



## **REPORT TO COUNCIL**

### **City of Sacramento**

915 I Street, Sacramento, CA 95814-2604  
[www. CityofSacramento.org](http://www.CityofSacramento.org)

Consent  
**October 28, 2008**

**Honorable Mayor and  
Members of the City Council**

**Title: Natomas Joint Vision Reimbursement Agreement**

**Location/Council District:** Unincorporated portion of the Natomas Basin within Sacramento County adjacent to District 1

**Recommendation:** Adopt a **Resolution** authorizing the City Manager to execute an agreement with Sacramento County for reimbursement of the City for consultant and staff costs incurred for preparation of the Natomas Joint Vision Visioning Plan.

**Contact:** Scot Mende, New Growth Manager, 808-4756

**Presenters:** N/A

**Department:** Planning

**Division:** New Growth

**Organization No:** 22001211

**Description/Analysis:** Under the proposed agreement, the County of Sacramento will reimburse the City for its staff and outside legal costs related to the Joint Vision Visioning Plan with funds the County receives from the Natomas Landowners Group, allowing the City to maintain current staff efforts and engage legal consultants without negatively impacting the City's General Fund. This agreement will ensure that the Natomas Joint Vision process will continue to move forward in a timely manner.

On September 24, 2008, the County Board of Supervisors approved an agreement between the County of Sacramento and the Natomas Landowners Group whereby the Natomas Landowners Group will provide funding to prepare a Joint Vision Visioning (Broad Visioning) Plan. That agreement provides for the County to collect funds from the Natomas Landowners Group to pay for staff and consultant costs incurred by both the City and County in preparing the Visioning Plan, and contemplates that the County and City will enter into a side agreement whereby the County will reimburse the City for its staff and legal consultant costs.



The attached agreement between the City and County provides for the reimbursement of staff costs (up to \$10,000/month for 10 months) and City-directed legal consultant costs (up to \$20,000). The work products proposed for the Broad Visioning process are as follows:

- A set of fundamental principles to address the myriad issues and guide subsequent planning efforts
- Conceptual land use diagram
- A project description with sufficient detail to
  - initiate a General Plan Amendment, prepare a programmatic EIR, initiate a specific plan process, and
  - prepare a preliminary effects analysis and an agriculture / open space / habitat strategy.

**Issues:** Without funding by the Natomas Landowners Group, preparation of the Visioning Plan would not go forward. However, it is important to note that no promises, representations, or warranties have been made, express or implied, by the County or City as to the outcome of the Visioning Plan, and the use of landowner funds in no way influences the content of the final product.

**Policy Considerations:** The agreement establishes a collaborative planning process between the City and County to implement land use and open space planning and revenue sharing principles. The Natomas Joint Vision area has been identified in the draft 2030 General Plan as a "study area"; land use policies pertaining to potential development in the Natomas Joint Vision study area have been drafted, including Growth and Change Section 1.1. If territory within the Joint Vision area is annexed into the City, a General Plan Amendment would be required.

**Environmental Considerations:** The Broad Visioning process is not a "project" within the meaning of CEQA, and therefore environmental review is not required at this time. If and when a decision regarding urbanization of the Joint Vision area is before the Council, environmental review would be required at that time.

**Sustainability Considerations:** The sustainability of any new development in the Natomas Joint Vision area ultimately depends on the plan as a whole and how it is implemented. At this stage, the focus for the Natomas Joint Vision should be for the City to develop a shared vision with the County regarding goals for sustainable development, and the development of a land use plan and policies which support these goals.

**Rationale for Recommendation:** This funding agreement for the Broad Visioning process is necessary to move forward with the Natomas Joint Vision effort.

**Financial Considerations:** The Broad Visioning process is being supported by landowner/developer funding for City and County staff and consultants. This funding agreement provides for a \$100,000 landowner contribution for City staff time plus \$20,000 for legal consultants. The County will contract for specialized consultant services (e.g., land use and biological expertise). The agreement provides supplemental revenue to the General Fund.

**Emerging Small Business Development (ESBD):** The County-controlled contracts are not required to meet City ESBD requirements. The \$20,000 City-controlled contract for HCP legal services will be awarded to the firm with specific applicable legal experience with the Natomas Basin Habitat Conservation Plan.

Respectfully Submitted by: Scot Mende  
Scot Mende  
New Growth Manager

Approved by: Carol Shearly  
Carol Shearly  
Director of Planning

Recommendation Approved:

Ray Kerridge  
Ray Kerridge  
City Manager

**Table of Contents:**

|  |        |
|--|--------|
| Report   | pg. 1  |
| <b>Attachments</b>                                   |        |
| 1 Background – Project History                       | pg. 4  |
| 2 Resolution Approving City/County Reimbursement MOU | pg. 5  |
| Exhibit A – Agreement                                | pg. 7  |
| Attachment to Agreement                              | pg. 12 |

**Attachment 1****BACKGROUND – NATOMAS JOINT VISION****Natomas Joint Vision Project History**Adoption of the 2002 Natomas Joint Vision MOU

On December 10, 2002, the City Council and Board of Supervisors adopted a Memorandum of Understanding (MOU) regarding principles of land use and open space planning, and revenue sharing between the City and County of Sacramento for the Natomas area, setting the stage for what has come to be known as the “Natomas Joint Vision” (Resolution 2002-830 on file with City Clerk). Since that time, City and County staff have been working to implement the MOU.

Broad Visioning Approach

*The Broad Visioning* approach emerged as an outcome of the November 26, 2007 City and County staff meeting with Natomas landowners. The proposed Broad Visioning approach would supplement the technical process and make it more collaborative and could help define the land use & open space alternatives.

The intent of the Broad Visioning process is to collaboratively engage landowners in the creation of a draft vision land use concept that can be vetted with the public. The “Staff & Facilitator Team” - which includes key City and County staff and facilitators retained by the major landowners - has prepared a process, work program, and funding agreement for an inclusive process. The visioning effort will incorporate the principles of the 2002 Memorandum of Understanding (MOU), the Open Space Program report, and preliminary results from the Municipal Services Review effort.

On July 29, 2008, the Council approved initiation of a work program for the Broad Visioning process to move forward with the Natomas Joint Vision effort. The staff report identified that a funding agreement would be forthcoming.

Other Background Information

Other background information is available on the Planning Department webpage at: <http://www.cityofsacramento.org/planning/projects/natomas-joint-vision/>.

**Attachment 2**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**APPROVING AN AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND THE  
COUNTY OF SACRAMENTO REGARDING THE REIMBURSEMENT TO CITY FOR  
CONSULTANT AND STAFF COSTS FOR  
PREPARATION OF THE NATOMAS JOINT VISION VISIONING PLAN**

**BACKGROUND**

- A. The City and County entered into a Memorandum of Understanding, hereinafter referred to as Joint Vision MOU, on December 10, 2002, agreeing to principles of urbanization, open space preservation and revenue sharing for unincorporated Natomas.
- B. The City and County propose to jointly prepare a Natomas Joint Vision (NJV) Visioning Plan necessary for the implementation of the Joint Vision MOU. As City and County are similarly interested in the preparation of the NJV Visioning Plan, City and County desire to share the cost of preparing the NJV Visioning Plan in anticipation of having those costs paid for by the Natomas Landowners Group, without which the Visioning Plan effort would not proceed.
- C. The City, through the City Attorney's Office, will retain legal consultants in the amount of up to \$20,000 to assist in the preparation of the NJV Visioning Plan. The City anticipates that it will also incur staff costs of \$100,000 during the ten-month work program to prepare the Visioning Plan.
- D. The County has entered into an agreement with certain landowners within the Joint Vision Area (the Natomas Landowners Group), whereby the Natomas Landowners Group will pay the County a dollar amount sufficient to pay for the City's and County's costs of preparing the NJV Visioning Plan. The City and County now desire to enter into an agreement for the City to be reimbursed by the County for the costs the City incurs for staff time and consultant services for the preparation of the NJV Visioning Plan.

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

- Section 1. The City Council finds and determines that the background statements A through D are true.
- Section 2. The City Manager is authorized to execute the attached agreement (entitled "Memorandum of Understanding") with the County for the City to obtain

reimbursement of costs it incurs for legal consultants and staff time for preparation of the Natomas Joint Vision Visioning Plan.

**Table of Contents:**

Exhibit A: Agreement – Memorandum of Understanding Regarding Reimbursement of City Costs for NJV Visioning Plan

Attachment to Exhibit A – Funding Agreement with the Natomas Landowners Group for County of Sacramento Participation in the Development of a Vision Plan for Natomas

EXHIBIT A

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SACRAMENTO  
AND THE COUNTY OF SACRAMENTO REGARDING THE REIMBURSEMENT TO  
CITY FOR CONSULTANT AND STAFF COSTS FOR  
PREPARATION OF THE NATOMAS JOINT VISION VISIONING PLAN**

This Memorandum of Understanding ("MOU") is made and entered into on \_\_\_\_\_ by and between the County of Sacramento, a political subdivision of the State of California, hereinafter referred to as "County", and the City of Sacramento, a charter municipal corporation, hereinafter referred to as "City".

**RECITALS**

- A. City and County entered into a Memorandum of Understanding, hereinafter referred to as Joint Vision MOU, on December 10, 2002, agreeing to principles of urbanization, open space preservation and revenue sharing for unincorporated Natomas.
- B. City and County desire to work cooperatively to jointly prepare a Natomas Joint Vision (NJV) Visioning Plan necessary for the implementation of the Joint Vision MOU.
- C. City and County are similarly interested in the preparation of the NJV Visioning Plan, and therefore City and County desire to share the cost of preparing the NJV Visioning Plan in anticipation of having those costs paid for by the Natomas Landowners Group.
- D. City, through the City Attorney's office, will retain legal consultants in the amount of up to \$20,000 to assist in the preparation of the NJV Visioning Plan.
- E. City anticipates that it will incur staff costs of \$100,000 to work on preparing the Visioning Plan over the ten-month work program.
- F. County has entered into a funding agreement with the Natomas Landowners Group, entitled Funding Agreement With The Natomas Landowners Group For County Of Sacramento Participation In The Development Of A Vision Plan For Natomas (hereafter "Funding Agreement"), attached hereto as Exhibit A and incorporated herein by this reference, whereby the Natomas Landowners Group will pay the County a dollar amount sufficient to pay for the City's and County's costs of preparing the NJV Visioning Plan.
- G. City and County now desire to enter into a reimbursement agreement ("Reimbursement MOU") for the City to be reimbursed by the County for costs the City incurs for legal consultant services and staff time for the preparation of the NJV Visioning Plan.

## AGREEMENT

Now, therefore, City and County agree as follows:

1. Cost of Consultant.

County acknowledges that City, through the City Attorney's Office, will retain a legal consultant to assist in the preparation of the NJV Visioning Plan for a total of up to \$20,000.

2. Staff Support and Responsibilities.

a. City and County staff shall provide staff support for the preparation of the NJV Visioning Plan as described in the Funding Agreement. Pursuant to the Joint Vision MOU, the Scope of Work's focus will be on the portion of the Natomas Basin within Sacramento County that includes the entire Joint Vision Area. The Scope of Work may only be amended in writing and signed by both parties. City and County staff will provide for multiple check-in points with City and County elected officials and the consultants as necessary. City and County shall work together to provide direction to their consultants. City shall act as the primary contact for the City's consultant.

b. County acknowledges that the cost of City staff time to assist in the preparation of the NJV Visioning Plan will be \$10,000 per month for ten months, for a total of \$100,000.

c. City and County agree that neither party has made any promises, representations or warranties to the Natomas Landowners Group, express or implied, as to the outcome of the Visioning Plan, and that the use of landowner funds in no way influences the content of the final product. The City and County acknowledge that pursuant to Section 9 of the Funding Agreement, the Natomas Landowners Group also agrees that neither the City nor County have made any promises, representations or warranties to the Natomas Landowners Group, express or implied, as to the outcome of the Visioning Plan, and acknowledges that reimbursement of the City's and County's expenses with landowner funds will in no way influence the content of the final product.

3. Payment of the Consultant by City.

Upon receiving periodic invoices from its legal consultant, for assistance in preparing the NJV Visioning Plan, City shall be responsible for paying said invoiced amounts.

4. Re-payment of Consultant and Staff-time Costs to City by County.

a. County acknowledges that it has entered into the Funding Agreement with the Natomas Landowners Group who will pay the County a dollar amount sufficient to pay for the City's and County's costs of preparing the NJV Visioning Plan. County further acknowledges that the City was not a party to said Funding Agreement in anticipation that the County will reimburse the City for its consultant and staff costs incurred in the preparation of the NJV Visioning Plan under this separate Reimbursement MOU.

b. The City shall submit its costs estimates to the County on a quarterly basis in a timely fashion so that the County can submit its cost estimates to the Natomas Landowners Group as required by Section 5 of the Funding Agreement. At the end of each quarter, the City shall prepare a summary of any invoices it has paid to its legal consultant in connection with the preparation of the NJV Visioning Plan. The City shall submit the quarterly estimates and the summary of invoices to County at the address listed below:

County of Sacramento  
Planning Department, Administrative Officer  
827 7th Street, Room 230  
Sacramento, CA 95814  
Attn: Mike Miller

County shall, within 120 days of receiving the cost estimates, remit the invoiced amounts to City at the address listed below:

City of Sacramento  
Administrative Officer Planning Department  
915 I Street, 3rd floor, New City Hall  
Sacramento, CA 95814  
Attn: Diane Morrison

c. At the end of the third quarter, City and County shall reconcile the amounts paid to City based on the quarterly estimates with actual costs incurred by City. If after the preparation of the NJV Visioning Plan is completed the dollar amount paid to the City pursuant to this Reimbursement MOU exceeds its actual costs, City shall re-pay the overage to County.

d. If at any time the City anticipates that its total costs are likely to exceed \$20,000 for legal consultant services or \$100,000 for staff time, it shall bring this fact to the attention of County and the parties shall negotiate as to any additional amounts that shall be paid to City, or as to what services the County and Natomas Landowners Group are willing to forego in order to avoid such additional costs. This Reimbursement MOU shall then be amended to reflect any additional reimbursement that will be allowed.

e. The reimbursement payments required to be made to City under subsection 4.b. are required to be made within 120 days only if County has

received the necessary funding from the Natomas Landowners Group pursuant to the Funding Agreement or if there are sufficient funds in the security deposit that is required under the Funding Agreement.

f. City reserves the right to take any necessary action to enforce payment of amounts due under this Reimbursement MOU, including but not limited to, suspending work or filing a lawsuit against County or the Natomas Landowners Group, or both, to recover payment.

5. Amendments.

This MOU may be amended only in writing, signed by both parties.

6. Additional Work or Changes in Work.

This MOU shall apply to all additional work or changes in work that are necessary to complete preparation of the NJV Visioning Plan. Prior to executing any supplemental agreement or other agreement that will increase the costs associated with the preparation of the NJV Visioning Plan, City and County shall confer regarding the necessity of the proposed supplemental agreement or other agreement.

7. Notices.

Any notice or other correspondence to a party to this MOU shall be deemed given on the date it is placed in the United States mail, first class, postage prepaid, and addressed to the party at the following address:

Notices to City:

Carol Shearly, Director of Planning  
Planning Department  
New City Hall  
915 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814

Notices to County:

Robert Sherry  
Planning Director  
827 7th Street, Room 230  
Sacramento, CA 95814

8. Effective Date.

This Reimbursement MOU shall be effective upon the date it is fully executed by both parties.

IN WITNESS WHEREOF, the parties hereby execute this Memorandum of Understanding as of the date and the year written above.

