project loading / unloading / valet area changing the level of service of the 12th and J intersection from "B" to "F" during the a.m. and p.m. peak hours;
- (5) A project-specific and cumulative parking demand that would exceed parking facilities in the downtown area;
- (6) NO<sub>x</sub> emissions for the proposed project exceeding the significance threshold, caused by Phase II construction emissions associated with erection and construction of the proposed project;
- (7) Increased ROG concentrations that will contribute to regional ambient ozone concentrations;
- (8) Long-term operational additions of O<sub>3</sub>, PM<sub>10</sub>, and CO that would contribute to a continuation of the non-attainment status of these criteria air pollutants in the SUA, and delay the SMAQMD's efforts to reach attainment;
- (9) Temporarily increased noise levels for nearby sensitive receptors caused by construction and demolition on the project site;

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(10) Three new wind hazard criterion exceedances, including one on the sidewalk at the intersection of 13th and J streets;

(11) Substantial Combined Sewer System flows that would further worsen existing capacity problems with the CSS; and

(12) Destruction of original historic features in the Public Market building, an Essential historic structure listed on the City's *Official Register*, resulting in a loss of National Register of Historic Places eligibility.

Based on the foregoing, the Agency finds and determines that the Project will have a significant effect upon the environment.

Section 6: As to the significant environmental effects identified in Section 5 of this resolution, which are not eliminated or substantially lessened, and based upon the Findings, the Final EIR, including all responses and comments, and the evidence presented, the Agency adopts, as a statement of overriding considerations, the following:

The Agency finds that the economic, social, and other considerations of the Project outweigh its significant unavoidable economic impacts, as described above and that its action to approve and carry out the Project is supported because of the following:

(1) The Project will further the goals of the Agency for the Project Area as stated in the Redevelopment Plan and the Implementation Plan for the Project Area;

(2) The Project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area ("Project Area"), including among others, obsolete and aged building types, inadequate or deteriorated infrastructure and facilities, and mixed and shifting uses;

(3) The Project will provide substantial support and increase demand for underutilized public facilities, specifically the Convention Center;

(4) The Project will attract new businesses and aid in the retention and improvement of existing businesses.

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The Project will strengthen the economic base of the Project Area and the community by installing needed site improvements which will stimulate new commercial expansion, new employment and economic growth;

(5) 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;

(6) The Project will assure the preservation of a significant historic structure and provide public improvements and artwork to enhance the attractiveness of the area;

(7) The Project will provide quality restaurant and meeting spaces to serve businesses, workers and residents of the Project Area, which are currently underserved by similar facilities; and

(8) The Project will increase retail, entertainment and commercial use in the downtown area and specifically "K Street Mall" uses, the revitalization of which is a priority of the Agency.

Section 7: In the event that it is determined that the significant effects identified in Section 5 are not mitigated or substantially lessened, the Agency finds that based on the Final EIR and or other information contained in the record, its action to approve or carry out the Project is supported by substantial evidence as stated in Section 6 of this resolution.

Section 8: The Project is approved, subject to Agency's review and approval of the final documents, which shall conform in all material respects to the terms stated in the staff report which accompanies this resolution, and subject to the conditions of approval under CEQA as stated in this resolution.

Section 9: Agency staff is directed to file a Notice of Determination with the County Clerk of Sacramento County pursuant to the provisions of Section 15096(i) of the CEQA Guidelines.

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SECRETARY

  
CHAIR

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DATE ADOPTED: DEC 15 1998

**CEQA STATEMENT OF FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**FOR**

**ESQUIRE PLAZA HOTEL PROJECT  
13TH AND J STREETS  
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 98012048)

**REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO**

Prepared By:

City of Sacramento Planning Division,  
Office of Environmental Affairs  
December, 1998

98-062  
**RESOLUTION** \_\_\_\_\_  
DEC 15 1998

**THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO**

**RE: Approval of an Owners Participation Agreement for the Esquire Plaza Hotel Project**

**FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**I. GENERAL INFORMATION AND DESCRIPTION OF THE PROJECT**

The approval of the Esquire Plaza Hotel Project was considered before a joint hearing of the Redevelopment Agency (the "Agency") and the City Council ("Council") of the City of Sacramento on December 15, 1998. The project proposed by the Agency and discussed in the Final Environmental Impact Report (FEIR) certified by the Agency consists of the approval of an Owner Participation Agreement ("OPA") for the Esquire Plaza Hotel Project.

The project is located in the Central City Community Plan area of the City of Sacramento, on the southwest corner of 13th and J streets, in the City's Central Business District. The proposed project analyzed in the environmental impact report (EIR) is the Esquire Plaza Hotel Project. The Esquire Plaza Hotel Project consists of a 525 room, 28-story/310± foot full service convention hotel, with meeting room space/ballroom, restaurant/lounge, health club and pool. The proposed project includes adapting the historic Public Market building (designed by Julia Morgan, architect of Hearst Castle and an "Essential" structure in the City's *Official Register*) for reuse to provide hotel ballroom, reception, business center, meeting rooms and restaurant uses, and construction of a new hotel tower immediately adjacent to the west. Outdoor cafe dining is proposed along 13th Street with service from the main restaurant. The hotel entrance and a single-lane passenger and luggage loading / unloading / valet drop-off area would be located along J Street. 190 valet parking spaces would be designated for hotel use in the Lot E city public garage across J Street to the north.

The proposed project includes a request for an Owner Participation Agreement (OPA) from the Redevelopment Agency of the City of Sacramento ("Agency"); Design Review and Preservation Board review and approval of a new hotel tower, streetscape and sidewalk cafe elements, and interior and exterior alterations to an "Essential" historic structure; and City of Sacramento Zoning Administrator approval of a lot line merger, merging three lots into one, and an encroachment permit for a sidewalk cafe.

The overall goal of the Redevelopment Agency, based on the Community Redevelopment Law, is to undertake a program for the clearance and reconstruction or rehabilitation of blighted areas in the City of Sacramento, including the proposed project which is located within the redevelopment project area. Agency objectives for the proposed project are generally based on public-oriented needs and benefits as articulated in goals and policies of plans adopted by the Agency and the City. The primary purpose of the OPA for the Agency is the elimination of the following blighting influences:

- stagnant or declining property values;
- inadequate retail and other commercial functions, particularly entertainment-related functions in the Downtown area;
- parcels of real property configured in an outdated or inefficient manner;
- deterioration of historically or architecturally significant buildings; and
- declining business opportunities.

The Amended Merged Downtown Redevelopment Plan provides major Agency goals for development in the area. Key goals that apply to the project include:

- Goal 4: The strengthening of retail and other commercial functions in the downtown area;
- Goal 10: The preservation and/or restoration, where feasible, of historically or architecturally significant structures; and
- Goal 11: The provision of opportunities for participation by owners and business tenants in the revitalization of their properties.

The City's Downtown Department has identified the following objectives for the project:

- Develop a convention-oriented, full service hotel with ballroom/meeting space (40 to 50 square feet per room), in close proximity to the Sacramento Convention Center;
- Enhance the marketing capability and utilization of the Sacramento Convention Center;
- Enable Sacramento Convention Center to compete for national and regional conventions;
- Increase city-wide TOT revenue potential;
- Renovate and reuse the historic Public Market building for a use compatible with the Convention Center and the East End District of the Cultural and Entertainment Master Plan;
- Increase the downtown hotel supply; and
- Maximize the economic return for the public investment.

The EIR describes the facts forming the basis for these objectives (DEIR, pp. 3.0-1 to 3.0-18).

## **II. BACKGROUND**

Land use on the project site is governed by applicable City of Sacramento plans, policies, and ordinances. The environmental impacts of growth in the Project vicinity were assessed in the applicable environmental documents prepared for the City of Sacramento General Plan. This information was summarized as necessary throughout the EIR, and the following documents were incorporated by reference: *City of Sacramento General Plan*, City of Sacramento, January 1988; *Draft and Final Environmental Impact Reports, City of Sacramento General Plan*, City of Sacramento, March 1987 and September 1987; *Draft Environmental Impact Report: Land Use Planning Policy within the 100-year Flood Plain in the City and County of Sacramento*, September 1989; *Air Quality Thresholds of Significance*, January 1995, Sacramento Metropolitan Air Quality Management District; *Official Register Containing Structures of Architectural or Historical Significance*, City of Sacramento, October 6, 1983; *Esquire Plaza Office / Cinema Project, Draft*



*Environmental Impact Report*, Redevelopment Agency of the City of Sacramento, June, 1996; *California Environmental Protection Agency (CalEPA) Office Building Draft Environmental Impact Report*, City of Sacramento Neighborhoods, Planning and Development Department, January 1998; *Railyards Specific Plan, Richards Boulevard Area Plan, Draft and Final Environmental Impact Report*, City of Sacramento, Draft EIR is dated June 10, 1992, and Final EIR is dated November 1993; *Draft and Final Environmental Impact Report for the Sacramento Community Convention Center Expansion, 13th and I Street Office Building, 13th and J Street Office Building and 12th and K Street Office Building*, prepared for the City of Sacramento, May 1988; *Supplemental Environmental Impact Report for the Convention Center Expansion*, prepared for the City of Sacramento, November 12, 1991; *Central City Community Plan (CCCP)*, prepared by the City of Sacramento, adopted 1988; *Downtown Cultural and Entertainment District Master Plan*, Sacramento Housing and Redevelopment Agency and Department of Planning and Development, City of Sacramento, May 22, 1990; *Amended Merged Downtown Redevelopment Plan*, Redevelopment Agency of the City of Sacramento, adopted June 17, 1986; *Comprehensive Zoning Ordinance*, City of Sacramento; *2010 Sacramento City/County Bikeway Master Plan*, Environmental Impact Report, County of Sacramento, September 1992; *Draft Environmental Impact Report, State Department of Justice, Attorney General's Office Project*, City of Sacramento, August 1993; *Draft Downtown Parking Study*, City of Sacramento, March 1996; *Capitol View Protection Ordinance*, City of Sacramento, February 1992; *Sacramento Urban Design Plan*, City of Sacramento, 1987; *Neighborhood Preservation Transportation Plan Final Environmental Impact Report*, City of Sacramento, March 1996; and *Convention Center Expansion StreetScape Study*, Sacramento Department of General Services, February, 1992.