COUNTY OF SACRAMENTO

CITY OF SACRAMENTO

By: \_\_\_\_\_  
County Executive

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

By: \_\_\_\_\_  
County Counsel

By: \_\_\_\_\_  
City Attorney

ATTEST

By: \_\_\_\_\_  
City Clerk

**Table of Contents:**  
Attachment to Exhibit A

**FUNDING AGREEMENT WITH THE NATOMAS LANDOWNERS GROUP FOR  
COUNTY OF SACRAMENTO PARTICIPATION IN THE DEVELOPMENT OF A  
VISION PLAN FOR NATOMAS**

**THIS AGREEMENT** is made this 24<sup>th</sup> day of September, 2008 (the "Effective Date"), by and between the County of Sacramento, a political subdivision of the State of California (hereinafter referred to as the "County"), and the Owners, all of whom are authorized to do business in the State of California and are members of the Natomas Landowners Group, (hereinafter referred to individually as "Owner(s)" and collectively as "Owners' Group");

**RECITALS**

- A. Owners or their affiliates, have a legal or equitable interest in land within that portion of the unincorporated area of the County, located north and west of the City of Sacramento ("City"), west of Steelhead Creek, south of the Sutter County Line and east of the Sacramento River, within the area shown in Exhibit A and known as the Natomas Joint Vision Area ("Joint Vision Area"); and
- B. County has determined that the Joint Vision Area is an area of unique importance to the region, and accordingly desires that land use planning for the Joint Vision Area should proceed in a unified and comprehensive fashion, commencing with a Visioning Plan, and that piece-meal efforts to plan and entitle portions of the Joint Vision Area should be avoided; and
- C. The Visioning Plan is the first phase of a planning effort by the County and the City to develop future land use concept scenarios for the Joint Vision Area, intended by the Parties to culminate in future General Plan Amendments by the County and City and the preparation of a Specific Plan for the Joint Vision Area; and
- D. The Owners' Group is comprised of certain individual property owners within the Joint Vision Area who have joined together to provide initial funding for the Visioning Plan, without which the Visioning Plan effort would not proceed; and
- E. County has determined that the Visioning Plan process in cooperation with the City will confer a substantial benefit to all properties within the Joint Vision Area, including properties owned or controlled by non-participants in the Visioning Plan process; and
- F. The cost burden of the Visioning Plan effort which will be funded by the Owners' Group pursuant to this Agreement is disproportionately greater than the relative amount of acreage owned or controlled by members of the Owners' Group within the Joint Vision Area; and
- G. It is the intent of the Parties to require reimbursement of Visioning Plan costs on a equitable pro-rata basis by non-participating property owners within the Joint Vision Area upon a decision by such property owners to participate in the Visioning Plan as participating owners, or if and when such property owners pursue entitlement of their properties ; and

H. Owners have indicated that time is of the essence, and desire that the County proceed with the City at this time with the preparation and processing of the Visioning Plan; and

**NOW, THEREFORE**, in consideration of the mutual promises and covenants set forth herein, the Parties agree as follows:

#### AGREEMENT

**Section 1. Incorporation of Recitals.** The foregoing recitals are hereby incorporated by reference.

**Section 2. Joint Vision Area.** County agrees to continue the Visioning Plan process for the Joint Vision Area, which area is generally depicted on Exhibit "A" of this Agreement, attached hereto and by this reference incorporated herein.

**Section 3. Work Program.** The scope, timing, budget and schedule of funding for the Visioning Plan process is set forth in the Work Program depicted in Exhibit B, which is attached hereto and by this reference incorporated herein. The budget for the Work Program includes those specific costs incurred by the County, City and Owners' Group after July 1, 2008 as identified in Exhibit B. Owners agree that nothing in this Agreement shall be construed to obligate or create a duty on the part of the County to strictly follow the scope of work and proposed timing of its efforts as set forth in the Work Program. Owners specifically agree that the Work Program is simply a guideline for the preparation of the Visioning Plan and related studies, and that the County shall have the authority to modify, add to, or delete any of the items or time frames set forth in the Work Program if County determines, in its full and sole discretion that the Visioning Plan effort requires any such changes. The County agrees to notify Owners of any such proposed modifications, additions, or deletions and, to the extent that any such changes affect the timing of or budget for the Work Program, the County shall consult with the Owners prior to implementing any such modifications, additions or deletions. At the same time, however, County commits to diligently implement the Work Program and schedule through to its completion. Owners agree to provide funding for the Work Program, as specifically set forth in Section 5 of this Agreement. County agrees that the scoping process for preparation of an Environmental Impact Report (EIR) for subsequent General Plan Amendments, Urban Services Boundary adjustments, and Specific Plan preparation for the Joint Vision Area can and should commence at the earliest possible opportunity, as land use concept scenarios are developed through the Visioning Plan process.

**Section 4. Selection and Retention of Consultants.** County reserves absolute discretion as to the selection of any and all consultants that may be necessary to assist them in completing studies required to prepare the Visioning Plan. The Parties acknowledge that Owners intend to furnish the County certain additional technical studies for consideration in developing the Visioning Plan, as indicated in the Work Program. The parties further agree that Owners will

separately retain consultants to prepare technical studies, provide engineering services, and provide project management as identified in the Work Program.

**Section 5. Funding of Work Program by Owners' Group.** Funding of the Work Program shall be administered by the County, and funding shall be made to the County by Owners' Group in accordance with the following provisions:

5.1 Within 30 days of execution of this Agreement, Owners' Group agrees to provide the County with a security deposit in the sum of one hundred and thirty thousand dollars (\$130,000.00) ("Security Deposit"). The Security Deposit shall be held by the County in a segregated interest-bearing trust account created for the purposes of this agreement and shall be held as security to secure the Owners' obligation hereunder, with interest accruing to the benefit of the Owners.

5.2 The Parties anticipate that the Work Program will be initiated in September 2008, and completed in May 2009. Accordingly, the term of this Agreement shall be divided into three-month quarters for funding purposes (individually, a "Quarter") as follows: September 1, 2008 to November 30, 2008; December 1, 2008 to February 28, 2009; and March 1, 2009 to May 31, 2009.

5.3 Prior to the beginning of each Quarter, the County, following consultation with the Owners' Group, shall provide Owners' Group with an estimate of the total Work Program costs that the County anticipates will be incurred over the next Quarter. Within 30 days of receipt of the Quarter's estimate from the County, Owners' Group shall pay the County the amount set forth in the estimate to cover Work Program costs during the identified Quarter. Owners' Group shall remit full payment for each estimate in a single transmittal to the County, with multiple checks permitted.

5.4 The parties agree and acknowledge that the County's Quarterly estimates are estimates only and are not binding on the County. At the end of each Quarter, and following consultation with the Owners' Group, the County will conduct a reconciliation of the estimated costs and the actual costs incurred for the preceding Quarter. If actual costs incurred by the County exceed the estimate for that preceding Quarter, the Owners' Group shall pay the difference within 30 days' notice from the County. If the estimated costs exceed the actual costs incurred, the overage shall be applied by the County to the costs for the following Quarter. If this Agreement becomes effective in the middle of a Quarter, the County shall, within 20 days of the effective date of this Agreement, provide the Owners' Group an initial cost estimate for the initial Quarter, which shall be paid by Owners' Group within 30 days of receipt of the initial estimate. If the County fails to provide an estimate for any particular Quarter, Owners' Group may request an estimate, which shall be provided by the County within 20 days of receipt of the request. A failure of the County to provide an estimate for any given Quarter shall not constitute a waiver of recovery of any costs by the County for that Quarter or any other Quarter. Within 30 days following the end of each quarter, the County shall provide Developer with a detailed summary of the actual costs incurred over the previous Quarter by the County.

5.5 If Owners' Group fails to make a Quarterly payment to the County, as provided in Section 5.4, the County shall have the right, without any further notice to Owners, to draw

against the Security Deposit to pay any outstanding County costs incurred pursuant to the Work Program. If any amount of the Security Deposit is used by the County pursuant to this Section, Owners' Group shall replenish any such amounts of the Security Deposit within 30 days' written notice from the County. If, for any reason, a County request for replenishment of the Security Deposit from Owners' Group is not fully satisfied within thirty (30) days, the County may, following consultation with the Owners, suspend all activity of County staff and consultants in connection with the Work Program, until the requested replenishment of the Security Deposit is submitted to County by the Owners' Group. The Owners' Group retains the right to refuse to replenish the Security Deposit, such refusal to be communicated in writing to the County. In the event of such refusal, the County retains exclusive right to terminate the Agreement immediately upon written notification to Owners' Group. In the event the County exercises the right to terminate the Agreement as a result of the refusal of the Owners' Group to replenish the Security Deposit, all remaining Security Deposit funds shall be immediately returned to the Owners' Group.

5.6 All funds due under this Agreement shall be paid by Owners' Group. It shall be Owners' Group's obligation to divide responsibility amongst its constituent members for each of their share of the payment of any funds due under this Agreement. Each Owner that is a Party to this Agreement acknowledges responsibility for payment to the Owners' Group, or a designated representative of Owners responsible for collections, of his or her initial proportionate share toward completion of the Work Program, and each Owner agrees that his or her initial proportionate share is reflected in the table by acreage of ownership, as set forth in Exhibit "C" of this Agreement, which exhibit is attached hereto and by this reference incorporated herein. The obligation for payment of funds or other general liability under this agreement shall not extend beyond the actual property owners comprising Owners' Group, and shall not be construed or regarded as obligations of any of Owners' agents, officers, employees, shareholders or representatives.

5.7 If any funds paid by Owners' Group hereunder have not been expended or committed for Work Program costs after the County determines that the Visioning Plan process has been completed, the County shall return to Owners' Group such unexpended or uncommitted amount within 30 days of the date the Visioning Plan process is determined complete by the County. Any interest received by the County on the Funds shall be applied to outstanding County costs or returned to Owners' Group.

5.8 All funds due under this Agreement shall be delivered to the County for deposit into an interest-bearing trust account established by the County, and the funds shall be accounted for by the County in the manner in which such funds are normally accounted for. All funds provided by Owners' Group under this Agreement shall be used in the sole discretion of the County to fund or aid in the funding of the Work Program. Prior to entering into a contract with any consultant or contractor beyond those listed in the Work Program to be paid by funds contributed by Owners' Group, County shall meet and confer with Owners' Group. Notwithstanding the above, County retains final discretion regarding the hiring of additional consultants or contractors.

5.9 In the event, for any reason, Owners' Group fails to make any payment of funds to the County, as required herein, the County shall issue a written notification of default to

Owners' Group. If the County's request for payment of funds, as set forth in the notification of default is not fully satisfied within thirty (30) days, the County may, following consultation with Owners' Group, suspend all activity of County staff and consultants in connection with the Work Program until the requested payment of funds is received by County.

5.10 An express repudiation, refusal or renunciation of this Agreement, if the same is in writing and executed by Owners' Group, shall be sufficient to terminate this Agreement. Owners' Group obligation to fund Work Program costs incurred by the County prior to the date of written termination by Owners' Group shall survive termination of the Agreement.

5.11 At the end of each Quarter, Owners' Group shall provide a written statement to the County, detailing the amounts paid by the Owners' Group during that Quarter to consultants retained directly by Owners' Group for services associated with Visioning Plan, including engineering services, technical analysis and project management.

**Section 6. Termination of Participation of Individual Owner.** At any time during the term of this Agreement, if any Owner that is a party to this Agreement elects to terminate participation in the Visioning Plan, or otherwise fails to submit its share of payment of costs of the Work Program, the Owners' Group may inform the County in writing of such failure to pay, with a copy of such notice delivered to the Owner in question. If payment of delinquent funds is not provided to the Owners' Group by the Owner in question within thirty (30) days of the receipt of written notice, this Agreement may be amended to remove the Owner as a Party to the Agreement. Except as provided in Section 7.6, in no case shall loss of party status entitle that Owner to reimbursement or refund by County of funds previously paid pursuant to this Agreement.

**Section 7. Approval of Additional Parties.**

7.1 If at any time during the term of this Agreement any of the Owners whose participation was terminated under Section 6 desires to have their status as a Party to the Agreement reinstated, such Owner may submit a written request for reinstatement to the County. The County Planning Director shall approve such reinstatement and accordingly amend this Agreement, subject to receipt of payment of that Owner's pro rata share of all funding due under the Agreement (including interest) as of the date of reinstatement, less any funds previously paid by that Owner prior to termination. Any such Owner shall upon reinstatement as a Party to this Agreement be subject to all of its terms and conditions.

7.2 If at any time during the term of this Agreement an owner of property within the Joint Vision Area who was not originally a Party to this Agreement desires to become a Party, such property owner may submit a written request for party status to the County. The Agreement may be amended to add the owner as a party to this Agreement, subject to receipt of payment to the County of the property owner's pro rata share of all funding due under the Agreement (including interest) as of the Effective Date, and such property owner's execution of the Agreement in counterpart. County finds the Visioning Plan effort preferable to processing individual applications within the Joint Vision area and accordingly acknowledges the value of implementing the Visioning Plan Work Program.

7.3 For a period of fifteen (15) years following expiration of the term of this Agreement, the County shall require any owner of property within the Joint Vision Area who was not a Party to this Agreement (or whose status as a Party was terminated under Section 6 and not reinstated pursuant to Section 7.1) to pay an application fee (the "Application Fee") which shall include funds for reimbursement of the applicant's pro-rata share of the funding incurred and paid by the Owners' Group, including interest accruing as of the Effective Date, as specified in Section 7.4. In the event that the County has not adopted an Application Fee to ensure reimbursement from non-participating property owners, the County shall require the applicant, as a condition to be satisfied prior to County acceptance of any application for development of the property in question with urban uses, to pay to the County a pro-rata share of the funding incurred and paid by the Owners' Group to implement the Work Program, plus interest accruing as of the Effective Date, as set forth in Section 7.4.. For the purposes of this Section, the term "urban uses" shall mean any land use or entitlement not permitted under the General Plan and Zoning designation applicable to the property in question as of the Effective Date.

7.4 For the purposes of this Agreement and the allocation of pro-rata shares, funding due from or paid by the Owners' Group to implement the Work Program shall include (a) funds paid to the County pursuant to Sections 5.1 through 5.8, (b) funds paid by the Owners Group to directly retain consultants pursuant to Section 5.11, and (c) funds paid by the Owners' Group for certain professional services associated with Visioning Plan prior to the Effective Date, as detailed on Exhibit B.

7.5 The obligation of non-participating property owners within the Joint Vision Area to provide pro-rata funding and/or reimbursement for costs incurred by the Owners' Group for the Work Program, whether pursuant to Sections 7.1, 7.2 7.3, or 7.4, shall be cumulative to (and not superceded by) any future obligations to contribute to or fund additional planning and entitlement efforts within the Joint Vision Area beyond the Visioning Plan, including but not limited to the preparation of an Environmental Impact Report, preparation of a Specific Plan, General Plan Amendments, and/or studies associated with future annexation.

7.6 Upon receipt by the County of any deposits pursuant to Sections 7.1 or 7.2, County shall apply the deposit in pro-rata shares as credit to each Owner against any unsatisfied funding obligations under this Agreement. In the event that the funding obligations of an individual Owner under this Agreement has been satisfied as of the date of any deposit pursuant to Sections 7.1 or 7.2, such Owner shall be entitled to reimbursement of funds received by the County on a pro-rata basis. Upon receipt by the County of any deposits pursuant to Section 7.3, County shall distribute such deposit within 30 days on a pro-rata basis to all Owners who were Parties to the Agreement on the date of the expiration of the Term of this Agreement, and who were not then in default. With respect to any Owner whose participation as a Party to this Agreement was terminated pursuant to Section 6, reimbursement shall be limited to a pro-rata share of costs actually paid by that Owner prior to termination. In the event that funds paid by an Owner prior to termination exceed that Owner's pro-rata share, said Owner shall be entitled to reimbursement of excess payment as funds are received by the County.

7.7 The Owners' Group, through its project manager, shall have primary responsibility for accounting of funds pursuant to this Agreement, including the accounting of each Owner's responsibility for pro-rata participation, adjustments to pro-rata share from the

addition or removal of Parties to this Agreement, and credits and reimbursements. County and Owners' Group shall consult with one another as necessary or desirable concerning accounting matters under this Agreement. Within 7 days following receipt, County shall review all accounting statements prepared by the Owners' Group, and shall approve each accounting statement if acceptable to the County. In the event that the County determines that revisions to an accounting statement should be made, representatives of County and Owners' Group shall meet and confer for a reasonable period to resolve the matters in question. If no agreement between the County and Owners' Group is reached, the County's determination shall be final.

7.8 For the purposes of Section 7 of this Agreement, interest shall accrue at the rate of the federal Prime Rate plus two percent (2%), calculated every 30 days.

7.9 In the event that the County terminates the Agreement, or otherwise determines not to complete the Visioning Plan process, Owners retain the right to submit applications for entitlements to the County, or to pursue pending or future administrative appeals relative to the submittal of entitlement applications.

7.10 The right to reimbursement under this Agreement shall be personal to Owners, and each of them, and shall not be incident to ownership of real property within the Joint Vision Area. The right of reimbursement shall continue notwithstanding the subsequent sale or transfer of any property interest. Any Owner shall have the right, in its sole discretion, to assign their interest to reimbursement to another person or entity at any time by providing the County written notice of such assignment.

**Section 8. Participation of City.** The County and Owners' Group recognize that the City is a participating agency with a role in the collaborative planning process for the Joint Vision Area. The County and Owners' Group anticipate that City participation in the Visioning Plan process, as well as provisions for funding of City-managed components of the Work Program, will be addressed through a separate future agreement between the County and City. The County agrees to use its best efforts to negotiate and enter into an agreement regarding the City's participation in the Visioning Plan process within a reasonable period, taking into account the Work Program timeframe identified in Section 5.2 of this Agreement. In the event that no agreement between the City and County is reached, the County and Owners' Group shall meet and confer regarding the need for the County to assume responsibility for all or a portion of the tasks allocated to the City under the Work Program (including the retention of consultants), and shall amend the Work Program as appropriate.