The Esquire Plaza Hotel Project site is located within the Central City Community Plan (CCCP) area, in the district commonly known as the Central Business District (CBD). The CBD extends roughly from I Street on the north, 16th Street on the east, L Street on the south, and 3rd Street or Interstate 5 on the west (CCCP, 12/93). Parcels within the CBD are designated CBD or C-3, which is the area intended for the most intense retail, commercial and office developments in the City. The Core District surrounds the CBD, from H Street on the north, 16th Street on the east, R Street on the south, and the Sacramento River on the west (CCCP, 12/93).

Three alternatives to the proposed project plus a no project alternative were considered, including the: 1) Hotel Plus Adjacent Replacement Parking; 2) Hotel Plus Off-Site Replacement Parking and 3) Off-site Hotel at 14th and K Streets. The alternatives are described and analyzed in Section 4.0 of the Draft EIR. The No Project alternative would be the environmentally superior alternative because it would not result in impacts associated with the proposed project. The CEQA Guidelines require that an environmentally superior development alternative be identified if the No Project Alternative is the environmentally superior alternative. The environmentally superior "development" alternative is Alternative C, the Off-site Hotel at 14th and K Streets. This alternative would result in less impacts on local circulation and historic resources. No alterations would be made to the Public Market building and more blight would be eliminated (demolition of vacant/blighted buildings). The anticipated circulation problems on J Street and the 12th/J intersection impacts would be avoided. There would be a smaller impact on parking. Alternative C would result in similar impacts to the combined sewer system, and microwave, radar and radio. Although this alternative would result in more severe wind tunnel effects and greater air quality impacts, overall this alternative, with mitigation, could be considered environmentally superior to the proposed project.

The Agency distributed a Notice of Preparation ("NOP") of the Environmental Impact Report on January 14, 1998. The NOP was widely distributed to the State Clearinghouse/Office of Planning and Research, public agencies and private organizations with an interest in activities proposed in and around the project site. It solicited written comments and input on environmental concerns to take into account in the EIR. Written comments received by the Agency were taken into consideration in preparing the Draft EIR.

On September 22, 1998, the Agency distributed the Draft EIR for the Esquire Plaza Hotel Project to public agencies and the general public. In accordance with the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period for the Draft EIR occurred, ending November 6, 1998. Public notice of a scheduled hearing on the DEIR was given as required by law and Agency regulations. During the review period, six letters were received from state and local agencies that commented on environmental issues evaluated in the Draft EIR. A 10-day notice was provided on the Final EIR, in accordance with CEQA Section 21092.5(a), to allow a review of responses made to public agencies that commented during the 45-day public review period of the Draft EIR. The Final EIR was completed in compliance with the California Environmental Quality Act, and was certified by the Agency on December 15, 1998.

The Agency has considered the project and after receipt of oral and documentary evidence, the Agency took the following actions:

1. Reviewed and considered the FEIR with findings of significant unavoidable adverse impacts relating to transportation, air quality, construction noise, wind, wastewater and historic resources, and significant unavoidable cumulative adverse impacts relating to air quality.
2. Approved an Owner's Participation Agreement.
3. Adopted a Mitigation Monitoring and Reporting Plan for the project.

### **III. THE RECORD OF PROCEEDINGS**

For the purposes of CEQA and the Findings identified in Section IV, the record of proceedings for the Agency's decision on the environmental analysis of this project consists of the following documents:

1. *Air Quality Thresholds of Significance*, Sacramento Metropolitan Air Quality Management District, 1994, First Edition.
2. *Amended Merged Downtown Redevelopment Plan*, Redevelopment Agency of the City of Sacramento, adopted June 17, 1986.
3. *California Environmental Protection Agency (CalEPA) Office Building Draft Environmental Impact Report*, City of Sacramento Neighborhoods, Planning and Development Department, January 1998.
4. *Capitol View Protection Ordinance*, City of Sacramento, February 1992.
5. *Central City Community Plan (CCCP)*, prepared by the City of Sacramento, adopted 1988.

6. *City of Sacramento General Plan*, updated and adopted by the City of Sacramento, January 1988.
7. *City of Sacramento General Plan Update Draft Environmental Impact Report (SGPU DEIR)*, prepared for the City of Sacramento, March 1987.
8. *City of Sacramento, Sacramento Convention Center Expansion StreetScape Study*. City of Sacramento, 1992.
9. *Comprehensive Zoning Ordinance*, City of Sacramento.
10. *Downtown Cultural and Entertainment District Master Plan*, Sacramento Housing and Redevelopment Agency and Department of Planning and Development, City of Sacramento, May 22, 1990.
11. *Draft and Final Environmental Impact Report for the Sacramento Community Convention Center Expansion, 13th and I Street Office Building, 13th and J Street Office Building and 12th and K Street Office Building*, prepared for the City of Sacramento, May 1988.
12. *Draft Downtown Parking Study*, City of Sacramento, March 1996.
13. *Esquire Plaza Office / Cinema Project, Draft Environmental Impact Report*, Redevelopment Agency of the City of Sacramento, June, 1996.
14. *Land Use Planning Policy Within the 100 Year Flood Plain in the City and County of Sacramento Draft and Final EIRs*, prepared for the City of Sacramento, January 1990.
15. *Listed Structures Plan/Non-Residential Buildings*, City of Sacramento, 1976.
16. *Neighborhood Preservation Transportation Plan Final Environmental Impact Report*, City of Sacramento, March 1996.
17. *Railyards Specific Plan, Richards Boulevard Area Plan, Draft and Final Environmental Impact Report*, City of Sacramento, Draft EIR is dated June 10, 1992, and Final EIR is dated November 1993.
18. *Sacramento Urban Design Plan*, City of Sacramento, 1987.
19. *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties*, US Department of Interior, 1990.
20. *State Department of Justice, Attorney General's Office Project, Draft Environmental Impact Report*, City of Sacramento, August 1993.
21. *Supplemental Environmental Impact Report for the Convention Center Expansion*, prepared for the City of Sacramento, November 12, 1991.
22. *2010 Sacramento City/County Bikeway Master Plan*, Environmental Impact Report, County of Sacramento, September 1992.
23. All reports, memoranda, maps, letters, minutes of meetings and other planning documents prepared by the planning consultants, the environmental consultants, Agency staff, City staff, or responsible agencies with respect to the Agency's and City's compliance with the substantive and procedural requirements of CEQA and with respect to the Agency's and City's action on the project;

24. All staff reports and related documents prepared by the Agency or City and written testimony or documents submitted by any person relevant to these or any other findings or statement of overriding considerations adopted by the Agency and City pursuant to CEQA;
25. All documents submitted by members of the public and public agencies in connection with the FEIR, including but not limited to comments on the NOP issued for the project;
26. All notices issued by the Agency and City to comply with CEQA or with any other law governing the processing and approval of the project;
27. Minutes and verbatim transcripts of all workshops, public meetings and public hearings, or video tapes where transcripts are not available or adequate, held by the Agency or City, by either the Agency or Council or by an advisory body, at which the Agency or Council heard testimony on, or considered any environmental document on the project;
28. All findings or resolutions adopted by the Agency and City in connection with the project, and all documents cited or referred to therein;
29. Any documentary or other evidence submitted at workshops, public meetings and public hearings on the project;
30. All written evidence or correspondence submitted to, or transferred from, the Agency and City with respect to compliance with CEQA or with respect to the project;
31. Any proposed decisions or finding submitted to the Agency or City by its staff, consultants, agency, or other persons;
32. Any other written materials relevant to the Agency's or City's compliance with CEQA or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the Agency's or City's files on the project, and all internal Agency or City communications, including staff notes and memoranda related to the project or to the Agency's or City's compliance with CEQA; and
33. Matters of common knowledge to the Agency and Council which it considers, including, but not limited to, relevant portions of the following:
  - a. Sacramento City General Plan and FEIR (January 1988) including the Land Use Map and elements thereof;
  - b. Zoning Code of the City of Sacramento;
  - c. Sacramento City Code;
  - d. Other formally adopted policies and ordinances.

The custodian of the documents comprising the record of proceedings for the Agency's decision is the Environmental Services Division of the City of Sacramento. The location of the administrative record is City of Sacramento, Department of Neighborhoods, Planning and Development Services, 1231 I Street, Suite 300, Sacramento, California 95814.

## MITIGATION MONITORING AND REPORTING PLAN

by Public Resources Code section 21081.6, subdivision (a)(1), the Agency, in adopting this plan, also adopts a mitigation monitoring plan. The plan is designed to ensure that, during implementation, the Agency and any other responsible parties comply with the feasible measures identified below. The plan is described in the document entitled "Esquire Plaza Project Mitigation Monitoring and Reporting Plan."

## SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

prepared for this project, certified by the Agency, identified the following significant impacts which can be partially mitigated, but remain significant and unavoidable:

**Access Sections.** Due to inadequate hotel curbside drop-off, traffic generated by the proposed project would result in blocked lanes on J Street and queuing into the intersection of 12th and J Streets several days per month.

**Transit System.** Traffic generated by the proposed project would result in blocked lanes on J Street and queuing into the intersection of 12th and J Streets several days per month, interfering with bus and light rail operations.

**Vehicle Circulation - Curbside.** The proposed project would have curbside passenger luggage loading / unloading / valet parking area along the southern curb of J Street. Existing hotel operations in this area will affect J Street traffic operations. Access to Lot E would require crossing the J Street through traffic lanes in a short distance, or diverting onto 12th Street. These operations in the curbside lane(s) could impede through traffic on J Street. Under either a single lane or double lane drop-off, extended blockage of a J Street travel lane is likely to occur based upon the project characteristics and associated peak hour trip generation utilized in the traffic analysis.

**Operational Intersections.** Anticipated blockage of J Street at the project loading / unloading area will change the level of service of the 12th and J intersection from "B" to "F" during a.m. and p.m. peak hours. The traffic volume increase at this location will change the level of service from "B" to "E" or "F" during the p.m. peak hour, and the proposed project would contribute to significant p.m. peak hour traffic impacts at 13th and J streets.

**Air Quality - Phase II construction emissions.** NO<sub>x</sub> emissions for the proposed project would exceed the significance threshold by 5.31 lbs/day.

**Project-generated ozone impacts (project specific).** Employee, customer and delivery vehicle emissions associated with the proposed project would generate an estimated 103 lbs/day of ROG and an estimated 80 lbs/day of NO<sub>x</sub> emissions, contributing to regional ambient O<sub>3</sub> concentrations. Additionally, the combustion of natural gas for space heating will contribute NO<sub>x</sub> and ROG emissions. Project specific emissions exceed the individual significance thresholds for ROG of 10 lbs/day set by the SMAQMD for the proposed project.

**Operational Operation Impacts.** Long-term operational additions of O<sub>3</sub>, PM<sub>10</sub>, and CO by the proposed project would contribute to a continuation of the non-attainment status of criteria air pollutants in the SUA, and delay the SMAQMD's efforts to reach attainment.

- **Construction Noise.** Construction and demolition of proposed facilities at the project site would temporarily increase noise levels for nearby sensitive receptors (project specific - temporary).
- **Hazardous Wind Conditions.** Implementation of the proposed project would result in three new wind hazard criterion exceedances. Two of the exceedances would occur on the rooftop of the proposed building which would not have public access. The third exceedance would be on the sidewalk at the intersection of 13th and J streets.
- **Substantial Increase to Combined Sewer System.** The proposed project would result in substantial Combined Sewer System flows that would further worsen existing capacity problems with the CSS.
- **Alteration or Demolition of Historic Resources.** Development of the proposed project would destroy original historic features in the Public Market building, an "Essential" historic structure listed on the City's *Official Register*.
- **Parking.** On a peak weekday, there is no parking supply available for the project. The proposed valet parking in Lot E would add approximately 80 spaces, which is less than the anticipated project demand of 700 spaces, a deficiency of approximately 620 spaces.
- **Cumulative Parking.** The proposed project, in combination with planned and proposed development in the downtown area, would generate a cumulative parking demand that would exceed parking facilities in the downtown area.

## VI. FINDINGS AND STATEMENTS OF FACTS SUPPORTING THE FINDINGS

The Environmental Impact Report for the Esquire Plaza Hotel project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts which could result from adoption of the project or alternatives to the project.

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. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the 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 benefits of the project (listed in the Statement of Overriding Considerations, section IV) outweigh the risks of the potentially significant environmental effects of the project.

Notwithstanding the identification of the above significant unavoidable adverse impacts, the Agency hereby receives the project, as authorized by Public Resources Code Section 21081 and Title 14, California Code of Regulations Sections 15091, 15092, and 15093. As required by the aforementioned references:

98-062  
RESOLUTION \_\_\_\_\_

## A. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED

The Agency finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects listed below, as identified in the FEIR. These findings are supported by substantial evidence in the record of the proceeding(s) before the Agency. Each of these impacts is considered below.

### 1. URBAN DESIGN

- (a) **Significant Effect: Effects to existing viewsheds along designated important view corridors (6.1.2).** The project will require signage/markings to guide increased pedestrian activity traveling from the Lot E parking garage across the 13th and J Street intersection to the proposed hotel. In addition, construction activities would likely result in temporary effects to the visual quality of J Street. This would be a *significant* impact. (DEIR pp. 6.1-1 to 6.1-20; FEIR pgs 2.0-8 to 2.0-10)

**Supporting Fact:** The EIR identified the following mitigation measures, included in the Mitigation Monitoring and Reporting Plan, that reduce this impact to a *less than significant* level:

6.1.2a Provide enhanced 13th and J Street intersection improvements consistent with the recommendations of the Convention Center Streetscape Plan.

- (b) **Significant Effect: Impacts to Street Trees (6.1.3).** Development of the proposed project may result in the removal of existing street trees and may indirectly impact other street trees from construction activities. This would be a *significant* impact. (DEIR pp. 6.1-1 to 6.1-22; FEIR pgs 2.0-8 to 2.0-10)

**Supporting Fact:** The EIR identified the following mitigation measures, included in the Mitigation Monitoring Plan, that reduce this impact to a *less than significant* level:

6.1.3a Prior to the issuance of building permits, the project proponent shall provide a 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).

6.1.3b 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 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.
- (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 Plant 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.

**6.1.3c** 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.

## 2. TRANSPORTATION/CIRCULATION

- (a) **Significant Effect: Local Vehicular Circulation - Loading Dock (6.2.3).** The current design of the loading dock access would utilize the alley as the maneuvering area for trucks backing into the loading dock. These backing vehicles would conflict with other traffic in the alley, including vehicles accessing the underground parking garage and passenger loading / unloading area of the 1201 K Street building. This would be a *significant impact*. (DEIR pp. 6.2-1 to 6.2-44; FEIR pgs 2.0-10 to 2.0-11)

**Supporting Fact:** The FEIR identified the following mitigation measures, included in the Mitigation Monitoring Plan, that reduce this impact to a *less than significant level*:



6.2.3 The loading dock access shall be designed to avoid maneuvering on city streets and alleys, so as not to interfere with other traffic. If such redesign is deemed infeasible, a staging / waiting area shall be provided near the loading dock, such that arriving vehicles do not stop and block traffic. Vehicles shall back into the loading dock area under the guidance of traffic control personnel to be stationed at the loading dock area.

- (b) **Significant Effect: Construction Impacts (6.2.6).** Construction of the proposed project could result in disruption to the normal operations of the City street system, especially the J Street corridor, as a result of street and /or lane closures and other effects on roadway capacity. Blockage of travel lanes would result in substantial traffic congestion in the downtown area, since there would be insufficient roadway capacity to accommodate traffic demands. This would be a *significant impact*. (DEIR pp. 6.2-1 to 6.2-49; FEIR pgs 2.0-10 to 2.0-11)

**Supporting Fact:** The FEIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact to a *less than significant level*:

6.2.6 Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City Traffic Engineer. This plan shall mitigate pedestrian safety concerns (which includes providing signage that directs pedestrians to existing businesses on J Street) and shall maintain all travel lanes on streets throughout the construction period, unless the City Traffic Engineer determines that adequate capacity exists with lane closures.

- (c) **Significant Effect:** Traffic generated by the proposed project would contribute to *significant cumulative traffic impacts* at the following intersections (DEIR pp. 6.2-1 - 6.2-53; FEIR pgs 2.0-10 to 2.0-11):

- ▶ 16th and W Streets during the a.m. peak hour
- ▶ 15th and J Streets during the p.m. peak hour
- ▶ 16th and J Streets during the p.m. peak hour
- ▶ 13th and J Streets during the p.m. peak hour (Double lane drop-off only) .

**Supporting Fact:** The FEIR identified the following mitigation measures, included in the Mitigation Monitoring Plan, that reduce this impact to a *less than significant level*:

6.2.7a 16th and W streets intersection: On the westbound W Street approach, add an exclusive right turn lane 100 feet long. This will require the elimination of some curbside parking spaces. This will improve the level of service to "C."

6.2.7b 16th and J streets intersection: During the p.m. peak period, provide an additional northbound 16th Street through lane by prohibiting parking along the western curb of 16th Street from K Street to J Street. This will improve the level of service to "C."

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6.2.7c 15th and J streets intersection: During the p.m. peak period, provide an additional southbound 15th Street left turn lane by prohibiting parking along the east curb of 15th Street from I Street to J Street. This will improve the level of service to "B."

6.2.7d 13th and J Streets intersection: Construct a single lane drop-off as mitigation for the impacts associated with the double lane drop-off included in the description for the proposed project.