**Section 9. Authority of County.** Owners agree that no promises, representations, or warranties have been made, express or implied, by the County, or its officials, agents, or employees as to the outcome of the Visioning Plan, and it is specifically agreed no person has any authority to make any such representation, promise, warranty, express or implied to Owners or any other person that the deposit of funds for the Work Program shall in any way influence the content of the work product identified in the Work Program for the Visioning Plan. Owners agree that neither Owners, nor any other person shall, as a result of such deposit, have any expectations of the work product of the Visioning Plan process resulting in a recommendation or the selection of an alternative favorable to or benefiting some or all of the Owners in any way.

Nothing herein, however, shall be construed so as to prevent Owners, their agents or representatives, or both, from participating in public discussions regarding the Visioning Plan or providing information to County for incorporation into work product for the Visioning Plan.

**Section 10. Notices.** Notices required pursuant to this Agreement shall be deemed delivered when deposited in the United States Post, postage prepaid and addressed as set forth in Exhibit "D" which is attached hereto and incorporated herein by this reference.

**Section 11. Successors and Assigns.** This Agreement shall bind and inure to the benefit of the respective successors and assigns of the County and Owners. Any Owner shall have the right, in its sole discretion, to assign its interests under this Agreement to another person or entity (including an affiliate) at any time by providing the County written notice of such assignment.

**Section 12. Legal Authority.** Each Owner represents that it has the legal authority to enter into this Agreement, and to perform its obligations hereunder, and shall provide evidence to the other Owners and County concurrent with the execution of this Agreement a Power of Attorney, Deed of Trust, or other document evidencing that authority and authorizing the person executing this Agreement to do so.

**Section 13. Amendments.** This Agreement may be amended in writing provided such amendment is approved by all the Parties hereto. Amendments to add or remove Parties pursuant to Sections 6 or 7 may be executed by the Planning Director on behalf of the County; all other amendments require the approval of the County Board of Supervisors. Unless so amended, this Agreement constitutes the sole agreement among the Parties and supercedes any other oral or written understanding of the Parties, and each of them, concerning the subject matter of this Agreement.

**Section 14. Severability.** The invalidity, illegality or unenforceability of any provisions of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

**Section 15. Time of the Essence.** Time is of the essence in the performance of each and every term of this Agreement.

**Section 16. Counterparts.** This Agreement may be signed in counterpart, and all counterparts together constitute one document.

**IN WITNESS WHEREOF**, the parties have executed this Agreement, in counterpart, on the day and year first hereinabove written.

COUNTY OF SACRAMENTO,  
A political subdivision of the  
State of California

By: \_\_\_\_\_  
Jimmie Yee  
Chairman of the Board of Supervisors  
of Sacramento County, California

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

NATOMAS LANDOWNERS GROUP, by its  
individual members ("Owners")

[On following pages]

ANGELO K. TSAKOPOULOS

BY: \_\_\_\_\_  
Angelo K. Tsakopoulos

DATE: \_\_\_\_\_



NORTH NATOMAS/AIRPORT DE MATOS,  
LLC, A California Limited Liability Company

BY: AKT Development Corporation, A California  
Corporation, Manager

By: \_\_\_\_\_  
Eleni-Tsakopoulos-Kounalakis,  
President

--OR--

By: \_\_\_\_\_  
Mark Enes, Executive Vice President

DATE: \_\_\_\_\_

Non-Member Manager(s)

1. AKT Development Corporation

GIBSON-TSAKOPOULOS, LLC, a California  
Limited Liability Company

BY: \_\_\_\_\_  
Angelo K. Tsakopoulos, Manager

DATE: \_\_\_\_\_

Non-Member Manager

1. Angelo K. Tsakopoulos

WEST LAKESIDE, LLC, A California Limited  
Liability Company

BY: AKT Investments, Inc., A California  
Corporation, Manager

By: \_\_\_\_\_  
Angelo Tsakopoulos, Chairman

--OR--

By: \_\_\_\_\_  
Eleni-Tsakopoulos-Kounalakis,  
President

--OR--

By: \_\_\_\_\_  
Mark Enes, Executive Vice President

DATE: \_\_\_\_\_

Managing Member(s)

1. AKT Investments, Inc.

MJ 318, L.P., a California Limited Partnership

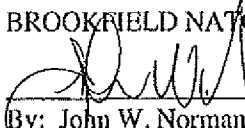
BY: \_\_\_\_\_  
Angelo K. Tsakopoulos, Managing Partner

DATE: \_\_\_\_\_

Managing Partner(s)

1. Angelo K. Tsakopoulos

BROOKFIELD NATOMAS LLC

 9/24/2008  
By: John W. Norman Date  
Title: COO

 9/24/08  
By: Richard T. Whitney Date  
Title: President

DATE: \_\_\_\_\_

NATOMAS BOOT INVESTORS, LLC, A  
California Limited Liability Company

BY: Gidaro Group, LLC, Manager

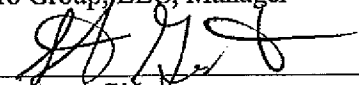
By:  \_\_\_\_\_

Steve Gidaro

DATE: 9-24-08

NATOMAS BOOT II, LLC, A California Limited  
Liability Company

BY: Gidaro Group, LLC, Manager

By:   
Steve Gidaro

DATE: 9-24-08

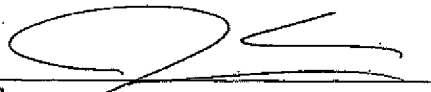
JEFFREY S. NORTON TRUST

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

SACA DEVELOPMENT, LLC, a California  
Limited Liability Company


BY:   
John Saca

TITLE: President

DATE: 9/23/08

OSE PROPERTIES NO.3, a California Limited  
Partnership

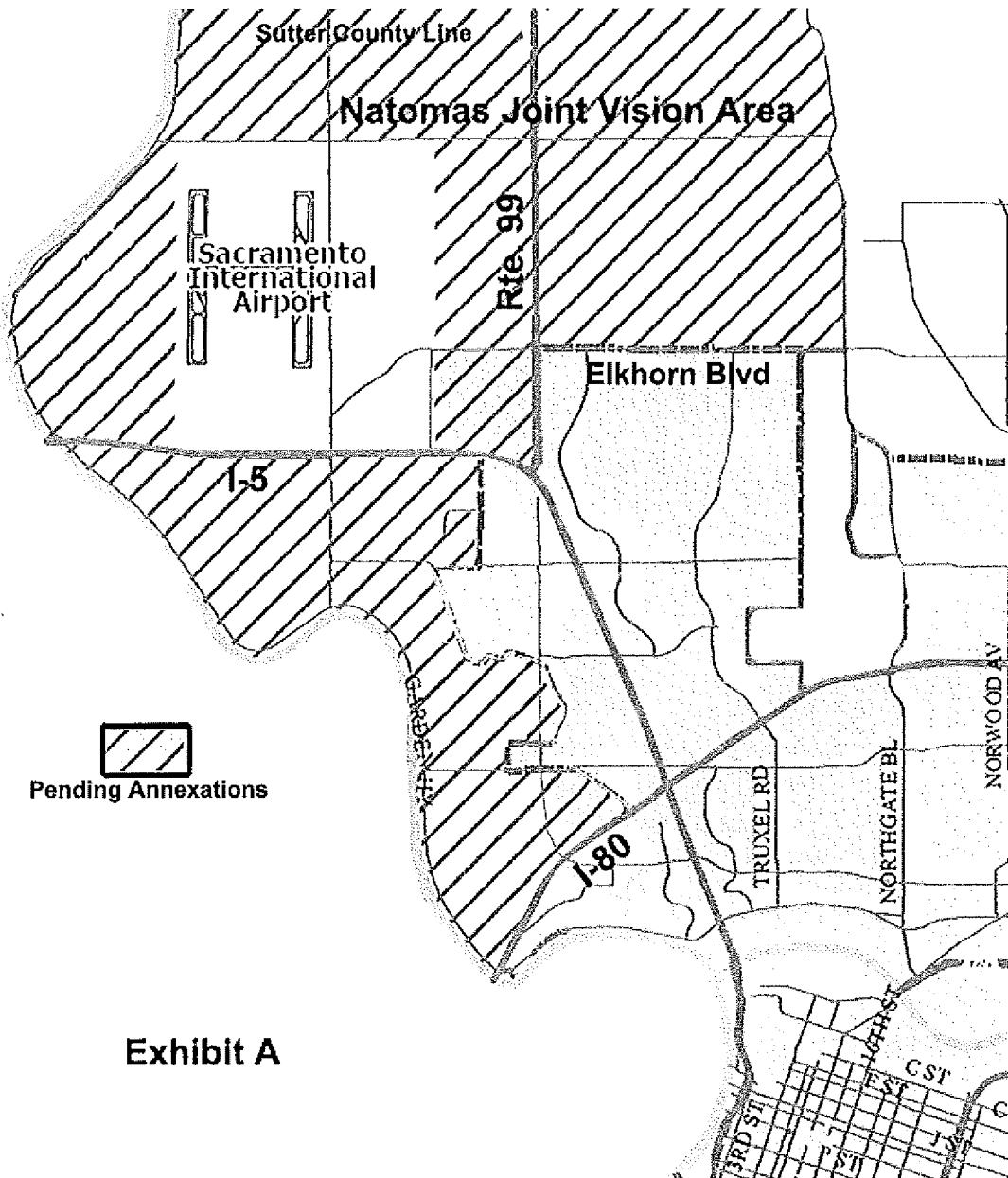
BY: Ose Properties, Inc., its General Partner

BY 

DATE: 9/24/08

**EXHIBIT A**

FUNDING AGREEMENT WITH THE NATOMAS LANDOWNERS GROUP FOR COUNTY OF  
SACRAMENTO PARTICIPATION IN THE DEVELOPMENT OF A VISION PLAN FOR NATOMAS



**Exhibit A**

**EXHIBIT B****FUNDING AGREEMENT WITH THE NATOMAS LANDOWNERS GROUP FOR COUNTY OF  
SACRAMENTO PARTICIPATION IN THE DEVELOPMENT OF A VISION PLAN FOR NATOMAS**

| Project Milestones                                       | Expected Completion Date |
|--|--------------------------|
| Project Phase II Initiation                              | July / August 2008       |
| Large Group Review Workshop #1                           | September 2008           |
| Large Group Review Workshop #2                           | November 2008            |
| Large Group Review Workshop #3                           | February 2009            |
| Large Group Review Workshop #4, as necessary             | April 2009               |
| City Council & Board of Supervisors direction & approval | May 2009                 |

Natomas Joint Vision Area  
City/County General Plan Amendment  
Planning Process Budget  
July 08 - May 09

Estimated cost to get to a "development program suitable for  
processing general plan amendments and associated EIR,  
modify USB, begin specific plan process"

**Preliminary Budget****10**

| Cost Line Item               | Monthly Estimate | Month Total |
|------------------------------|------------------|-------------|
| City Staff Reimbursement     | \$10,000         | \$100,000   |
| County Staff Reimbursement   | \$10,000         | \$100,000   |
| Planning Consultant          | \$7,500          | \$75,000    |
| Engineering                  | \$5,000          | \$50,000    |
| Legal - HCP (Alicia Guerra)  | \$2,000          | \$20,000    |
| SAFCA Consultant - TBD       |                  |             |
| (est)                        | \$3,000          | \$30,000    |
| Habitat Effects - Consultant | \$7,500          | \$75,000    |
|                              | \$45,000         | \$450,000   |

Proposed Work Program

- City contract with consultant
  - \$20,000 for HCP legal assistance
- County contract with consultants
  - \$75,000 for land use planning – contract work with a design principal of a planning firm
    - Tasks include:
      - Guide working group through issues
      - Participate in workshops and outreach meetings
  - \$75,000 for biological assessment – preliminary habitat plan (retain specialists)
  - \$30,000 contingency to be used for engineering or coordination with SAFCA design (EDAW), as necessary
- Landowners contract with consultants
  - \$50,000 for engineering/feasibility of costs
  - Landowners may retain additional consultants to supplement effort as needed

Overall Product

1. Fundamental principles for development and open space
2. Initiate general plan amendment and specific plan process
  - a. Conceptual land use diagrams
    - i. Some aspects at bubble/arrow schematic level
    - ii. Some aspects with greater detail to illustrate principles
  - b. Project description
3. Preliminary "effects analysis"
  - a. Create agriculture/open space/habitat strategy with input from regulatory agencies

**EXHIBIT C**

FUNDING AGREEMENT WITH THE NATOMAS LANDOWNERS GROUP FOR COUNTY OF  
SACRAMENTO PARTICIPATION IN THE DEVELOPMENT OF A VISION PLAN FOR NATOMAS

**Landowner Property Areas and Percentages**

|                                     | Land Area    | Land %      |
|-------------------------------------|--------------|-------------|
| Angelo Tsakopoulos                  | 186          | 3.761%      |
| North Natomas/Airport De Matos, LLC | 115          | 2.326%      |
| Gibson-Tsakopoulos, LLC             | 58           | 1.173%      |
| West Lakeside, LLC                  | 89           | 1.800%      |
| MJ 318, LP                          | 68           | 1.375%      |
| Brookfield Land                     | 2,487        | 50.293%     |
| Gidaro Properties                   | 547          | 11.062%     |
| Jeff Norton                         | 178          | 3.600%      |
| Saca Properties                     | 135          | 2.730%      |
| Ose Properties, Inc                 | 1,082        | 21.881%     |
|                                     | <b>4,945</b> | <b>100%</b> |

**EXHIBIT D**

FUNDING AGREEMENT WITH THE NATOMAS LANDOWNERS GROUP FOR COUNTY OF  
SACRAMENTO PARTICIPATION IN THE DEVELOPMENT OF A VISION PLAN FOR NATOMAS

**Landowner Contact Information**

|                                     | Contact Information                                       |
|-------------------------------------|---|
| Angelo Tsakopoulos                  | 7700 College Town Drive Suite 101<br>Sacramento, CA 95826 |
| North Natomas/Airport De Matos, LLC | 7700 College Town Drive Suite 101<br>Sacramento, CA 95826 |
| Gibson-Tsakopoulos, LLC             | 7700 College Town Drive Suite 101<br>Sacramento, CA 95826 |
| West Lakeside, LLC                  | 7700 College Town Drive Suite 101<br>Sacramento, CA 95826 |
| MJ 318, LP                          | 7700 College Town Drive Suite 101<br>Sacramento, CA 95826 |
| Brookfield Land                     | 2271 Lava Ridge Ct Suite 220<br>Roseville, CA 95661       |
| Gidaro Properties                   | 3415 American River Dr. Suite C<br>Sacramento, CA 95864   |
| Jeff Norton                         | 2591 W Elkhorn Blvd<br>Rio Linda, Ca, 95673               |
| Saca Properties                     | 77 Cadillac Drive Suite 150<br>Sacramento, CA 95825       |
| Ose Properties, Inc                 | 2399 American River Dr Suite 7<br>Sacramento, CA 95825    |

## Creamery Project (P07-123) Mitigation Monitoring Plan

| Mitigation Measure  | Implementing Responsibility     | Monitoring Responsibility                                   | Compliance Standards   | Timing   | Verification of Compliance (Initials and Date) |
|---|---------------------------------|---|--|--|--|
| <b>Transportation/Circulation:</b>  |                                 |   |  |  |  |
| T-1. Prior to the approval of plans or building permits, the project proponent shall pay a fair share contribution for the City of Sacramento Traffic Operations Center to monitor and re-time the Street traffic signal to optimize flow through the intersection, when needed.  | Project Applicant/<br>Developer | City of Sacramento<br>Development<br>Services<br>Department | Verification of fair share contribution shall be provided to Development Services staff. | Prior to the approval of final building permits.                                     |  |
| <b>Biological Resources:</b>  |                                 |   |  |  |  |
| BR-1. Any phase of the project in an area containing a Heritage Tree shall be forwarded to the City Arborist for review and comment prior to commencement of construction activities. The plans shall be forwarded to the City Arborist early enough in the design process to assure that suggested changes can be incorporated into the final design. Suggested changes could include recommendations regarding permanent structures in relation to the driplines of heritage trees, pruning recommendations, treatment of soil within and around the dripline of heritage trees, etc. | Project Applicant/<br>Developer | City of Sacramento<br>Development<br>Services<br>Department | Verification of fair share contribution shall be provided to Development Services staff. | Prior to the approval of grading or building permits, which ever permit comes first. |  |