### 3. NOISE/VIBRATION

- (a) **Significant Effect: Traffic-generated noise (6.4.2)**. Operation of the proposed 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 not be discernible to most people. However, ambient noise levels could reach conditionally unacceptable levels for hotels. Therefore, the impact is considered *significant*. (DEIR pp. 6.4-1 to 6.4-13; FEIR pg 2.0-11)

**Supporting Fact:** The FEIR identified the following mitigation measures, included in the Mitigation Monitoring Plan, that reduce impacts associated with construction related vibration and construction equipment impact damage to adjacent and nearby buildings to a *less than significant level*:

6.4.2 Prior to construction, the applicant shall provide an acoustical analysis that identifies measures to insure interior guest room noise levels of 45 dBA or less are maintained for future ambient noise levels. Such measures shall be included in the construction documents to the satisfaction of the City Building Division.

- (b) **Significant Effect: Construction-induced vibration impacts (6.4.3)**. Construction activities for the proposed project would generate construction-induced vibration that could adversely affect the Public Market building and/or other nearby structures. This would be a *potentially significant impact*. (DEIR pp. 6.4-1 to 6.4-15; FEIR pg 2.0-11)

**Supporting Fact:** The FEIR identified the following mitigation measures, included in the Mitigation Monitoring and Reporting Plan, that reduce this impact to a *less than significant level*:

6.4.3a Fixtures and finishes susceptible to damage shall be documented both photographically and in writing by a historic preservation architect prior to construction. The pre-existing condition of sensitive buildings shall be recorded in order to facilitate the repair of any damage back to pre-existing condition.

6.4.3b Pile holes shall be pre-drilled to the maximum depth feasible in order to reduce the number or duration of vibrations related to pile driving activity.

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

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- 6.4.3d Examine all adjacent buildings during construction for the occurrence of new cracks or signs of distress.
- 6.4.3e Construction staging areas shall be located away from historic buildings so that the building(s) will not be threatened by construction equipment or materials.
- 6.4.3f Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. Once the problem activity is identified, the activity shall be modified to eliminate the problem and protect the adjacent buildings.

4. STORM WATER, WASTEWATER, FLOOD CONTROL

- (a) **Significant Effect: Exceed contracted amount of sewage to the Sacramento Regional County Sanitation District (6.6.2).** The proposed project would generate approximately 0.08 mgd (199.5 ESD) of sewage which may exceed the contracted amount of sewage to the SRCSD of 60 mgd. This would be a *significant impact*. (DEIR, pp. 6.6-1 to 6.6-10; FEIR pg 2.0-12)

**Supporting Fact:** The EIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact 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 the construction of relief interceptor sewer and treatment facilities.

6. CULTURAL AND HISTORIC RESOURCES

- (a) **Significant Effect: Loss or degradation of undiscovered prehistoric and historic resources (6.7.1).** Construction activities for the proposed project could affect undiscovered prehistoric and historic resources. This would be a *potentially significant impact*. (DEIR, pp. 6.7-1 to 6.7-17; FEIR pgs 2.0-12 to 2.0-14)

**Supporting Fact:** The EIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact to a *less than significant level*:

- 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.

- (b) **Significant Effect: Construction impacts to on-site and adjacent historic structures (6.7.3).** Construction activities for the proposed project could adversely affect the Public Market building. This would be a *potentially significant impact*. (DEIR, pp. 6.7-1 to 6.7-20; FEIR pgs 2.0-12 to 2.0-14)

**Supporting Fact:** The EIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact to a *less than significant level*:

6.7.2 Implement Noise/Vibration mitigation measures 6.4.3a-f.

## 8. MICROWAVE, RADAR, AND RADIO

- (a) **Significant Effect: Interference with in-building police and fire communications (6.8.3).** The ballroom in the proposed project would be located approximately six feet below ground level which could prevent radio signals from being received in or sent from the lower level. This impact would occur as a result of the building structure itself interfering with the radio signals. This would be a *significant impact*. (DEIR, pp. 6.8-1 to 6.8-6; FEIR pg 2.0-14)

**Supporting Fact:** The EIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact to a *less than significant level*:

6.8.3 The project sponsor shall install a Radio Re-radiation System tuned to the City's public safety radio band, which would allow clear and reliable communications within the building, thereby eliminating the impact to in-building communications.

- (b) **Significant Effect: Interference with the Automated Local Evaluation in Real Time System (6.8.4).** The proposed project would be approximately 280 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*. (DEIR, pp. 6.8-1 to 6.8-7; FEIR pg 2.0-14)

**Supporting Fact:** The EIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that reduces this impact to a *less than significant level*:

6.8.4 The project sponsor shall install a receiving antenna on top of the hotel tower in a manner consistent with the Sacramento Urban Design Plan. The receiving antenna would be connected directly to 827 7th Street via wires, not via a transmitting antenna. The facilities may be included with other necessary communication equipment.

## B. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

The Agency further finds that changes or alterations that can substantially lessen, but not avoid the significant environmental effects listed below, as identified in the EIR, have been required in or incorporated into the project where feasible. Specific economic, social or other considerations make infeasible further mitigation or project alternatives (Section VII) to reduce impacts to less than significant levels, as outlined in Section VIII of this Statement.

### 1. TRANSPORTATION

- (a) **Significant Effect: Intersections (6.2.1).** Traffic generated by the proposed project under design conditions would result in significant and unavoidable traffic impacts several days each month at the 12th and J Streets during the a.m. and p.m. peak hour (DEIR pp. 6.1-1 to 6.1-20; FEIR pg 2.0-10 to 2.0-11).

**Supporting Fact:** No feasible mitigation measures have been identified for that would reduce the impact for the intersection of 12th and J streets to *less-than-significant*, other than provision of a porte-cochere on-site, which was rejected as infeasible without a complete redesign of the project (DEIR Chapter 4.0, Alternatives discussion of porte-cochere alternatives). The following mitigation measures are identified to reduce the magnitude of the impacts, although since their effectiveness cannot be measured prior to implementation the impact remains *significant and unavoidable*:

- 6.2.1a** To minimize the magnitude of the impact, the hotel operators shall operate the curbside loading zone in a manner to minimize double-parking and blockage of the J Street travel lanes. They shall provide a valet staffing plan to accommodate the parking demand to the City Traffic Engineer, subject to monitoring and refinement by the hotel and the City. Valets moving vehicles from the hotel to Lot E shall travel via 14th Street to minimize left turning conflicts at the intersection of 13th and J Streets. The hotel operators shall reimburse the City for traffic control personnel to minimize congestion along J Street resulting from hotel operations, as deemed necessary by the City Traffic Engineer. At the discretion of the City Traffic Engineer, signage and / or striping shall be added to the intersection of 12th and J Streets to minimize blockage of the intersection and light rail tracks. This mitigation measure will reduce the project impacts, but not to a *less-than-significant* level.
- 6.2.1b** The hotel operators shall provide additional traffic control signage and pavement markings along affected streets (J, I, 12th) to the satisfaction of the City Traffic Engineer and Regional Transit in order to notify and provide physical markings alerting drivers to the presence of light rail tracks.
- 6.2.1c** The applicant shall fully fund construction of a closed circuit television camera near the project with a connection to the City's Traffic Operations Center (TOC) to the satisfaction of the City Traffic Engineer. This will allow a traffic engineer to observe operations on J Street and adjust signal timing to facilitate short term peaks in traffic and pedestrian demands created by the hotel.

**6.2.1d** The single lane drop-off is recommended as mitigation to the impacts associated with the double lane drop-off included in the description for the proposed project. The single lane drop-off provides enough curbside storage to accommodate all hotel traffic without spillover into the J Street travel lanes assuming no substantial events in the ballroom, meeting room, and conference room space. When there are no such substantial events, the number of curbside trips would be about 60 percent less during the peak hours than the number of curbside trips analyzed under the design condition. However, some double parking may still occur even if there is space available in the curbside zone.

Under either Variation 1 or Variation 2, extended blockage of a J Street travel lane is likely to occur based upon the peak "design condition" utilized in the traffic analysis. However, based on the disadvantages of the double lane drop-off (additional intersection impacts when compared to the single lane drop-off, reduced capacity for through traffic on J Street, removal of all of the parking along the north side of J Street between 12th and 13th Streets, precludes the future capacity enhancement of J Street) and the few days each month the peak design condition is anticipated to occur, the single lane drop-off is recommended as mitigation to the impacts associated with the double lane drop-off included in the description for the proposed project.

**Significant Effect: Transit System (6.2.2).** Traffic generated by the proposed project would result in blocked lanes on J Street and queuing into the intersection of 12th and J Streets several days per month, interfering with bus and light rail operations. This would be a *significant and unavoidable impact*. (DEIR pp. 6.1-16 to 6.1-43; FEIR pg 2.0-10 to 2.0-11)

**Supporting Fact:** The implementation of Mitigation Measures 6.2.1a through 6.2.1c would reduce the magnitude of the impact, but not to less than significant levels.

**Significant Effect: Local Vehicular Circulation - Curbside Loading / Unloading / Valet Parking Area (6.2.4).** Current design of the project includes a double lane curbside passenger and luggage loading / unloading / valet parking area along the south curb of J Street. Intensive hotel operations in this area will affect J Street traffic operations. Access to Lot E parking would require crossing the J Street through traffic lanes in a short distance, or diverting to 14th Street. This would be a *significant and unavoidable impact*. (DEIR pgs 6.2-1 to 6.2-47; FEIR pg 2.0-10 to 2.0-11)

**Supporting Fact:** Implement Mitigation Measure 6.2.1a through 6.2.1d to reduce the magnitude of the impact.

**Significant Effect: Parking (6.2.5).** On a peak weekday, there is no parking supply available for the project. For example, existing City lot E was effectively full on fourteen weekdays during 1997. The proposed valet parking in Lot E would add approximately 80 spaces, which is less than the anticipated project demand of 700 spaces. This deficiency of approximately 620 spaces would be a *significant impact*. (DEIR pp. 6.2-1 to 6.2-48; FEIR pg 2.0-10 to 2.0-11)

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**Supporting Fact:** The FEIR identified the following mitigation measure, included in the Mitigation Monitoring and Reporting Plan, that would reduce this impact to a less than significant level:

**6.2.5a** Prior to occupancy of the project, a total of 700 additional parking spaces within five blocks of the project shall be provided in order to meet midday parking demands. Five blocks are considered a reasonable walking distance for patron and employee parking.