## Creamery Project (P07-123) Mitigation Monitoring Plan

| Mitigation Measure   | Implementing Responsibility     | Monitoring Responsibility                                      | Compliance Standards  | Timing                                     | Verification of Compliance (Initials and Date) |
|--|---------------------------------|--|---|--|--|
| <b>Cultural Resources:</b>   |                                 |  |   |  |  |
| <p>CR-1. The project applicant shall hire a professional archeologist to perform archaeological monitoring during ground-disturbing construction activities for the duration of the project.</p> <p>If any subsurface archeological or historical features or deposits are discovered during construction, all work within 50 meters of the resources shall be halted. Archeological test excavations shall be conducted to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> | Project Applicant/<br>Developer | City of<br>Sacramento<br>Development<br>Services<br>Department | <p>Incorporate the protocol and procedures into grading and construction contracts.</p> <p>If any archeological or historical resources are discovered:</p> <p>a) Cease all work within 50 meters</p> <p>b) Contact the City and implement any additional measures recommended by the City and the consulting archaeologist.</p> <p>c) Submit archaeologist's report to the City.</p> | During grading and construction activities |  |

## Creamery Project (P07-123) Mitigation Monitoring Plan

| Mitigation Measure   | Implementing Responsibility     | Monitoring Responsibility                                      | Compliance Standards   | Timing   | Verification of Compliance (Initials and Date) |
|--|---------------------------------|--|--|--|--|
| <p>CR-2. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> | Project Applicant/<br>Developer | City of<br>Sacramento<br>Development<br>Services<br>Department | <p>Incorporate the protocol and procedures into grading and construction contracts.</p> <p>If a Native American site is discovered:</p> <p>a) Follow protocols listed in CR-1.</p> <p>b) Contact the appropriate Native American representatives.</p> <p>c) Ensure that consulting archeologist is certified by SOPA or meets 36 CFR 61 regulations, or consult with an additional archeologist with those qualifications.</p> <p>d) Implement any additional measures recommended by the consulting archeologist.</p> | As needed during grading and construction activities |  |

## Creamery Project (P07-123) Mitigation Monitoring Plan

| Mitigation Measure  | Implementing Responsibility     | Monitoring Responsibility                                      | Compliance Standards  | Timing   | Verification of Compliance (Initials and Date) |
|---|---------------------------------|--|---|--|--|
| CR-3. If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place. | Project Applicant/<br>Developer | City of<br>Sacramento<br>Development<br>Services<br>Department | Incorporate the protocol and procedures into grading and construction contracts.<br><br>If any human bone or bone of unknown origin is discovered:<br><br>a) Cease all work in the immediate area<br>b) Contact the Sacramento County Coroner's office<br>c) Notify the Native American Heritage Commission as needed | As needed during grading and construction activities |  |
| N-1. Bedrooms along the north façade of the Rail Yard Lofts shall be fitted with windows which have an outdoor-indoor transmission loss (OITC) of 30 dBA. In addition, the windows of bedrooms along the west façade extending from the northern edge of the building to a plane which is even with the KCRA building shall be fitted with windows which have an OITC of 30 dBA.  | Project Applicant/<br>Developer | City of<br>Sacramento<br>Development<br>Services<br>Department |   | Prior to the approval of building permits.           |  |

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO  
REDESIGNATE 6.02± ACRES FROM INDUSTRIAL TO  
COMMUNITY/NEIGHBORHOOD COMMERCIAL AND OFFICES AND 2.29±  
ACRES FROM INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL FOR  
PROPERTY LOCATED IN THE CENTRAL CITY, SPECIFICALLY AT 1013 D  
STREET, SACRAMENTO, CALIFORNIA. (P07-123) (APN: 002-0076-006, 002-  
0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-  
0076-020, 002-0076-021, 002-0113-003, 002-0113-011, 002-0113-012, 002-  
0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-0113-022, 002-  
0113-023)**

**BACKGROUND**

A. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the General Plan amendment.

B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 16.24.097, 17.204.020(C), 17.208.020(C), 17.212.035, and 17.200.010(C )(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered documentary and oral evidence concerning the General Plan amendment and the Creamery project.

C. The City Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;
2. The proposed site is suitable for mixed use and residential development; and
3. The proposal is consistent with the policies of the Central City Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice and the General Plan.

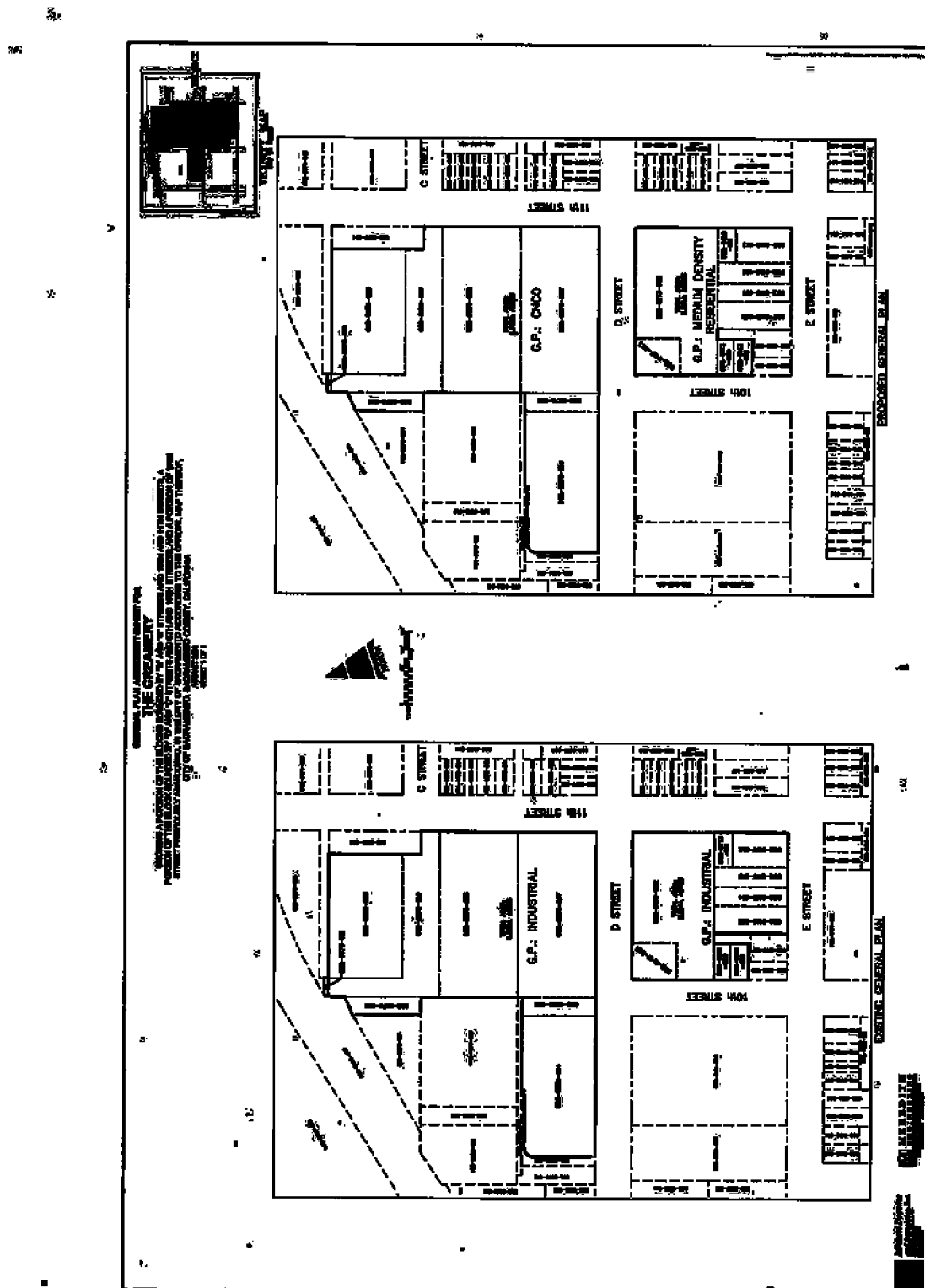
**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL  
RESOLVES AS FOLLOWS:**

**Section 1.** The City Council adopts the General Plan Land Use Amendment for the property, as described on the attached Exhibit A, in the City of Sacramento, which hereby redesignates 6.02± acres on the North Block from Industrial to Community/Neighborhood Commercial and Offices and 2.29± acres on the South Block from Industrial to Medium Density Residential. (APN: North Block: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021. South Block: 002-0113-003, 002-0113-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-

0113-020, 002-0113-022, 002-0113-023)

**Table of Contents:** Exhibit A: General Plan Land Use Map Amendment Exhibit – 1 page

## Exhibit A: General Plan Amendment Exhibit



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**AMENDING THE CENTRAL CITY COMMUNITY LAND PLAN USE MAP TO  
REDESIGNATE 6.02± ACRES FROM INDUSTRIAL TO GENERAL  
COMMERCIAL AND 2.29± ACRES FROM INDUSTRIAL TO MULTIFAMILY  
FOR THE PROPERTY LOCATED IN THE CENTRAL CITY, SPECIFICALLY AT  
1013 D STREET, SACRAMENTO, CALIFORNIA. (P07-123)  
(APN: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-  
018, 002-0076-019, 002-0076-020, 002-0076-021, 002-0113-003, 002-0113-011,  
002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-  
0113-022, 002-0113-023)**

**BACKGROUND**

A. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Central City Plan amendment.

B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 16.24.097, 17.204.020(C), 17.208.020(C), 17.212.035, and 17.200.010(C )(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered documentary and oral evidence concerning the Community Plan amendment and the Creamery project.

C. The City Council hereby finds:

1. The proposed land use amendment is consistent with the conversion of a 6.02± acre portion of this site to General Commercial and 2.29± acres to Multifamily to implement the goals and policies of the Central City Community Plan and the Housing Strategy to maintain a balance between housing and jobs and to meet future housing needs;
2. The proposed Plan Amendment is compatible with the surrounding uses; and
3. The proposal is consistent with the policies of the Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice.

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

**Section 1.** The City Council adopts the Community Plan Amendment for the property described on the attached Exhibit A, in the City of Sacramento, which hereby redesignates the Central City Community Plan land use map for 6.02± acres on the North Block from

Industrial to General Commercial and 2.29± acres on the South Block from Industrial to Multifamily. (APN: North Block: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021. South Block: 002-0113-003, 002-0113-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-0113-022, 002-0113-023)

**Table of Contents:**

Exhibit A: Community Plan Amendment – 1 page

[illegible]

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**REZONING FROM INDUSTRIAL (M-1) TO GENERAL COMMERCIAL (C-2)  
AND MULTIFAMILY (R-3A) THE REAL PROPERTY LOCATED AT 1013 D  
STREET (P07-123) (APN: 002-0076-006, 002-0076-007, 002-0076-014, 002-  
0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021, 002-  
0113-003, 002-0113-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-  
0113-019, 002-0113-020, 002-0113-022, 002-0113-023) COUNCIL DISTRICT 1**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

**SECTION 1**

The properties generally described, known and referred to as APNs: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021 which is shown on attached Exhibit A, consists of 6.02± acres and is currently in the Industrial (M-1) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the M-1 zone and placed in the General Commercial (C-2) zone.

The properties generally described, known and referred to as APNs: 002-0113-003, 002-0113-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-0113-022, 002-0113-023 which is shown on attached Exhibit A, consists of 2.29± acres and is currently in the Industrial (M-1) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the M-1 zone and placed in the Multifamily (R-3A) zone.

**SECTION 2**

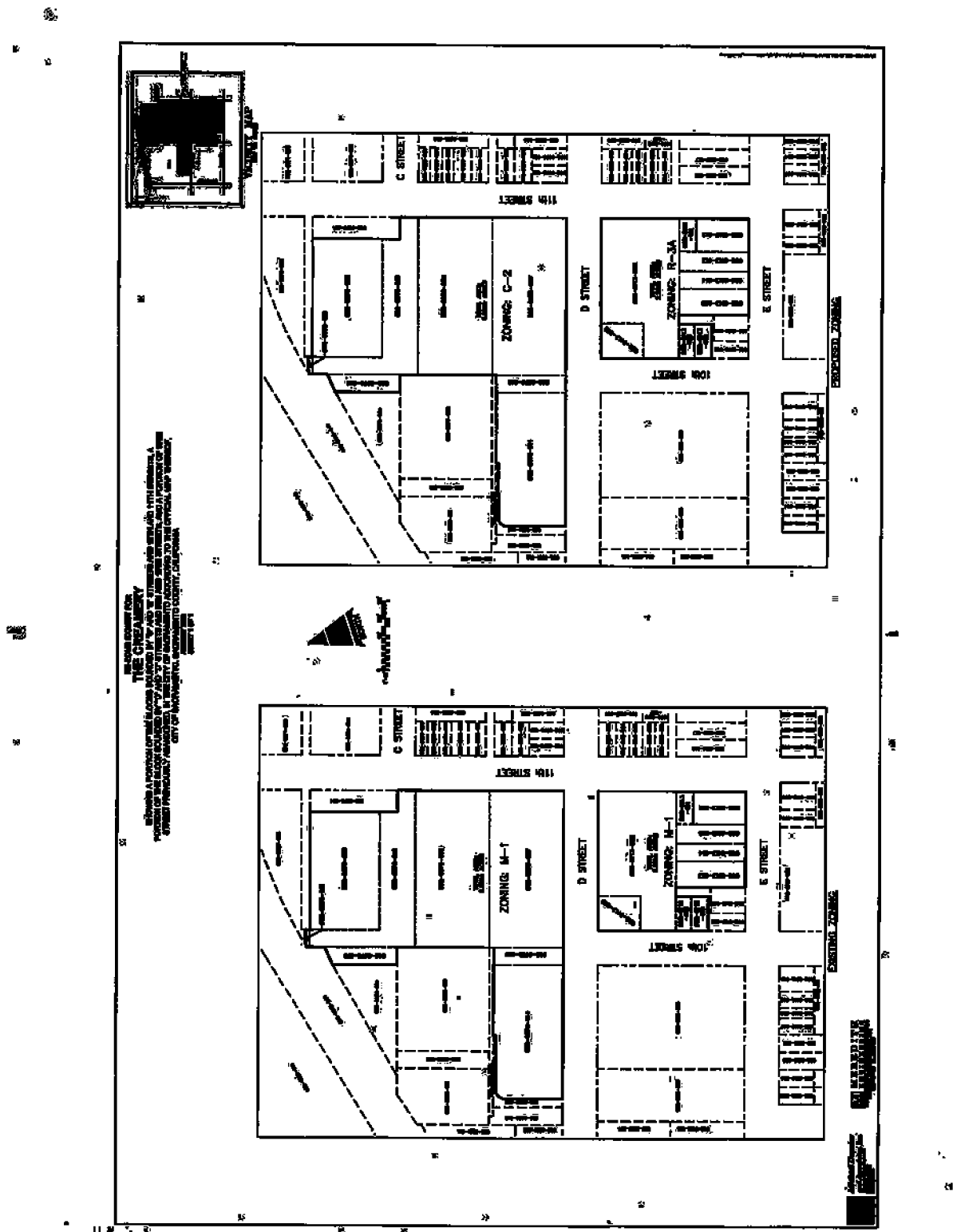
The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the community plan amendment and rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

**SECTION 3**

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are part of said Ordinance to conform to the provisions of this Ordinance.

**Table of Contents:** Exhibit A: The Creamery Rezone Map – 1 Page

## Exhibit A – Rezone



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE CREAMERY  
PROJECT (P07-123)**

**BACKGROUND**

A. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Creamery project.

B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 16.24.097, 17.204.020(C), 17.208.020(C), 17.212.035, and 17.200.010(C )(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the Creamery project.

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

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

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

**A. Environmental Determination:** The Resolution for the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Project has been adopted by Resolution No. \_\_\_\_.

**F. The Tentative Map** to subdivide the subject property into 47 lots for condominium purposes **is approved** subject to the following Findings of Fact:

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

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

- b. The site is physically suitable for the type of development proposed and suited for the proposed density;
- c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
- d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
- e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the Central City Community Plan and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

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

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

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

**G. The Special Permit** to allow alternative ownership housing (condominiums) in the proposed General Commercial (C-2) and Multifamily (R-3A) zones **is approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is compatible with the surrounding area of commercial and residential and adds to the balance of housing types in the downtown neighborhood. The proposed development promotes the goals and policies of the Central City Housing Strategy to increase housing and contribute to a better jobs/housing balance.

- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project will develop residential units that are oriented to provide eyes on the street and internal plaza areas, and provides balconies and terraces for outdoor space, and;
- c. The proposed project is consistent with the proposed Central City Community Plan designation of General Commercial and Multifamily and the proposed General Commercial (C-2) and Multifamily (R-3A) zone in which housing, office, and retail are typically allowed by special permit. The project is also consistent with the General Plan policies which encourage infill development and will promote alternative modes of transportation such as bus, bike, lightrail, and walking which helps air quality and reduces urban sprawl.

**H. The Special Permit to partially waive parking for proposed commercial uses is approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is converting parallel parking spaces on the street to angled parking to increase the supply of onstreet parking spaces in the nearby vicinity;
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project provides parking onsite for the residential units and shared parking and onstreet parking for the office and retail uses, and;
- c. The proposed project is consistent with the Central City Community Plan and General Plan policies relating to sharing parking for uses with different peak periods and the reduction of the amount of public surface parking near light rail stations thereby encouraging transit ridership.

**I.&J. The Special Permits to allow a major project over 75,000 square feet and to exceed the height requirements of 35 feet in the proposed General Commercial (C-2) zone with a proposal of 45 feet for office are approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project will increase the ridership of the light rail system and the project will provide a buffer between the railway and the residential uses on the south of the subject site.
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project provides an open plaza area to maintain light and air between the structures, and;

- c. The proposed project is consistent with the proposed General Plan land use designation of General Commercial which allows retail, office, work lofts, and residential uses and supports intensity of development within walking distance of light rail stations.

**K. The Special Permit** to exceed the height requirements of 35 foot in the proposed Multifamily (R-3A) zone with a proposal of 39'3" for new residential condominium units **is approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed residential use at 25 dwelling units per acre is within the allowed range of Multifamily (R-3A) which allows up to a maximum of 36 dwelling units per acre.
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the additional height to the residential structure will allow a rooftop deck for private outdoor space for residents and provides eyes on the street for an area in transition, and;
- c. The proposed project is consistent with the proposed Central City Community Plan and General Plan Multifamily designation in that the project provides housing on the south side of D Street which completes the residential neighborhood.

**L. The Variance** to allow recycling and trash enclosures to be located in required setback areas **is approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances where there is an internal plaza area with landscaping, sculptures, and other amenities and the trash enclosures would negatively impact the usability of the plaza;
- b. The project will not be detrimental to public health, safety, or welfare nor result in a nuisance in that the trash enclosures abut property lines that will not negatively impact any residential uses and the trash enclosures are located in areas not highly visible from the public street view; and
- c. The project will provide adequate capacity, number, and distribution of recycling and trash enclosures and receptacles to serve the new development.

**M. The Variance** to allow less than 50% tree shading for private driveways for South Block **is approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other

property owners facing similar circumstances where garages are designed to face private streets to allow pedestrian friendly public streetscapes and the row of garage doors does not allow placement of tree planters for shading;

- b. Granting the Variance does not constitute a use variance in that alternative ownership housing is allowed in the Multifamily (R-3A) zone with the issuance of a special permit; and
- c. The project is consistent with the General Plan and Central City Community Plan relating to providing vehicular access to garages from alleys or private streets and limiting curb cuts to numbered and lettered streets.

**N. The Variance** to allow office buildings to deviate from required setback/stepback is **approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances where the previously existing building on the site had a zero lot line and adjacent properties in the area similarly have reduced setbacks and stepbacks;
- b. Granting the Variance does not constitute a use variance in that offices are allowed in the proposed General Commercial (C-2) zones; and
- c. The project is consistent with the General Plan, Central City Community Plan, and Smart Growth Principles relating to providing strong urban streetwalls for commercial uses along the public streets to improve the pedestrian experience and enhance security.

### **Conditions Of Approval**

**F. The Tentative Map** to subdivide the property from one parcel into one parcel for condominium purposes is **approved** subject to the following conditions of approval:

### **CONDITIONS:** Tentative Map

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P07-123). The design of any improvement not covered by these conditions shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the

## Traffic Engineering Division

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Council approval.

The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

### **TRAFFIC ENGINEERING**

- F1. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.
- F2. Private reciprocal ingress, egress, and maneuvering easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, and maneuvering easement shall be conveyed to and reserved from any appropriate parcel, at no cost, at the time of sale or other conveyance of either parcel.
- F3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P07-123).
- F4. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Transportation.
- F5. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Traffic Engineering Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Traffic Engineering Division.
- F6. 11<sup>th</sup> Street and D Street adjacent to the project shall be provided with on-street angled parking. Angled parking will be installed with each phase of the map in which said angled parking is adjacent to.

- F7. E Street adjacent to the project shall be evaluated for on-street angled parking. If angled parking is feasible the applicant shall work with the City towards the installation of said parking.
- F8. All the improvements related to angled parking including the layout of the same shall be designed and constructed to the satisfaction of Traffic Engineering Division. The layout of angled parking on some or all of the above mentioned segments may need to be changed to back-in angled parking. The determination in this regard will be made by Traffic Engineering Division at the time of implementation of angled parking.
- F9. All intersections will be assessed and if deemed appropriate will have Bulb-outs. Bulb-outs will be installed with each phase of the map in which said Bulb-outs are adjacent to.
- F10. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Traffic Engineering Division.
- F11. Form a Homeowner's Association with CC&R's for Lot A, all private streets and the islands within the private streets to be approved by the City. CC&R's shall be recorded assuring maintenance of all private streets, lights, sewer services, drop inlets, drain leads, landscaping, irrigation and noise barriers.

## **CITY UTILITIES**

- F12. Only one domestic water service is required per parcel except for the commercial parcels. Any new domestic water services shall be metered. Excess domestic water services shall be abandoned to the satisfaction of the Department of Utilities (DOU).
- F13. There are existing 6" and 8" water mains located within the project property north and south of D Street. These existing water mains shall be relocated to the street to the satisfaction of the DOU. The water main alignment will be determined prior to the offsite improvement plan submittal.
- F14. All condominium parcels are required to have a separate water tap from the public water main.
- F15. Prior to or concurrent with the submittal of improvement plans, a project specific water study is required for review and approval by the Department of Utilities. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or

“residual” pressure at all water service connections shall be a least 30 pounds per square inch and (2) at average maximum day demand plus fire flow, the operating or “residual” pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test is required for this project. Contact the Department of Utilities for the pressure boundary conditions to be used in the water study.

- F16. Private streets with two City maintained water, drainage or sewer facilities shall have a minimum paved AC (asphalt concrete) width of 22-feet from edge of pavement to edge of pavement. No other utilities will be allowed within this 22-foot section. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.
- F17. Per City Code section 13.04.230, no permanent structure (including without limitation trash enclosures, garages, patios, concrete slabs, tool shed and similar structures) shall be constructed or placed on top of water, sewer or drainage pipelines or anywhere within the associated utility easements, unless approved by the director upon execution of a hold harmless agreement approved by the city attorney.
- F18. Common area landscaping shall have a minimum of one (1) separate tap from the public distribution system for a metered irrigation service.
- F19. Multiple fire services are allowed per parcel and may be required for the commercial lots.
- F20. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of private water, sewer and storm drainage facilities within the project. The onsite water, sewer and storm drainage systems shall be private systems maintained by the association.
- F21. Prior to the initiation of any water, sewer or storm drainage services to the project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the project's water and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney.
- F22. Residential water taps and meters shall be sized per the City's Building Department on-site plumbing requirements (water taps and meters may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

- F23. Show all existing easements on the improvement plan and final map. If there are no existing easement for the public water, sewer or drainage system then a minimum of 15-feet of easement shall be dedicated to the satisfaction of the Department of Utilities.
- F24. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for water, drainage and sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements in Book\_\_\_\_, O.R. Page\_\_\_\_."
- F25. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee (per City Council Resolution 2005-162 ) prior to the issuance of any building permit. The impact to the CSS due to the Equivalent Single-Family Dwelling (ESD) unit is estimated to be 208 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$488,992 plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS.
- F26. There are existing combined sewer mains located within the project property north of D Street. The applicant is required to abandon the existing system and relocate the combined sewer system to the street to the satisfaction of the DOU. The sewer main alignment will be determined prior to the offsite improvement plan submittal.
- F27. The existing combined sewer mains may be at capacity. The applicant is required to do a sewer study to determine if the existing system has enough capacity for this project. If there is no capacity, then the applicant will be required to construct a sewer main extension within the public street to the closest trunk line (sewer main 18" or larger). The closest sewer trunk line is located in 13<sup>th</sup> Street.
- F28. Onsite sewer and drainage mains shall be a separate system.
- F29. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual may be required. This study and shed map shall be approved by the Department of Utilities. The 10-year and 100-year HGL's shall be shown on the improvement plans. Finished floor elevations shall be a minimum of 1.5 feet above the 100-year HGL and 1.7 feet above local controlling overland flow release elevation, whichever is higher. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. Based on the drainage study, onsite storage may be required.
- F30. Per City Code, the Subdivider may not develop the project in any way that obstructs,

impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the Department of Utilities. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

- F31. The existing public utility running parallel and north of D Street shall be abandoned to the satisfaction of the Department of Utilities. The existing drainage and sewer main shall become private mains and be maintained by the property owner.
- F32. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be granted.
- F33. An onsite surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All onsite systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
- F34. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100' of the project boundary are required (per Plate 2, page 3-7) of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- F35. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
- F36. This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at [www.swrcb.ca.gov/stormwtr/construction.html](http://www.swrcb.ca.gov/stormwtr/construction.html). The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.

- F37. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since this project is in the combined sewer system area, only source control measures are required for this project. Refer to the "Guidance Manual for On Site Stormwater Quality Design Manual" dated May 2007 for appropriate source control measures

**SPECIAL DISTRICTS:** Assessment Districts

- F38. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

**PPDD:** Parks

- F39. **Payment of In-lieu Park Fee:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note)
- F40. **Maintenance District:** The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact the Project Manager in the Special Districts Division of the Planning Department). In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.
- F41. **Private Facility Credits:** According to the Site Plan dated August 2008, the North Block (Lot A) and South Block (Lot B) is labeled as Private Plaza Space. City Code Chapter 16.64, Sections 16.64.100, 110 and 120 address granting of private recreation facility credits. The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100. Should the applicant elect to request City consideration of private facility credits, such request shall be made in writing and shall occur before recordation of the final map.

**FIRE**

- F42. All turning radii for fire access shall be designed as 35' inside and 55' outside.
- F43. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more.
- F44. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3
- F45. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

**G. The Special Permit** to allow alternative ownership housing (condominiums) in the proposed General Commercial (C-2) and Multifamily (R-3A) zones **is approved** subject to the following conditions of approval:

- G1. The project shall comply with design review conditions of approval (DR07-283).
- G2. The project shall conform to the plans submitted. Any changes shall require additional review by Planning staff.
- G3. A photocell light fixture shall be provided on the building façade with the garage door. The fixture shall be of a type that automatically comes on at dusk and goes off at dawn. The fixture is subject to the review of Design Review staff.
- G4. A Homeowner's Association shall be established. A copy of the CC&Rs shall be provided to Planning staff, prior to occupancy. The CC&Rs shall require trash cans and recycling containers to be stored within the garage, rear yard, or courtyard and not lining the private streets. The CC&Rs will also indicate the Homeowner's Association is responsible for maintaining the operation of previously mentioned photocell lights along the private drives.
- G5. Air conditioning and mechanical equipment shall be appropriately screened to not be visible from any street view.
- G6. The interior garage space shall be usable by a vehicle.
- G7. The developer will provide current transit information with sales materials to buyers.
- G8. Historic Acorn lighting shall be provided along the subject site frontage. A minimum of three street lights per street frontage shall be provided or a minimum number to the satisfaction of the Electrical Services Division in the Department of Transportation.

**FIRE**

- G9. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- G10. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- G11. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (North & East sides of the Artisans between the Railyard and Mills loft isn't meeting the requirement). (CFC 503.1.1)
- G12. Provide appropriate Knox access for site
- G13. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.
- G14. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- G15. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- G16. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8
- G17. Provide at least 5' setback for second story bedroom windows to allow for fire ladder rescue operations. Provide clear access to buildings openings, free to landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 504.1

**REGIONAL TRANSIT**

- G18. Transit information shall be displayed in a prominent location in the residential sales/rental office, through a homeowner's association, or with real estate transactions, for employees and customers. Please contact Devra Selenis, Marketing Department at 916-556-0112 for more information.

G19. The applicant shall join the Sacramento Transportation Management Association.

**I.&J.** The **Special Permits** to allow a major project over 75,000 square feet and to exceed the height requirements of 35 feet in the proposed General Commercial (C-2) zone with a proposal of 45 feet for office **are approved** subject to the following conditions of approval:

## **DEVELOPMENT ENGINEERING**

- IJ1. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Traffic Engineering Division. Improvements required shall be determined by the City. The City shall determine improvements required for each phase prior to Issuance of Building Permit for each phase. Any public improvement not specifically noted in these conditions shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Traffic Engineering Division.
- IJ2. 11<sup>th</sup> Street and D Street adjacent to the project shall be provided with on-street angled parking. Angled parking will be installed with each phase of the project in which said angled parking is adjacent to.
- IJ3. E Street adjacent to the project shall be evaluated for on-street angled parking. If angled parking is feasible the applicant shall work with the City towards the installation of said parking.
- IJ4. The project applicant shall install on-street angled parking at the following off-site locations to the satisfaction of the Traffic Engineering Division of the DOT:
  - a C Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street
  - b D Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street
  - c E Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street

The installation of angled parking on these blocks shall be coordinated with phasing of onsite construction, i.e. installing angled parking on one block with each phase of the on-site construction. In the event the onsite construction is to be completed in less than three phases, the angled parking on all these three blocks shall be completed by no later than the last phase of the onsite construction.

If the City has already installed angled parking at these locations before the applicant has submitted the improvement plans then the applicant shall reimburse the City the costs for the installation of the said angled parking at \$6,000 per block (total \$18,000). The subject reimbursement shall be made prior to building permit

for each phase of the on-site construction.

The determination regarding timing and need for implementation of the subject angled parking by the City will be made by Traffic Engineering Division depending on the extent of potential delay in development of the proposed project and the parking need within the area.

- IJ5. All the improvements related to angled parking including the layout of the same shall be designed and constructed to the satisfaction of Traffic Engineering Division. The layout of angled parking on some or all of the above mentioned segments may need to be changed to back-in angled parking. The determination in this regard will be made by Traffic Engineering Division at the time of implementation of angled parking.
- IJ6. All intersections will be assessed and if deemed appropriate will have Bulb-outs. Bulb-outs will be installed with each phase of the map in which said Bulb-outs are adjacent to.
- IJ7. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Traffic Engineering Division
- IJ8. The minimum throat distance for all site driveways shall be 20' (throat distance is that distance a vehicle can move from the public right-of-way into a given site before encountering a conflict with parking stalls, aisles, etc).
- IJ9. The site plan shall conform to A.D.A. requirements in all respects.
- IJ10. The applicant shall record the Final Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits.
- IJ11. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Traffic Engineering Division.

## **DEPARTMENT OF TRANSPORTATION**

- IJ12. The City is participating in a multi-agency committee that is developing a regional development impact fee for the I-5 corridor. The City will require the project, at the time building permits are obtained, to participate in the I-5 fee program that is in effect at the time building permits are approved.

## **ENVIRONMENTAL PLANNING**

- IJ13. The project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.
- IJ14. The project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.
- IJ15. The project applicant/developer shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40 percent capacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.
- IJ16. The project applicant/developer shall, prior to occupancy, implement the measures identified in the Air Quality Management Plan submitted to SMAQMD on September 8, 2008 and endorsed by SMAQMD via a letter dated September 16, 2008.

**K. The Special Permit** to exceed the height requirements of 35 foot in the proposed Multifamily (R-3A) zone with a proposal of 39'3" for new residential condominium units **is approved** subject to the following conditions of approval:

- K1. The new condominium units on Lots 9-10 shall not exceed 40 feet (measured to the plate line) in height.

**L. The Variance** to allow recycling and trash enclosures to be located in required

setback areas **is approved** subject to the following conditions of approval:

- L1. The Solid Waste Manager shall approve a statement of recycling information for new development prior to the issuance of an occupancy permit. The applicant shall work with Solid Waste to determine the amount of recycling volume required, collection operations, and how to encourage recycling with users of the development.

**M. The Variance** to allow less than 50% tree shading for private driveways for the North and South Block **is approved** subject to the following conditions of approval:

- M1. The variance shall apply to the private driveway areas only. The parking lots and other areas of the site shall meet the tree shading requirement as required by the City Code.

### **URBAN FOREST SERVICES**

- M2. The applicant shall install chain link protection fencing around all street trees not proposed for removal prior to any construction activity with a minimum enclosure per tree of 7 feet by 10 feet.
- M3. All proposed edge of driveway excavation inside the drip line of City or heritage trees is to be performed by hand or with a hydro vacuum under the direction of the project arborist.
- M4. During construction (including sidewalk replacement) no roots greater than 2" are to be cut prior to UFS inspection. Inspections can be scheduled by calling (916) 808-6345.
- M5. The applicant shall restore irrigation of street trees. Declining street trees which have been impacted by irrigation cut off should be removed and replaced and provided with an automated irrigation system per City standards. UFS will identify trees to be removed and replaced on a submitted plan that accurately depicts existing street tree locations.
- M6. The applicant shall work with Urban Forest Services to maximize large canopy tree planting where space is available. The applicant shall select species to the satisfaction of Urban Forest Services.
- M7. All trees shall be irrigated on a non-turf station by a minimum of two pop-up heads w/4' radius nozzles installed 40" to 50" from center trunk line. Other irrigation designs may be approved pending City Landscape Architecture department and UFS review.
- M8. All trees are to be planted in a gradual mound 2" to 3" above the surrounding grade and mulched with wood chips (playground fiber or coarser) to a depth of approximately 3". No turf, groundcover or shrubs will be planted within 4' of any tree trunk.