However, the City has determined that the commitment to provide the 700 parking spaces as specified in this mitigation measure is infeasible at this time. The project does not financially support a new garage. In addition, City staff have identified other factors which contribute to downtown parking demand which may also require the provision of additional parking in the vicinity of this project. A comprehensive plan to provide such parking to meet all needs is not yet available, and thus the City is unable to commit to the construction of a parking facility as identified in Mitigation Measure 6.2.5a because an action to construct/purchase only such parking as is needed by this project may preclude the efficient and cost effective provision of parking to meet potential future needs. The City is committed to a comprehensive analysis of downtown parking needs and proposes to develop a downtown parking master plan to address such needs. In the absence of an identified location and timing for the provision of the unmet parking needs for the Esquire Plaza Hotel project, a commitment to the identified mitigation measures cannot be made. Therefore, this mitigation measure is considered infeasible and this impact will be **significant and unavoidable**.

- (e) **Significant Effect: Intersections - Cumulative (6.2.7).** Traffic generated by the proposed project would contribute to *significant and unavoidable cumulative intersection impacts* at the 12th and J Streets during the a.m. and p.m. peak hour (DEIR pp. 6.2-1 to 6.2-53; FEIR pg 2.0-10 to 2.0-11)

**Supporting Fact:** No feasible mitigation measures have been identified for that would reduce the impact for the intersection of 12th and J streets to *less-than-significant*, other than provision of a porte-cochere on-site, which was rejected as infeasible without a complete redesign of the project (DEIR Chapter 4.0, Alternatives discussion of porte-cochere alternatives). Mitigation measures 6.2.1a through 6.2.1d, identified above, would reduce the magnitude of the impacts, but not to less than significant levels.

- (d) **Significant Effect: Cumulative Transit System (6.2.8).** Cumulative traffic generated by the proposed project would result in blocked lanes on J Street and queuing into the intersection of 12th and J Streets several days per month, interfering with bus and light rail operations. This would be a *significant and unavoidable cumulative impact*. (DEIR pp. 6.2-1 to 6.2-56; FEIR pg 2.0-10 to 2.0-11)

**Supporting Fact: 6.2.8** Mitigation Measures 6.2.1a through 6.2.1c will reduce the magnitude of the impact, but there is no way to measure whether the proposed mitigation measures will reduce operational impacts to less than significant levels. Therefore, this remains a significant and unavoidable cumulative impact.

- (e) **Significant Effect: Cumulative Parking (6.2.9).** The proposed project, in combination with planned and proposed development in the downtown area, would generate a cumulative parking demand that would exceed parking facilities in the downtown area. This would be a *significant and unavoidable cumulative impact*. (DEIR pp. 6.2-1 to 6.2-58)

**Supporting Fact:** The FEIR identified Mitigation Measure 6.2.5, above to mitigate the impact to a less than significant level. As previously described, there are several development projects that are either approved or are proposed for the downtown area that are anticipated to impact parking supplies. The proposed project does not financially support a new garage, thus it would not contribute any additional parking to meet these parking needs. There would be a reduction of the available parking supply to serve demands on peak days for the project, and, as identified above, the City cannot identify a certain location or timing for the provision of additional parking at this time. While the City is committed to studying and proposing a comprehensive master plan for the provision of parking within the downtown area, the provision of mitigation measure 6.2.5 is determined to be infeasible at this time. Thus, the impact remains significant and unavoidable.

## 2. AIR QUALITY

- (a) **Significant Effect: Phase II construction - erection and construction emissions (6.3.2).** Phase II construction emissions would generate PM<sub>10</sub>, NO<sub>x</sub>, and ROG, thereby adding to ambient PM<sub>10</sub> and O<sub>3</sub> concentrations. Construction activities would generate an estimated 56.7 lbs/day of PM<sub>10</sub>, 90.3 lbs/day of NO<sub>x</sub>, and 71.9 lbs/day ROG, primarily through the operation of mobile and stationary construction equipment and architectural coatings. Although PM<sub>10</sub> and ROG emissions are below the SMAQMD's significance thresholds of 275 lbs/day PM<sub>10</sub> and 85 lbs/day ROG emissions, Phase II NO<sub>x</sub> emissions would likely exceed the District's threshold, constituting a *significant unavoidable impact*. (DEIR pp. 6.3-1 to 6.3-15; FEIR pg 2.0-11)

**Supporting Fact:**

Phase II construction emission mitigation measures involve the routine maintenance and tuning of all mobile and stationary powered construction equipment, as well as construction employee commute vehicle trip reductions. No mitigation is available to reduce emissions from architectural coatings. 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.

The following mitigation measures are identified for the proposed project and alternatives:

6.3.2a Implement mitigation measure 6.3.1.

6.3.2b Construction employees shall be encouraged to use transit and carpooling to the job sites.



The mitigation measures would reduce stationary and mobile construction equipment NO<sub>x</sub> emissions by 5 percent, or a total of 4.4 lbs/day for the proposed project. The mitigation measures would reduce stationary and mobile construction equipment ROG emissions by a similar 5 percent, or a total of .8 lbs/day for the proposed project. Reduction of construction employee vehicle trips cannot be adequately estimated. This would reduce the magnitude of the impact, but the impact of the proposed project and all alternatives would remain *significant and unavoidable*.

- (b) **Significant Effect: Project-generated ozone impacts (6.3.3).** The proposed project will generate NO<sub>x</sub> and ROG emissions, which are precursors to ozone. This would be a *significant unavoidable impact*. (DEIR pp. 6.3-1 to 6.3-16; FEIR pg 2.0-11)

**Supporting Fact:** Incorporation of the following mitigation measure will reduce the magnitude of the impact, but it will remain *significant and unavoidable*:

**6.3.3a** Vehicles owned and/or operated by the hotel, including shuttle vehicles, shall be powered by reduced-emission engines to the extent feasible.

**6.3.3b** The principal source of project-specific ozone precursor (NO<sub>x</sub>, ROG) emissions is from project-related vehicle trips. Mitigation measures are targeted at reducing the amount of project related vehicle trips. The City Developer Trip Reduction Ordinance #88-082 requires that developers provide a Transportation Systems Management Plan that will achieve a 35% reduction in vehicle trips. The following measure would reduce the magnitude of the cumulative ozone impact, but is *not* capable of reducing the impact to a less than significant level.

(a) The OPA shall stipulate that the developer shall implement a TSM Plan, as approved by the City, which may include, but is not limited to the following:

- (1) Provide a Transportation Coordinator who would have primary responsibility for TSM issues and for implementing the TSM;
- (2) Incorporate on-site amenities such as an automatic teller machine (ATM), restaurants, retail and support retail into the site design;
- (3) Manage parking spaces to provide preferential parking and reduced parking rates for carpools, vanpools and cleaner fuel vehicles, and encourage battery-operated vehicle use through parking space reservation and retrofitting of parking spaces for electric cars;
- (4) Provide shower and locker facilities for employees;
- (5) Provide Class I bicycle storage and Class II racks for all employees and visitors.
- (6) Promote opportunities for guests to arrive under group transportation modes.

**6.3.3b** Implement mitigation measures 6.3.1 and 6.3.2.

- (c) **Significant Effect: Cumulative Operation Impacts (6.3.6).** Implementation of the proposed project, by incrementally adding to regional air pollution, would contribute to a cumulative air quality effect. This would be a *significant unavoidable impact*. (DEIR pp. 6.3-1 - 6.3-19; FEIR pg 2.0-11)

**Supporting Fact:** Mitigation measures 6.3.1 through 6.6.3 will be implemented. These measures would help to reduce the magnitude of the project's contribution to regional air pollution, but the cumulative effect will remain *significant and unavoidable*. Such impacts were identified for projects in the Central Business District with adoption of the *Sacramento General Plan Update EIR*. The City Council adopted Findings of Fact and a Statement of Overriding Considerations regarding cumulative air quality impacts for projects consistent with the SGPU.

### 3. MICROCLIMATE

- (a) **Significant Effect: Hazardous Wind Conditions (6.5.3).** Implementation of the proposed project would result in three new wind hazard criterion exceedances. Two of the exceedances would occur on the rooftop of the proposed building which would not have public access. The third exceedance would be on the sidewalk at the intersection of 13th and J streets. This would be a *significant unavoidable impact*. (DEIR pp. 6.5-1 to 6.5-15; FEIR pg 2.0-12)

**Supporting Fact:** With the proposed project, winds would exceed the 36 mph hazard criterion at 5 of the 30 measurement locations. However, only one of the five locations is accessible to the public (location 5). The one publicly accessible measurement location is at the southwest corner of 13th and J streets (location 5). Winds at location 5 exceed the hazard criterion for two hours a year and would be considered a significant impact. Incorporation of Urban Design Mitigation Measures 6.1.3a through 6.1.3c can reduce the magnitude of the impacts, but since the value of trees as wind breaks will depend upon the size and location of the trees, the impacts remain *potentially significant and unavoidable*.