**N. The Variance** to allow office buildings to deviate from required setback/stepback is **approved** subject to the following conditions of approval:

### **URBAN FOREST SERVICES**

- N1. The applicant shall be required to contract with an independent arborist to monitor construction activity and ensure compliance with City code as it pertains to tree protection. During building demolition several roots greater than 2" in diameter were torn off inside the drip line of a 36" diameter heritage tree. The applicant will be required to contract with an independent arborist to hand excavate the demolished area inside the drip line to inventory and cleanly cut damaged roots. All future demolition or excavation inside the drip line of City or heritage trees shall be carried out per UFS and project arborist direction.
- N2. The applicant shall work with UFS to provide proposed building wall cross sections to identify all pruning required to clear proposed building walls by 5 feet.
- N3. Underground tank removal and soil remediation along the north side of D Street will require the removal of two large street trees. The offsite landscape plan shall show two replacement trees installed per City standards.

### **ADVISORY NOTES:**

The following advisory notes are informational in nature and are not a requirement of this project:

- A. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.
- B. Prior Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.
- C. The Developer shall be responsible for maintenance (weed abatement) of IOD Lot(s) until the time that the City records acceptance of the IOD.
- D. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. During the early planning stages of the project and prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure

and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.

- E. The proposed project is located in the Flood zone designated as Shaded **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.
- F. Employers should offer employees subsidized transit passes at 50% or greater discount.
- G. Develop a program to offer transit passes at a 50% or greater discount to new homeowners for a period of six months or more. Program shall be reviewed and approved by RT.
- H. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.
- I. The applicant is required to obtain City UFS tree permits before any City or Heritage trees are pruned or destroyed. Permit applications can be obtained by calling (916) 808-6345.
- J. The existing overhead lines north of D Street should be undergrounded. The applicant has indicated that these lines are off site and outside the scope of the project. UFS recommends undergrounding of these lines to help mitigate reduced tree canopy potential in other sections of the project.
- K. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
  - a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby requirement for this project is estimated at 2.0438 (net) acres, or **\$613,140** in in-lieu fee, or some combination of the two. This is based on 22 half-plex units and 195 multi-family residential units and an average land value of \$250,000 per acre for the Central City Planning Area. When an in-lieu fee is paid, the City adds an additional 20% for off-site park infrastructure improvements. The final fee is calculated using factors at the time of payment.

b. Title 18, 18.44 Park Development Impact Fee (PIF), due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at **\$698,077**. This is based on 22 half-plex units at \$3,667 per unit, 195 multi-family residential units at \$2,868 per unit; 24,274 square feet of retail, commercial space at \$0.34 per square foot, and 88,890 square feet of office space at the rate of \$0.46 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation

### **Police Advisories**

- L. All handicapped, compact loading/unloading, and delivery parking spaces shall be clearly marked with pavement markings and appropriate signs.
- M. All exterior doors shall be adequately illuminated at all hours with their own light source.
- N. The perimeter of the site shall be fenced during construction.
- O. All alarm plans shall be approved by The Sacramento Police Department's Alarm Unit.
- P. Entry into the structure should be controlled by some type of card or digital access system with a restriction on the ability of a card or number code to, be reused until the original user's vehicle exits the structure.
- Q. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- R. All dumpsters must be kept locked.
- S. The applicant shall agree to a "good neighbor policy." The "good neighbor policy" shall require that if any significant problems arise and the city receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.

Exhibit A: Tentative Map

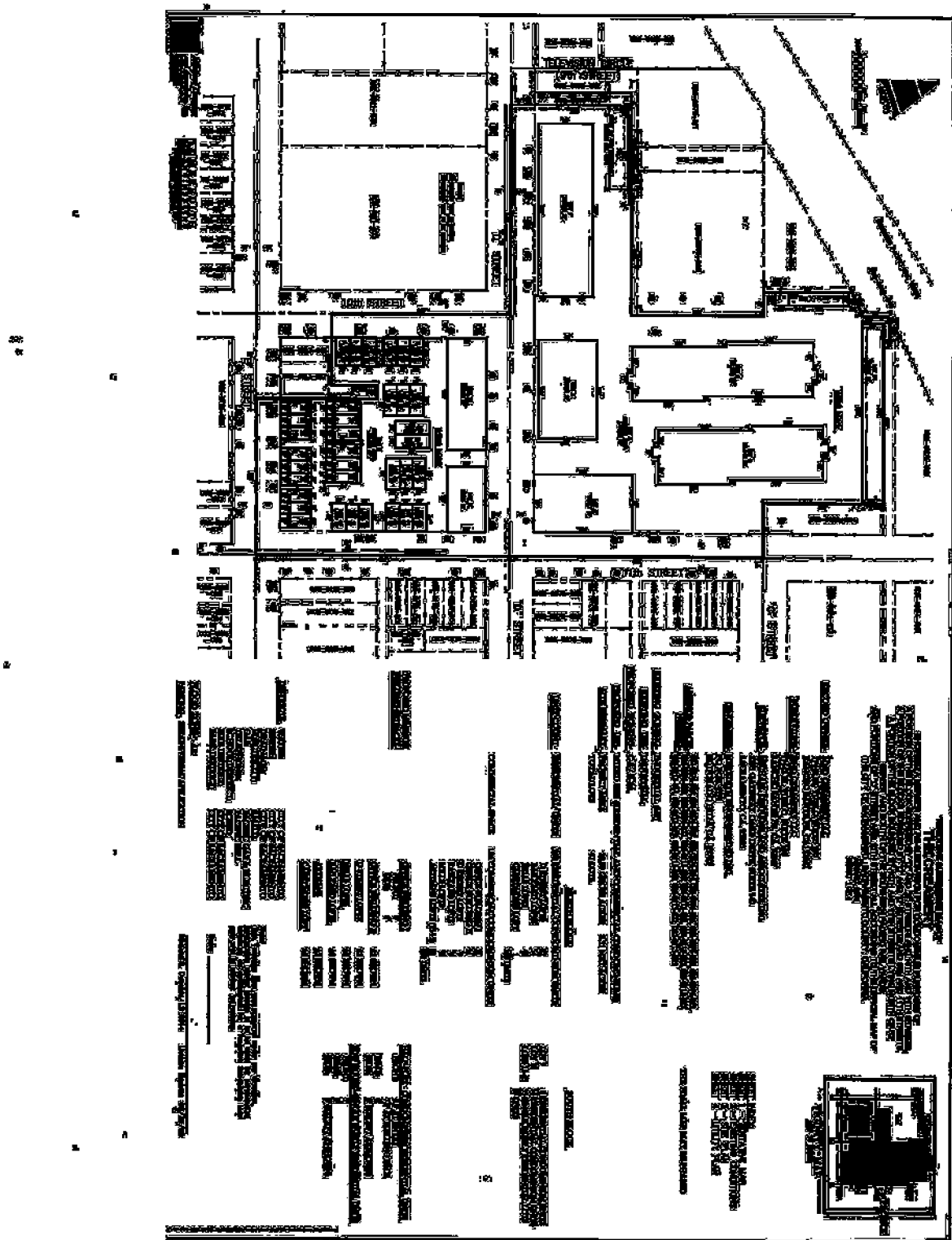


Exhibit B: Proposed Site Plan

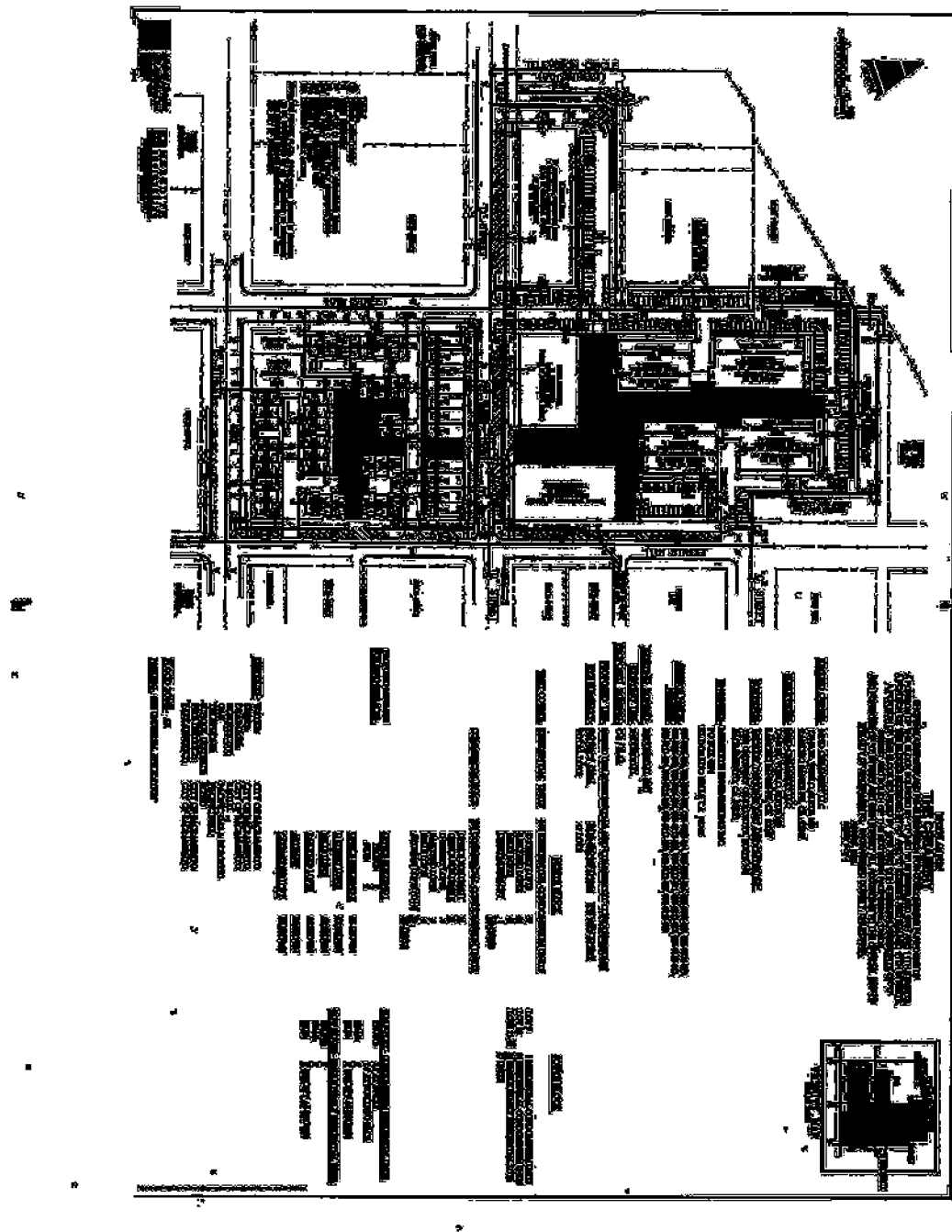


Exhibit C: Proposed Phasing of Project



Exhibit D: Aerial of North Block



Exhibit E: Aerial of South Block



Exhibit F: Aerial Looking North

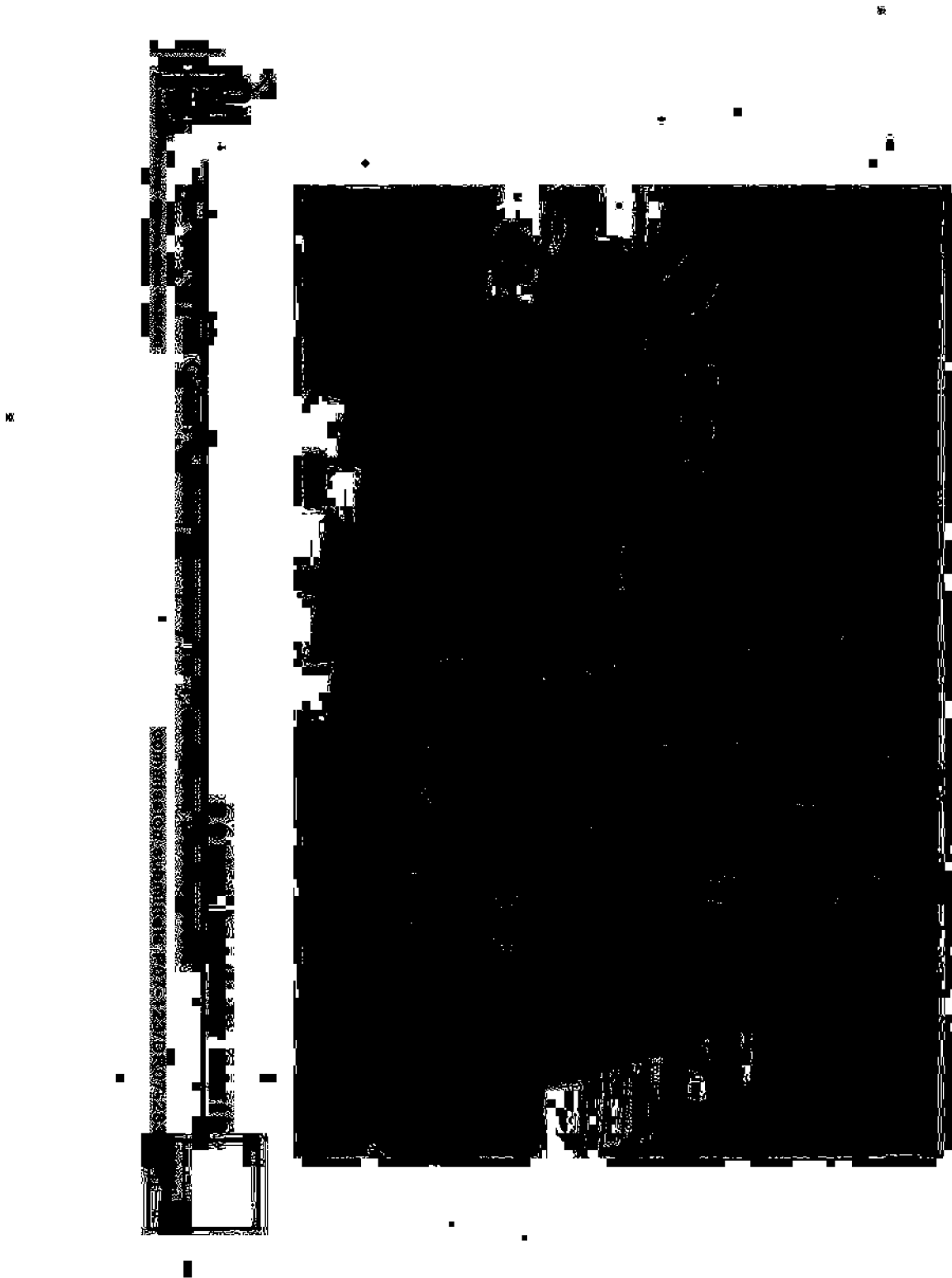


Exhibit G: Perspectives: North Block at 11<sup>th</sup> and D Streets

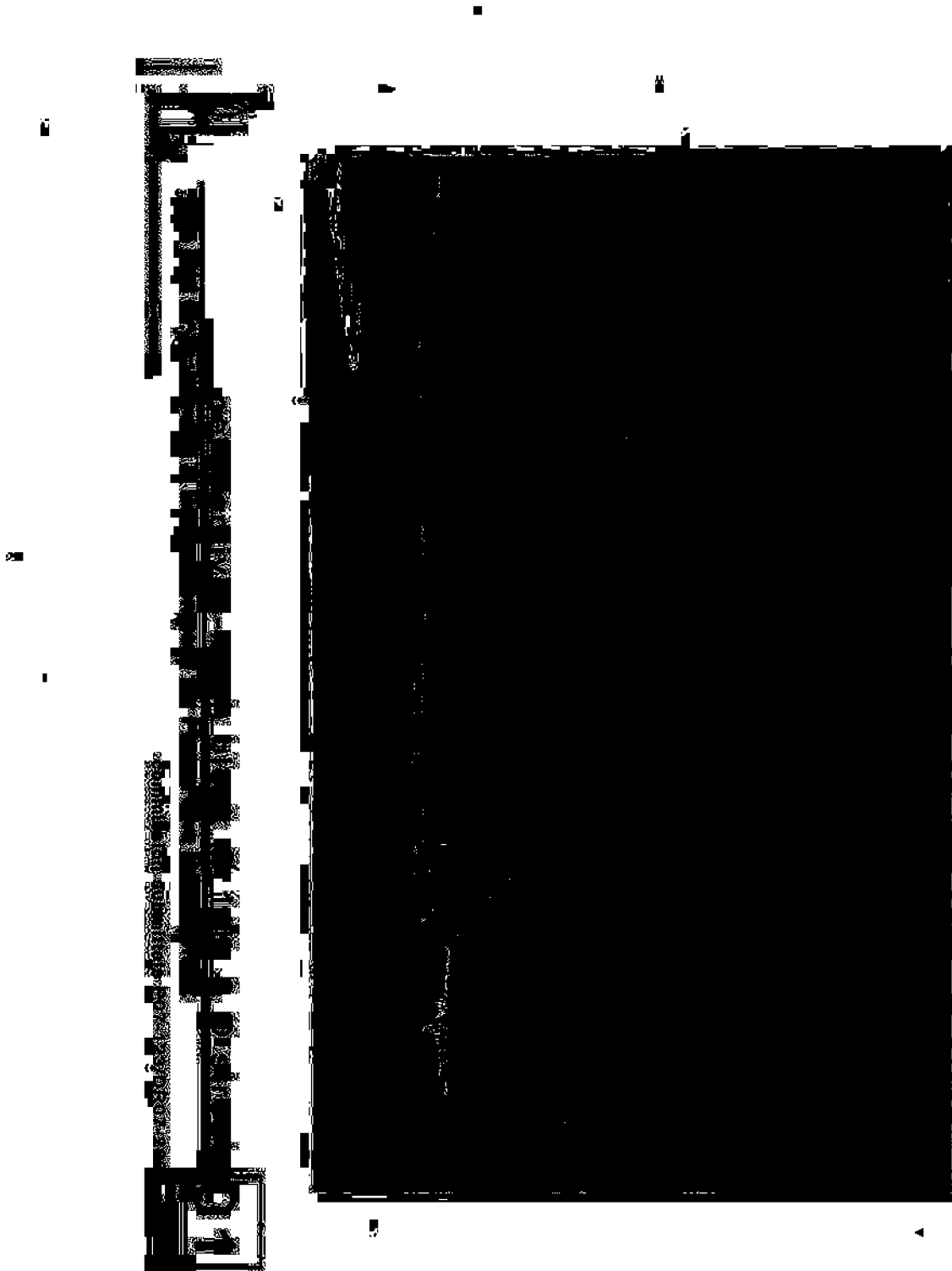


Exhibit H: Perspectives: North Block at Plaza



Exhibit I: Perspectives: North Block at Artisans Walk

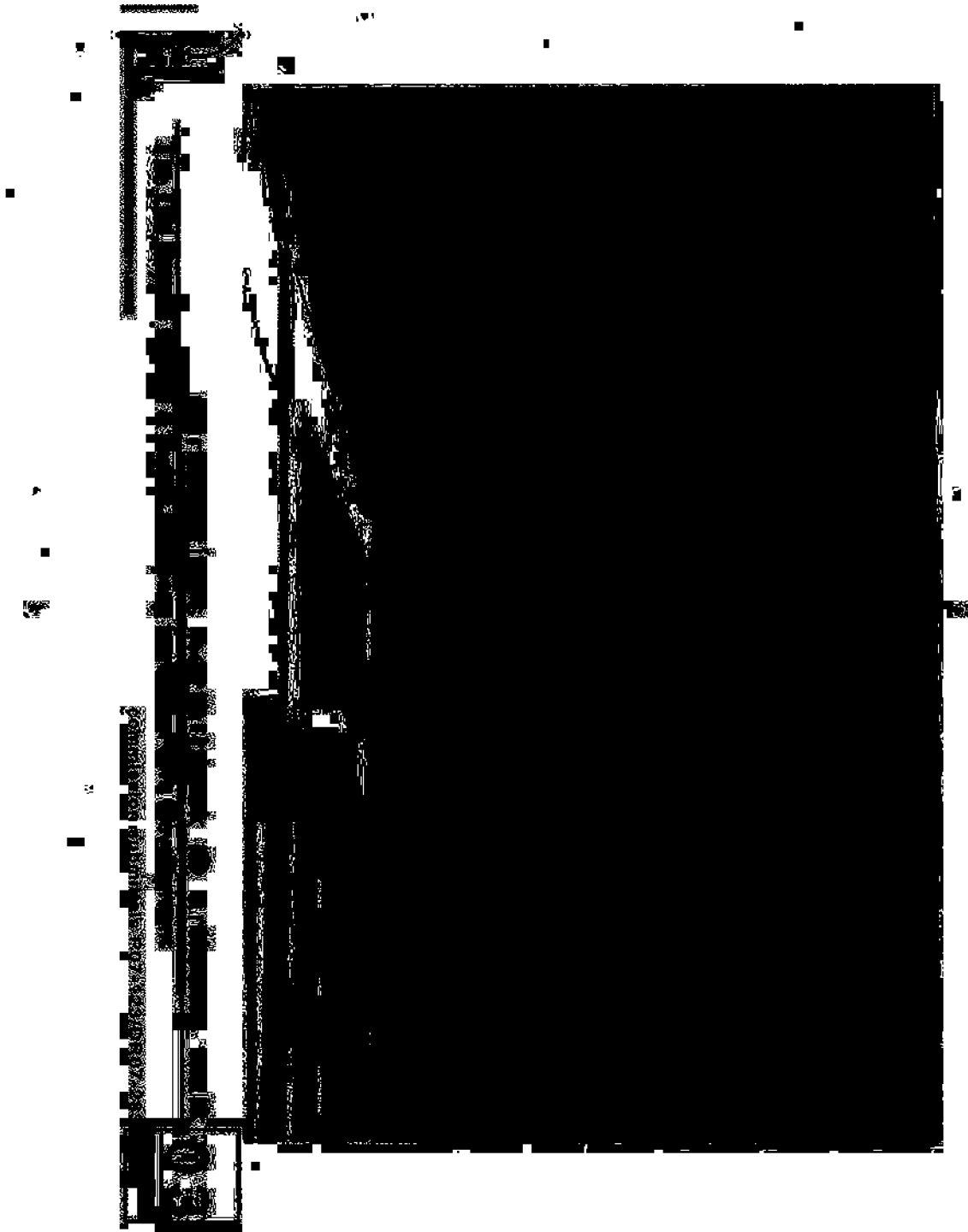


Exhibit J: Perspectives: North Block at 11<sup>th</sup> and C Streets

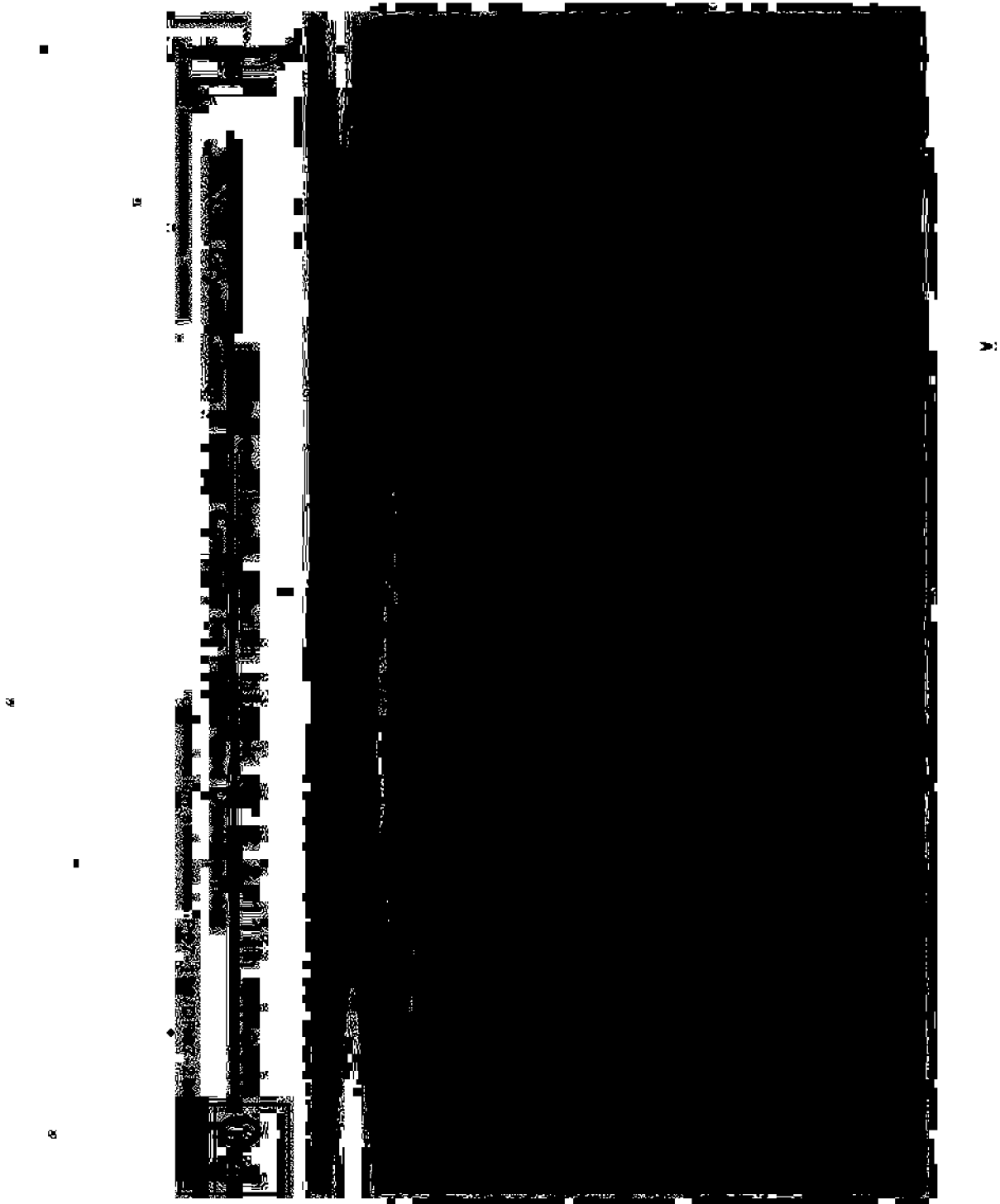


Exhibit K: Perspectives: North Block at Artisans Block



Exhibit L: Perspectives: North Block at 10<sup>th</sup> Street and Plaza



Exhibit M: Perspectives: North Block at 10<sup>th</sup> and D Streets