### 4. STORM WATER, WASTEWATER AND FLOOD CONTROL

- (a) **Significant Effect: Substantial increases to CSS flows (6.6.1).** The proposed project would result in CSS flows that exceed the City's screening criteria for project-generated wastewater flows. This would be a *significant unavoidable impact*. (DEIR pp. 6.6-1 to 6.6-9; FEIR pg 2.0-12)

**Supporting Fact:** There are no mitigation measures available beyond standard City requirements. Improvements to the CSS would not occur until after the proposed project is constructed, resulting in unmitigated substantial additions to the CSS for an unknown period of time. This impact would remain *significant and unavoidable*.

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## 5. CULTURAL AND HISTORIC RESOURCES

- (a) **Significant Effect: Alteration or demolition of historic structures (6.7.2).** Development of the proposed project would destroy original historic features in the Public Market building, an "Essential" structure listed on the City's *Official Register*. This would be a *significant unavoidable impact*. (DEIR, pp. 6.7-1 to 6.7-20; FEIR pgs 2.0-12 to 2.0-14)

**Supporting Fact:** Mitigation measures have been adopted to reduce the magnitude of impacts to the Public Market building, but the project will still have a significant and unavoidable impact on the historic building. Mitigation Measure 6.7.2 requires the following:

**6.7.2a** Modifications of the Public Market building shall conform to the *Secretary of Interior's Standards for Rehabilitation* to the extent technically and economically feasible according to standard review procedures. The historic character of the Public Market shall be retained and preserved, and related new construction shall avoid destroying original historic materials and features that characterize the property. The development team shall consult with a qualified architectural historian with respect to the renovation of the Public Market building. Ballroom impacts to the interior shall be minimized as much as technically and economically feasible, re-opening the interior volume under the clerestory as much as possible and re-creating the structural and hardware elements from the original market interior as much as possible, especially the mezzanine area.

- 1) Julia Morgan's Public Market Building could potentially be eligible for the NRHP with a period of significance dating from the building's construction and ending when the building ceased to be a public market. To try to emphasize or capture a feeling of time and place that would have existed during this period of significance, the architects shall seek direction from the historic record to determine original materials and design elements that would have been used either in the Sacramento Public Market or in other public structures that Morgan designed, such as the public market in San Francisco.
- 2) In addition to the historic record, the builder shall seek professional guidance to determine the original materials used in the Public Market by investigating for original elements (such as original flooring treatment, etc.) that may still be present in the building, although currently covered or masked by subsequent modifications of the building. Original elements that are discovered shall guide the interior design treatments in their efforts to recreate or emphasize the original condition of the building.
- 3) Public historical interpretation of Julia Morgan and the Public Market shall be present in the building in an easily accessible public location.

**6.7.2b** Provide protective coverings or temporary shoring of historic features in consultation with the Preservation Director.

**6.7.2c** Prior to any demolition activities in the Public Market building:

- 1) The storage areas and refrigeration tunnel features, and any other original material shall be recorded according to the Historic American Building Survey (HABS) standards. Record historical features by using a mid-level format photography. Recordation should consist of photo-documentation and a detailed written description of the basement, following HABS guidelines. A copy of the HABS documents shall be conveyed to the Sacramento History Museum and Archives Center upon removal for documentation, interpretation, archival and display activities; and
- 2) The curator for the Sacramento History Museum and Archives Center shall determine whether, how, and where any historical features shall be salvaged and retained off-site.

**VII. 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**

The No Project Alternative (AA) is required by CEQA. Under this alternative, there would not be development of a new on-site, high-rise hotel tower and renovation of the historic Public Market building. Existing traffic and circulation patterns would continue, increasing and changing over time only in association with other growth in the area and changes in tenants on the site. The potential for project-related cumulative air emissions would not occur. Construction would not be necessary, thus noise and vibration impacts would not occur. Increased demands on the combined sewer systems would not be generated.

**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 the strengthening of retail and other commercial functions in the downtown area.
- b) The No Project Alternative would not promote the City's General Plan policies related to the preservation and/or restoration, where feasible, of historically or architecturally significant structures.

- c) The No Project Alternative would not promote the City's General Plan policies related to the provision of opportunities for participation by owners and business tenants in the revitalization of their properties
- d) The No Project Alternative would be inconsistent with City and Regional Transit policy to locate high intensity mixed use 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.
- e) The No Project Alternative would be inconsistent with City policy supporting the creation of a vibrant 18-hour downtown environment and thereby improve security in the area.
- f) The No Project Alternative would not achieve the basic goals and objectives of the proposed project, including enhancing the marketing capability and utilization of the Sacramento Convention Center, and would leave the site underutilized as vacant office and small retail services.
- g) The No Project Alternative would not achieve the basic goals and objectives of the Redevelopment Agency, including elimination of blighting influences such as stagnant or declining property values; inadequate retail and other commercial functions, particularly entertainment-related functions in the downtown area; parcels of real property configured in an outdated or inefficient manner; deterioration of historically or architecturally significant buildings; and declining business opportunities.
- h) 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 - Hotel Plus Adjacent Replacement Parking Alternative**

Alternative A assumes the construction of the proposed 525 room hotel at the 13th and J site as described for the proposed project. However, this alternative would construct an expansion to the Lot E parking garage to add 450 parking spaces. The parking garage would be 5 stories (approximately 60 to 80 feet) in height and would consist solely of parking (i.e. no ground floor retail commercial provided). Two structures exist on the proposed parking garage site and would require demolition. One of these structures is the B. F. Goodrich Tire Center, built in 1929, individually listed as a Priority Structure in the City's *Official Register*. This alternative was developed to address the potential parking impacts associated with the proposed project.

**Finding**

Specific economic, social, or other considerations make infeasible the Hotel Plus Adjacent Replacement Parking Alternative identified in the EIR and described above in that:

- a) Alternative A would require the construction of a parking facility which cannot be financially supported by the project and would require an additional, unanticipated project expense for the Agency and City.

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- b) Alternative A would conflict with the goal of supporting the public investment in the transit system by developing a parking garage adjacent to a light rail station.
- c) Alternative A would require demolition of the B. F. Goodrich Tire Center that is individually listed as a Priority Structure in the City's *Official Register*, and would thus not promote the City's General Plan policies related to the preservation and/or restoration, where feasible, of historically or architecturally significant structures.
- d) Alternative A would require a major public investment of funds to construct a garage in advance of the City identifying and adopting a comprehensive parking master plan for the downtown, thus potentially resulting in an ineffective and inefficient use of available resources.
- e) 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 - Hotel Plus Off-Site Replacement Parking Alternative**

Alternative B assumes the construction of the proposed 525 room hotel at the 13th and J site as described for the proposed project. However, this alternative would construct a 1,000 space parking garage on a one-half city block site on the south side of H Street between 14th and 15th streets. This site is currently a 167 space public parking surface lot owned by the City, known as Lot C. It is anticipated that hotel valet parking and sufficient public parking for hotel guests would be provided in the Lot E garage, and Lot E monthly parkers would be relocated to the new parking structure. The parking garage would be five (5) stories (approximately 60 to 80 feet) in height and would consist solely of parking (i.e. no ground floor retail commercial provided). This alternative was developed to address the potential parking impacts associated with the proposed project.

**Finding**

Specific economic, social, or other considerations make infeasible the Hotel Plus Off-Site Replacement Parking Alternative identified in the EIR and described above in that:

- a) Alternative B would require the construction of a parking facility which cannot be financially supported by the project and would require an additional, unanticipated project expense for the Agency and City.
- b) Alternative B would conflict with the goal of supporting the public investment in the transit system by developing a parking garage to vastly exceed current anticipated needs of the proposed project on non-peak activity days.
- c) Alternative B would likely conflict with the height provisions of the City Zoning Ordinance.
- d) Alternative B would require a major public investment of funds to construct a garage in advance of the City identifying and adopting a comprehensive parking master plan for the downtown, thus potentially resulting in an ineffective and inefficient use of available resources.

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- e) 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 - Off-site Hotel at 14th and K Streets Alternative**

This alternative would construct a 525 room hotel with on-site parking between 14th and 15th streets, K and L Streets. This alternative site includes three quarters of a city block facing L, 15th and K streets, excluding the quarter block that holds the historic 1414 K Street building (identified as a "Priority" structure on the City's Official Register) and the League of Cities building. A vacant and blighted building, a small strip retail center and vacant parcels would be replaced by this alternative. A 150 foot/14 story hotel would be constructed on the ½ block facing L Street between 14th and 15th streets.

**Finding**

Specific economic, social, or other considerations make infeasible the Hotel Plus Off-Site Replacement Parking Alternative identified in the EIR and described above in that:

- a) Alternative C is located on a site that is not controlled by a developer who has demonstrated an intent and the ability to finance and construct a full-service convention center hotel on the site, and would require the Agency and City to acquire and consolidate properties which may be unavailable.
- b) Alternative C would not promote the City's General Plan policies related to the preservation and/or restoration, where feasible, of historically or architecturally significant structures, specifically the adaptive reuse of the historic Public Market building.
- c) Alternative C would require the construction of a parking facility which cannot be financially supported by the project and would require an additional, unanticipated project expense for the Agency and City.
- d) Alternative C would require a major public investment of funds to construct a garage in advance of the City identifying and adopting a comprehensive parking master plan for the downtown, thus potentially resulting in an ineffective and inefficient use of available resources.
- e) Alternative C would not achieve the basic goals and/or objectives of the project and would leave an "Essential" historic structure unutilized for an undetermined length of time.
- f) Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

**VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Notwithstanding the disclosure of the significant impacts and their mitigation described, supra, the Agency has determined pursuant to Section 15093 of the State CEQA Guidelines that the benefits of the proposed project outweigh the adverse impacts, and the project should be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the Agency has determined that implementation of the project could result in: 1) traffic generated by the proposed project blocking lanes on J Street and queuing into the intersection of 12th and J Streets several days per month; 2) traffic generated by the proposed project blocking lanes on J Street and queuing into the intersection of 12th and J Streets several days per month, interfering with bus and light rail operations; 3) intensive hotel operations at the curbside passenger and luggage loading / unloading / valet parking area along the southern curb of J Street and access to Lot E parking could impede through traffic on J Street, causing extended blockage of a J Street travel lane; 4) anticipated blockage of J Street at the project loading / unloading / valet area changing the level of service of the 12th and J intersection from "B" to "F" during the a.m. and p.m. peak hours; 5) a project-specific and cumulative parking demand that would exceed parking facilities in the downtown area; 6) NO<sub>x</sub> emissions for the proposed project exceeding the significance threshold, caused by Phase II construction emissions associated with erection and construction of the proposed project; 7) increased ROG concentrations that will contribute to regional ambient ozone concentrations; 8) long-term operational additions of O<sub>3</sub>, PM<sub>10</sub>, and CO that would contribute to a continuation of the non-attainment status of these criteria air pollutants in the SUA, and delay the SMAQMD's efforts to reach attainment; 9) temporarily increased noise levels for nearby sensitive receptors caused by construction and demolition on the project site; 10) three new wind hazard criterion exceedances, including one on the sidewalk at the intersection of 13th and J streets; 11) substantial Combined Sewer System flows that would further worsen existing capacity problems with the CSS; and 12) destruction of original historic features in the Public Market building, an "Essential" historic structure listed on the City's *Official Register*, resulting in a loss of National Register of Historic Places eligibility.

The Agency specifically finds and makes this statement of overriding considerations that there are specific social, economic, and other reasons for approving this project, notwithstanding the disclosure of significant adverse impacts disclosed in the Esquire Plaza Hotel Project EIR prepared for this project. The reasons are as follows:

- (1) The project will eliminate blighting influences and correct environmental deficiencies in the Merged Downtown Sacramento Redevelopment Project Area ("Project Area"), including among others, obsolete and aged building types, and inadequate or deteriorated infrastructure and facilities;
- (2) The project will provide additional better quality restaurant and meeting spaces to serve businesses, workers and residents of the Project Area, which are currently underserved by similar facilities;
- (3) The project will assure the preservation of a significant historic structure and provide public improvements and artwork to enhance the attractiveness of the area;
- (4) 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;
- (5) The project will strengthen the economic base of the Project Area and the community by installing needed site improvements which will stimulate new commercial expansion, new employment and economic growth;



- (6) The project will support underutilized public facilities, specifically the Convention Center; and
- (7) The project will increase retail, entertainment and commercial use in the downtown area and specifically "K Street Mall" uses, the revitalization of which is a priority of the Agency.

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**MITIGATION MONITORING PLAN**

**FOR**

**ESQUIRE PLAZA HOTEL PROJECT  
13TH AND J STREETS  
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 98012048)

**REDEVELOPMENT AGENCY OF THE  
CITY OF SACRAMENTO**

Prepared By:

GAIL ERVIN CONSULTING  
for the  
Redevelopment Agency  
of the City of Sacramento  
December, 1998

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**MITIGATION MONITORING PLAN**

**ESQUIRE PLAZA HOTEL PROJECT**

**REDEVELOPMENT AGENCY OF THE  
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 the Esquire Plaza Hotel Project. This MMP identifies the impact 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 Environmental Coordinator of the Sacramento Housing and Redevelopment Agency will be responsible maintaining records of compliance with this program for the Redevelopment Agency of the City of Sacramento. All records shall be maintained in the Esquire Plaza Hotel Project Mitigation Monitoring and Reporting Plan file at the Sacramento Housing and Redevelopment Agency.

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**URBAN DESIGN**

**Impact 6.1.2 Effects to existing viewsheds along designated important view corridors**

**Mitigation:**

**6.1.2a** Provide enhanced 13th and J Street intersection improvements consistent with the recommendations of the Convention Center Streetscape Plan.

MITIGATION / REPORTING PROCEDURE	VERIFICATION PROCEDURE
The City DRPB will include the conditions in the project's design approvals. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of approved final designs to the Environmental Coordinator.	Include copy of OPA and final designs in MMP file.
Checked: (initials) _____ (date) _____ comments: _____	Checked: (initials) _____ (date) _____

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**Impact 6.1.3 Impacts to Street Trees.****Mitigation:**

**6.1.3a** Prior to the issuance of building permits, the project proponent shall provide a 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)

**6.1.3b** 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 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.
- 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 Plant 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.

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6.1-3c If street tree avoidance and/or preservation are not feasible, street trees may be removed and replaced consistent with City Ordinance 93-066. The City of Sacramento 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.

MITIGATION / REPORTING PROCEDURE	VERIFICATION PROCEDURE
The tree protection plan shall be provided for review by the City Arborist. The City DRPB will include the conditions in the project's design approvals. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of approved final designs to the Environmental Coordinator.	Include copy of the tree protection plan, OPA and final designs in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____	Checked: (initials) _____ (date) _____

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**TRANSPORTATION/CIRCULATION**

**Impact 6.2.1 Intersections**

**Mitigation:**

- 6.2.1a** To minimize the magnitude of the impact, the hotel operators shall operate the curbside loading zone in a manner to minimize double-parking and blockage of the J Street travel lanes. They shall provide a valet staffing plan to accommodate the parking demand to the City Traffic Engineer, subject to monitoring and refinement by the hotel and the City. Valets moving vehicles from the hotel to Lot E shall travel via 14th Street to minimize left turning conflicts at the intersection of 13th and J Streets. The hotel operators shall reimburse the City for traffic control personnel to minimize congestion along J Street resulting from hotel operations, as deemed necessary by the City Traffic Engineer. At the discretion of the City Traffic Engineer, signage and / or striping shall be added to the intersection of 12th and J Streets to minimize blockage of the intersection and light rail tracks.
- 6.2.1b** The hotel operators shall provide additional traffic control signage and pavement markings along affected streets (J, I, 12th) to the satisfaction of the City Traffic Engineer and Regional Transit in order to notify and provide physical markings alerting drivers to the presence of light rail tracks.
- 6.2.1c** The applicant shall fully fund construction of a closed circuit television camera near the project with a connection to the City's Traffic Operations Center (TOC) to the satisfaction of the City Traffic Engineer. This will allow a traffic engineer to observe operations on J Street and adjust signal timing to facilitate short term peaks in traffic and pedestrian demands created by the hotel.
- 6.2.1d** The applicant shall provide a single lane drop-off designed to the satisfaction of the City Traffic Engineer.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
A valet staffing plan and signage/markings plan shall be submitted to and approved by the City Traffic Engineer and RT prior to issuance of an occupancy permit. This plan shall be subject to monitoring and refinement by the hotel and the City. The single lane drop-off shall be approved in the final designs by the DRPB. Compliance with all city conditions and mitigation measures will be required in the OPA.	Applicant shall submit copy of these plans identifying compliance with these measures to the Environmental Coordinator. Include copy of the valet staffing plan, OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____



**Impact 6.2.3 Local Vehicular Circulation - Loading Dock**

**Mitigation:**

6.2.3. The loading dock access shall be designed to avoid maneuvering on city streets and alleys, so as not to interfere with other traffic. If such redesign is deemed infeasible, a staging area shall be provided near the loading dock, such that arriving vehicles do not stop and block traffic. 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
The loading dock design or staging area plan shall be submitted for review and approval to the City Traffic Engineer prior to approval of building permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include verification from Traffic Engineer that dock design is to the satisfaction of the City, and copies of the OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**Impact 6.2.5 Parking**

**Mitigation:**

**6.2.5b** Design details of the parking facilities associated with the project (Lot E modifications) are not currently available. During project design, the entrances and exits shall be configured to readily accommodate the anticipated inbound traffic without resulting in queuing onto City streets with a probability of over 95 percent.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
<p>A parking plan shall be submitted to the City Traffic Engineer for review and approval. The City of Sacramento will include the conditions in the project's construction permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.</p>	<p>Include copy of parking plan, OPA and construction conditions in MMP file.</p>
<p>Checked: (initials) _____ (date) _____                      comments: _____                      _____                      _____</p>	<p>Checked:                      (initials) _____ (date) _____</p>

**Impact 6.2.6 Construction Impacts**

**Mitigation:**

6.2.6 Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City Traffic Engineer. This plan shall mitigate pedestrian safety concerns (which includes providing signage that directs pedestrians to existing businesses on J Street) and shall maintain all travel lanes on streets throughout the construction period, unless the City Traffic Engineer determines that adequate capacity exists with lane closures.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
<p>A construction traffic management plan shall be prepared by the applicant to the satisfaction of the City Traffic Engineer and submitted for review and approval prior to issuance of building permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of the construction traffic management plan to the Environmental Coordinator.</p>	<p>Include copy of construction traffic management plan, OPA and construction conditions in MMP file.</p>
<p>Checked: (initials) _____ (date) _____                      comments: _____                      _____                      _____</p>	<p>Checked: _____ (date) _____</p>

**Impact 6.2.7 Intersections - Cumulative**

**Mitigation:**

- 6.2.7a 16th and W streets intersection: On the westbound W Street approach, add an exclusive right turn lane 100 feet long. This will require the elimination of some curbside parking spaces. This will improve the level of service to "C."
- 6.2.7b 16th and J streets intersection: During the p.m. peak period, provide an additional northbound 16th Street through lane by prohibiting parking along the western curb of 16th Street from K Street to J Street. This will improve the level of service to "C."
- 6.2.7c 15th and J streets intersection: During the p.m. peak period, provide an additional southbound 15th Street left turn lane by prohibiting parking along the east curb of 15th Street from I Street to J Street. This will improve the level of service to "B."

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
<p>Construction plans for off-site improvements will be submitted to the City Traffic Engineer for review and approval prior to the issuance of building permits. The City will include conditions in the project's construction permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.</p>	<p>Include copy of OPA and construction conditions in MMP file.</p>
<p>Checked: (initials) _____ (date) _____                      comments: _____                      _____                      _____</p>	<p>Checked: _____                      (initials) _____ date) _____</p>

**AIR QUALITY**

**Impact 6.3.1: Phase I construction grading and demolition emissions**

**Mitigation:**

6.3.1 All construction vehicles shall be operated and maintained in proper running order and will be regularly tuned in order to further reduce emissions. This will reduce all powered construction equipment emissions by 5 percent. In addition, strict compliance with the SMAQMD's Rule 403 will be written into construction contracts including a provision requiring demolition to cease when winds exceed 20 mph averaged over one hour.

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 OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____ _____

**6.3.2: Phase II construction - erection and construction emissions**

ion:

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

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Applicant shall provide the City with a copy of permit requirements that include the conditions for contractor. Compliance with all city conditions mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ _____ _____ _____	Checked: (initials) _____ (date) _____

**Impact 6.3.3: Project-generated ozone impacts**

**Mitigation:**

**6.3.3a** Vehicles owned and/or operated by the hotel, including shuttle vehicles, shall be powered by reduced-emission engines to the extent feasible.

**6.3.3b (a)** The OPA shall stipulate that the developer shall implement a TSM Plan, as approved by the City, which may include, but is not limited to the following:

- (1) Provide a Transportation Coordinator who would have primary responsibility for TSM issues and for implementing the TSM;
- (2) Incorporate on-site amenities such as an automatic teller machine (ATM), restaurants, retail and support retail into the site design;
- (3) Manage parking spaces to provide preferential parking and reduced parking rates for carpools, vanpools and cleaner fuel vehicles, and encourage battery-operated vehicle use through parking space reservation and retrofitting of parking spaces for electric cars;
- (4) Provide shower and locker facilities for employees;
- (5) Provide Class I bicycle storage and Class II racks for all employees and visitors.
- (6) Promote opportunities for guests to arrive under group transportation modes.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City of Sacramento Transportation Division will approve the TSM prior to issuance of occupancy permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of the City's approved TSM Plan to the Environmental Coordinator.	Include copy of the City's approved TSM Plan, and the OPA in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**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 should 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 the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize these noise impacts. These construction activities will take place during days and hours that will impact surrounding land uses the least.
- 6.4.1c 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 sensitive receptors. 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.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The City of Sacramento will include the conditions in the project's construction permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____



**Impact 6.4.2 Traffic-generated noise.**

**Mitigation:**

6.4.2 Prior to construction, the applicant shall provide an acoustical analysis that identifies measures to insure interior guest room noise levels of 45 dBA or less are maintained for future ambient noise levels. Such measures shall be included in the construction documents to the satisfaction of the City Building Division.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide an acoustical analysis to the Agency and the City. The City of Sacramento will include any recommended conditions in the project's construction permits. Compliance with all City conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to SHRA.	The acoustical analysis shall be included in the project MMP file. Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**6.4.3 Construction-induced vibration impacts.**

**Mitigation:**

- 6.4.3a Fixtures and finishes susceptible to damage shall be documented both photographically and in writing by a historic preservation architect prior to construction. The pre-existing condition of sensitive buildings shall be recorded in order to facilitate the repair of any damage back to pre-existing condition.
- 6.4.3b Pile holes shall be pre-drilled to the maximum depth feasible in order to reduce the number or duration of vibrations related to pile driving activity.
- 6.4.3c Provide protective coverings or temporary shoring of historic features in consultation with the Preservation Director.
- 6.4.3d Examine all adjacent buildings during construction for the occurrence of new cracks or signs of distress.
- 6.4.3e Construction staging areas shall be located away from historic buildings so that the building(s) will not be threatened by construction equipment or materials.
- 6.4.3f Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. Once the problem activity is identified, the activity shall be modified to eliminate the problem and protect the adjacent buildings.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide verification that the pre-existing condition of adjacent and sensitive buildings has been assessed and recorded prior to the issuance of construction permits. The City of Sacramento will include conditions in the project's construction permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include copy of verification and plans in MMP file. Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**WASTE WATER, STORM WATER, WATER QUALITY**

**6.6.2 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 the construction of relief interceptor sewer and treatment facilities.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
The applicant shall provide verification of payment of fees to the Environmental Coordinator.	Include copy of verification, OPA and management agreement in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**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 will include the condition in the project's construction permits. Compliance with all city conditions and mitigation measures will be required in the OPA. Applicant shall submit copy of construction conditions to the Environmental Coordinator.	Include copy of OPA and construction conditions in MMP file.
Checked: (initials) _____ (date) _____ comments: _____ _____ _____	Checked: (initials) _____ (date) _____

**Impact 6.7.2 Alteration or demolition of historic structures****Mitigation:**

**6.7.2(a)** Modifications of the Public Market building shall conform to the *Secretary of Interior's Standards for Rehabilitation* to the extent technically and economically feasible according to standard review procedures. The historic character of the Public Market shall be retained and preserved, and related new construction shall avoid destroying original historic materials and features that characterize the property. The development team shall consult with a qualified architectural historian with respect to the renovation of the Public Market building. Ballroom impacts to the interior shall be minimized as much as technically and economically feasible, re-opening the interior volume under the clerestory as much as possible and re-creating the structural and hardware elements from the original market interior as much as possible, especially the mezzanine area.

- 1) Julia Morgan's Public Market Building could potentially be eligible for the NRHP with a period of significance dating from the building's construction and ending when the building ceased to be a public market. To try to emphasize or capture a feeling of time and place that would have existed during this period of significance, the architects shall seek direction from the historic record to determine original materials and design elements that would have been used either in the Sacramento Public Market or in other public structures that Morgan designed, such as the public market in San Francisco.
- 2) In addition to the historic record, the builder shall seek professional guidance to determine the original materials used in the Public Market by investigating for original elements (such as original flooring treatment, etc.) that may still be present in the building, although currently covered or masked by subsequent modifications of the building. Original elements that are discovered shall guide the interior design treatments in their efforts to recreate or emphasize the original condition of the building.
- 3) Public historical interpretation of Julia Morgan and the Public Market shall be present in the building in an easily accessible public location.

**6.7.2(b)** Provide protective coverings or temporary shoring of historic features in consultation with the Preservation Director.

**6.7.2(c)** Prior to any demolition activities in the Public Market building:

- 1) The storage areas and refrigeration tunnel features, and any other original material shall be recorded according to the Historic American Building Survey (HABS) standards. Record historical features by using a mid-level format photography. Recordation should consist of photo-documentation and a detailed written description of the basement, following HABS

guidelines. A copy of the HABS documents shall be conveyed to the Sacramento History Museum and Archives Center upon removal for documentation, interpretation, archival and display activities; and

- 2) The curator for the Sacramento History Museum and Archives Center shall determine whether, how, and where any historical features shall be salvaged and retained off-site.

MITIGATION PROCEDURE	VERIFICATION PROCEDURE
Final designs shall be approved by the DRPB. A copy of the HABS shall be conveyed to the to the Environmental Coordinator, the City and the Sacramento History Museum and Archives Center prior to issuance of the demolition permit.	The applicant shall submit verification that the HABS was conveyed to the Sacramento History Museum and Archives Center. Include copy of HABS in MMP file.
Checked: (initials) _____ (date) _____  comments: _____ _____	Checked: (initials) _____ (date) _____

**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 install a Radio Re-radiation System tuned to the City's public safety radio band, which would allow clear and reliable communications within the building, thereby eliminating the impact to in-building communications.

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 will be required in the OPA.	Applicant shall submit copy of CCD verification to the Environmental Coordinator. Include with copy of OPA in MMP file.
Checked: (initials) _____ (date) _____  comments: _____ _____	Checked: (initials) _____ (date) _____

**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 hotel tower in a manner consistent with the Sacramento Urban Design Plan. The receiving antenna would be connected directly to 827 7th Street via wires, not via a transmitting antenna. The facilities may be included with other necessary communication equipment.

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 will be required in the OPA.	Applicant shall submit copy of CCD verification to the Environmental Coordinator. Include with copy of OPA in MMP file.
Checked: (initials) _____ (date) _____  comments: _____ _____	Checked: (initials) _____ (date) _____