Exhibit N: Perspectives: D Street Looking Southeast

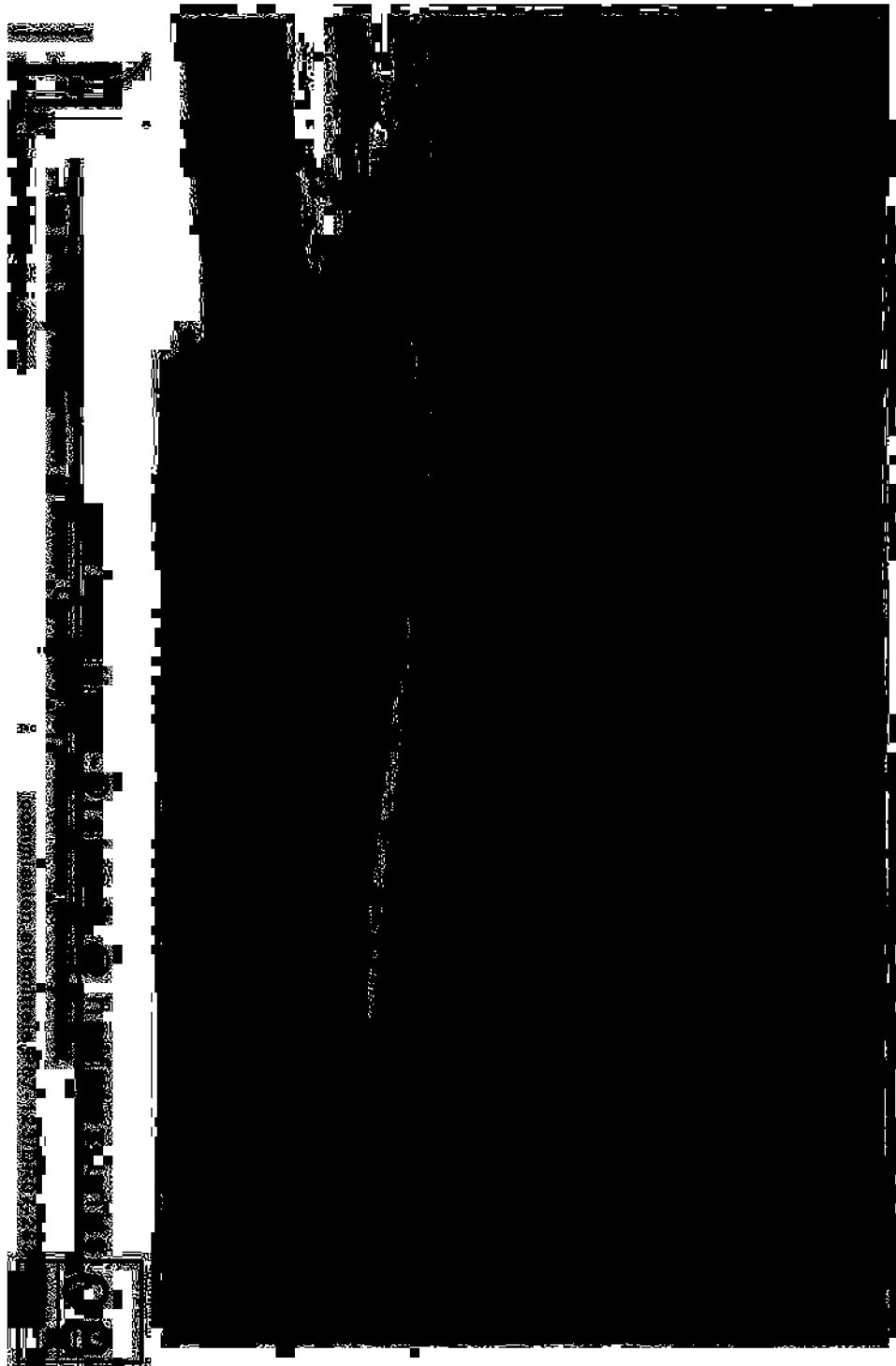


Exhibit O: Perspectives: South Block at D Street

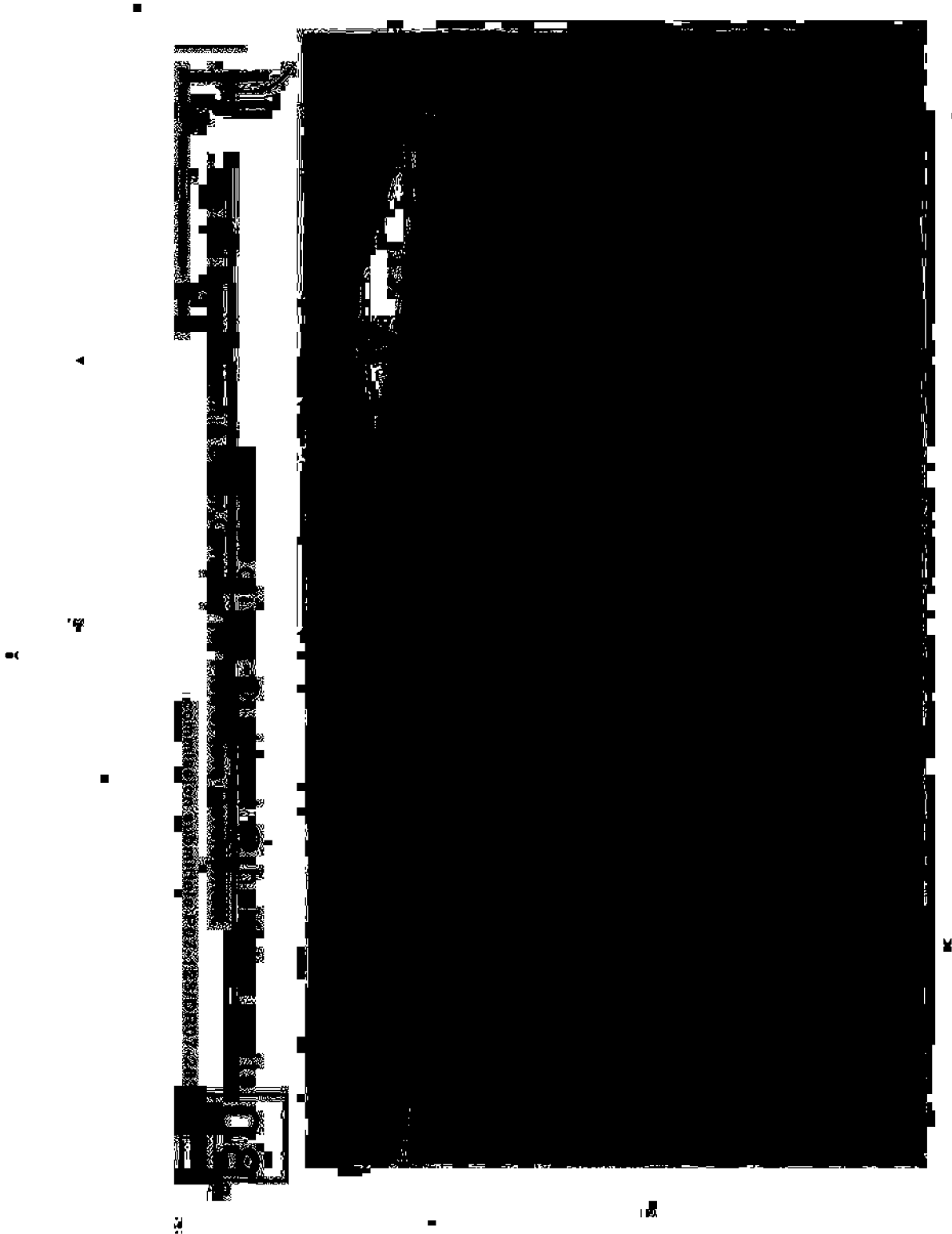


Exhibit P: Perspectives: South Block at Halfplex Units and Rowhouses



Exhibit Q: Perspectives: South Block at Open Space

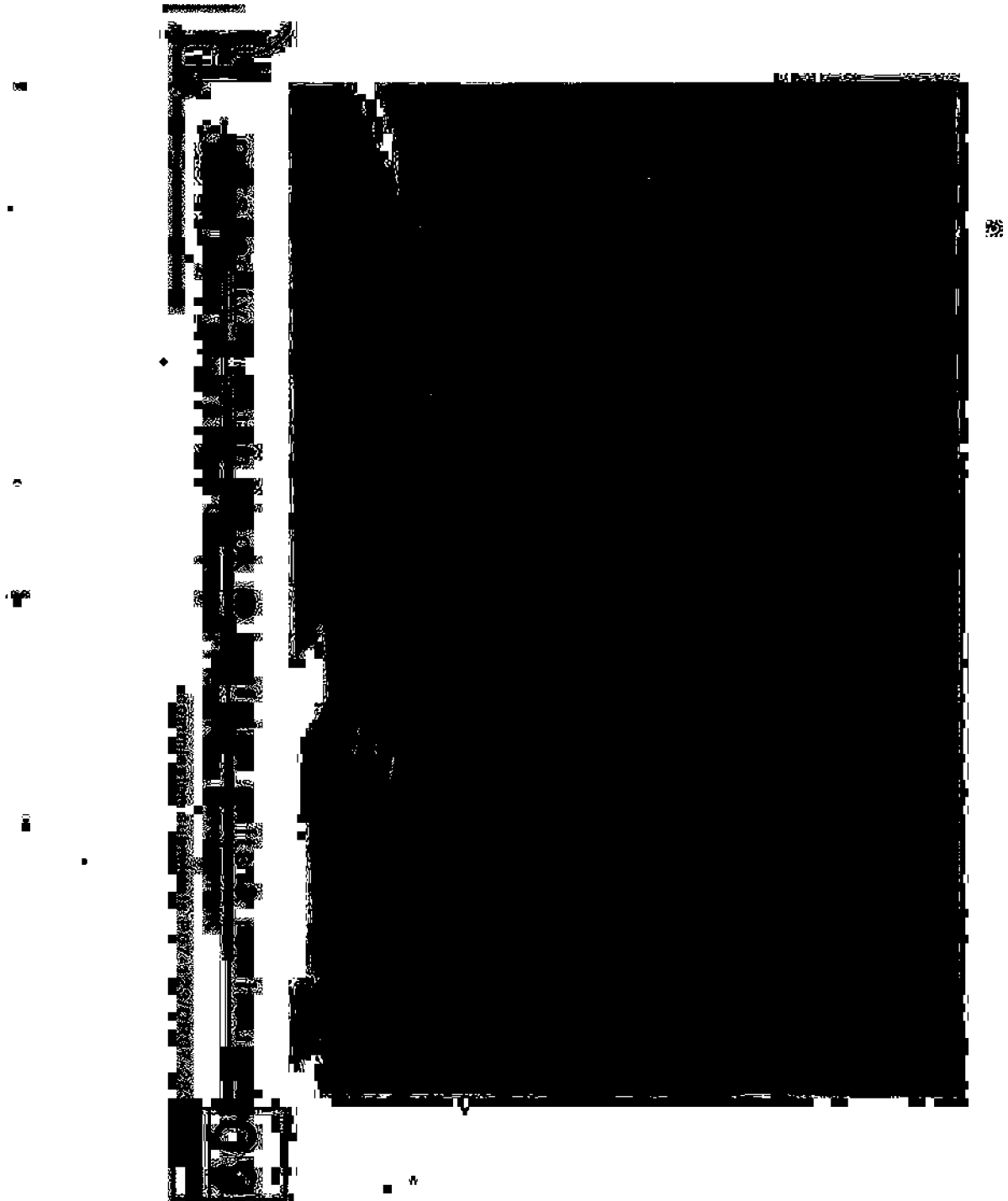


Exhibit R: Perspectives: South Block at 10<sup>th</sup> and E Streets

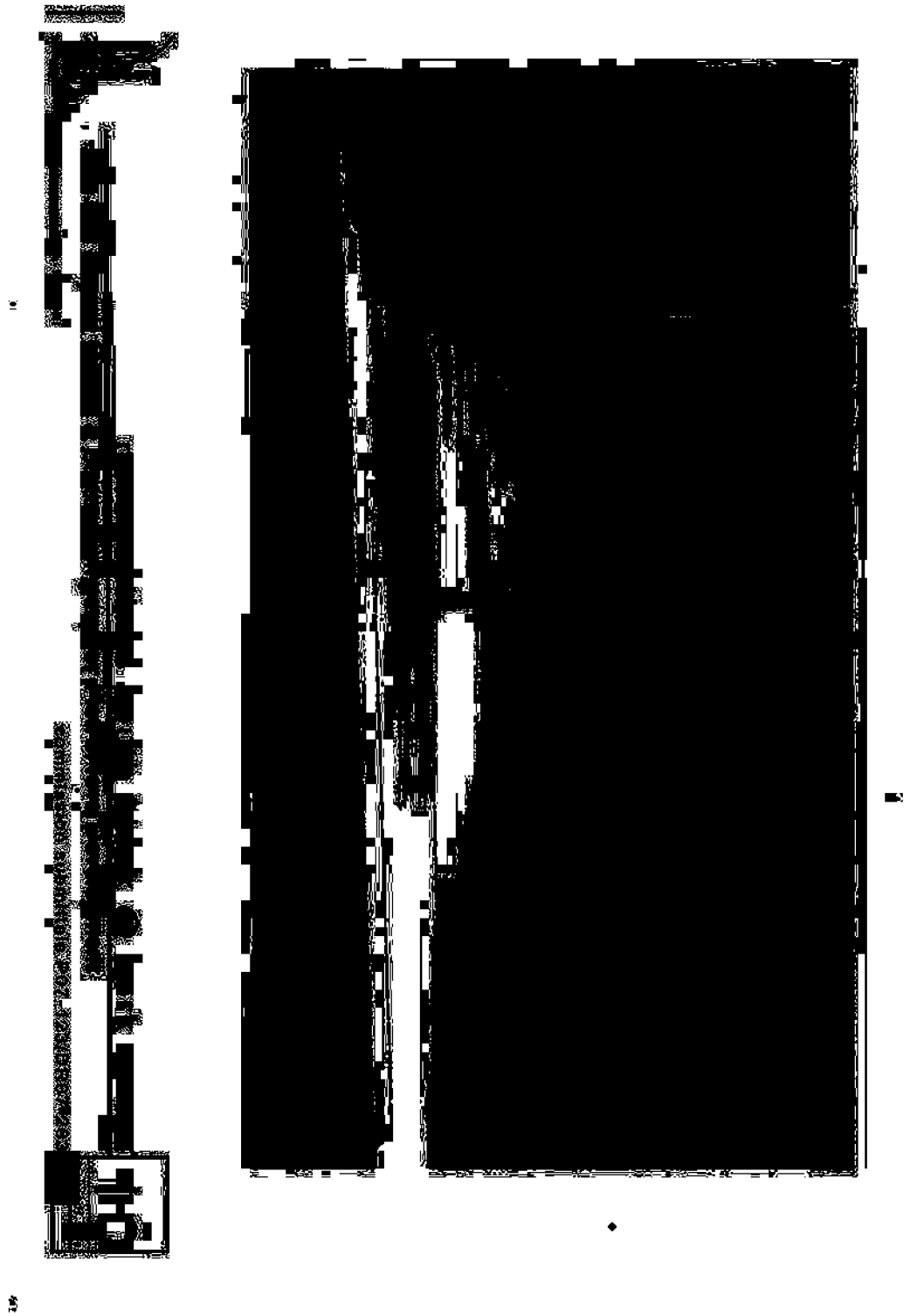


Exhibit S: Perspectives: South Block at 11<sup>th</sup> and E Streets

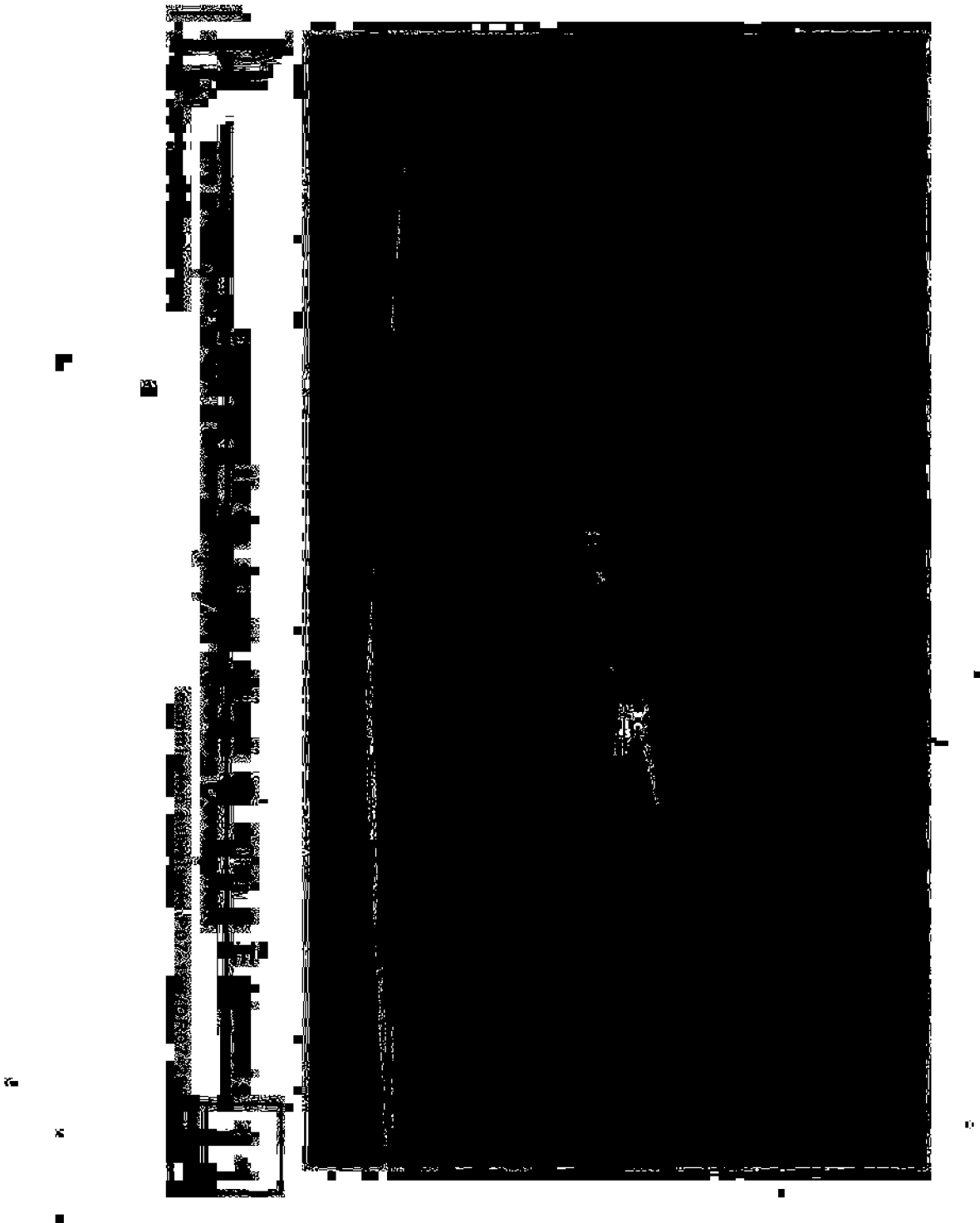


Exhibit T: Perspectives: South Block at 11<sup>th</sup> Street and Open Space

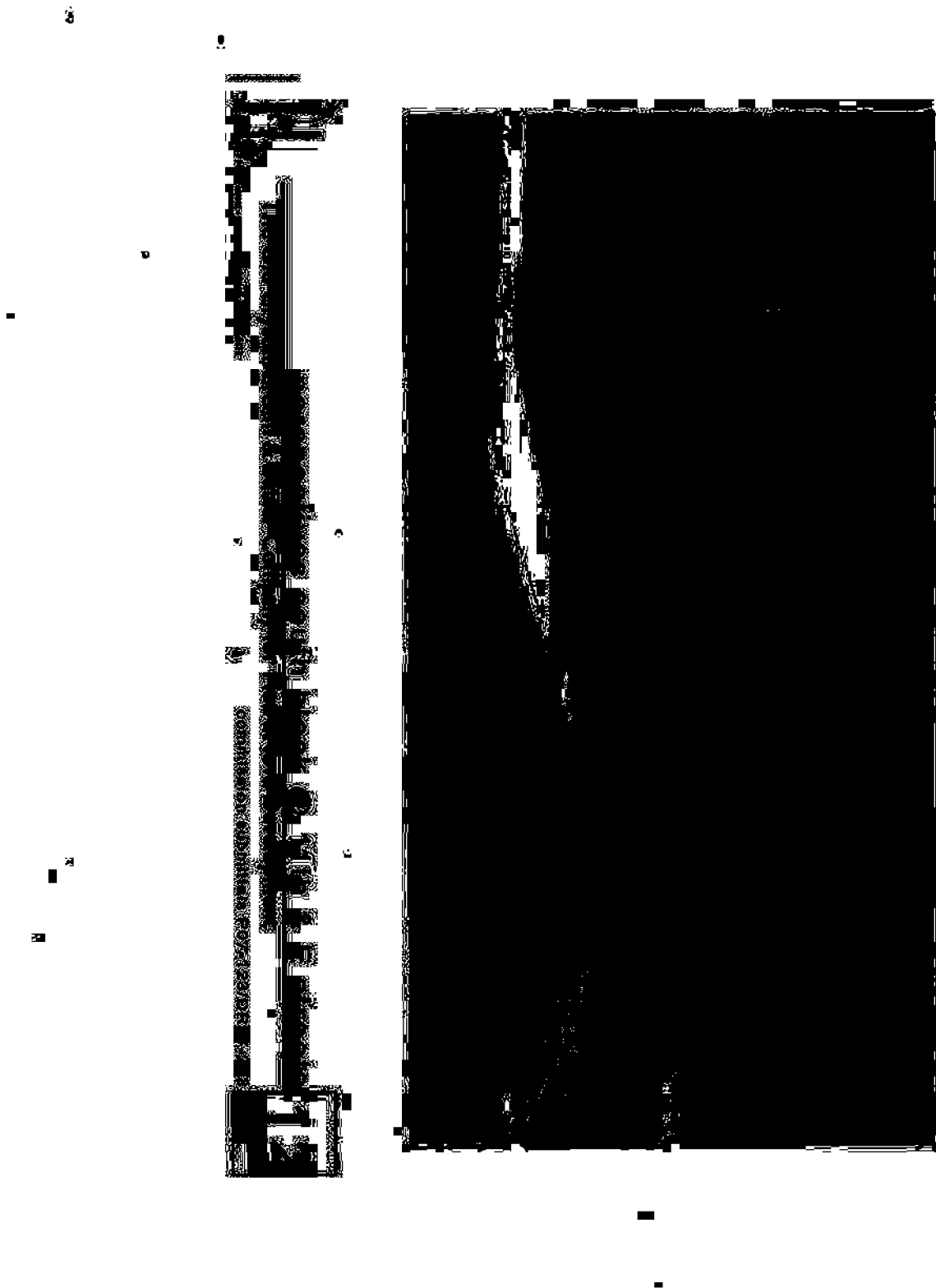


Exhibit U: Perspectives: South Block at D Street Looking Southwest



Exhibit V: North Block: Rail Yard Loft Elevations



Exhibit W: North Block: Rail Yard Loft Building Plans

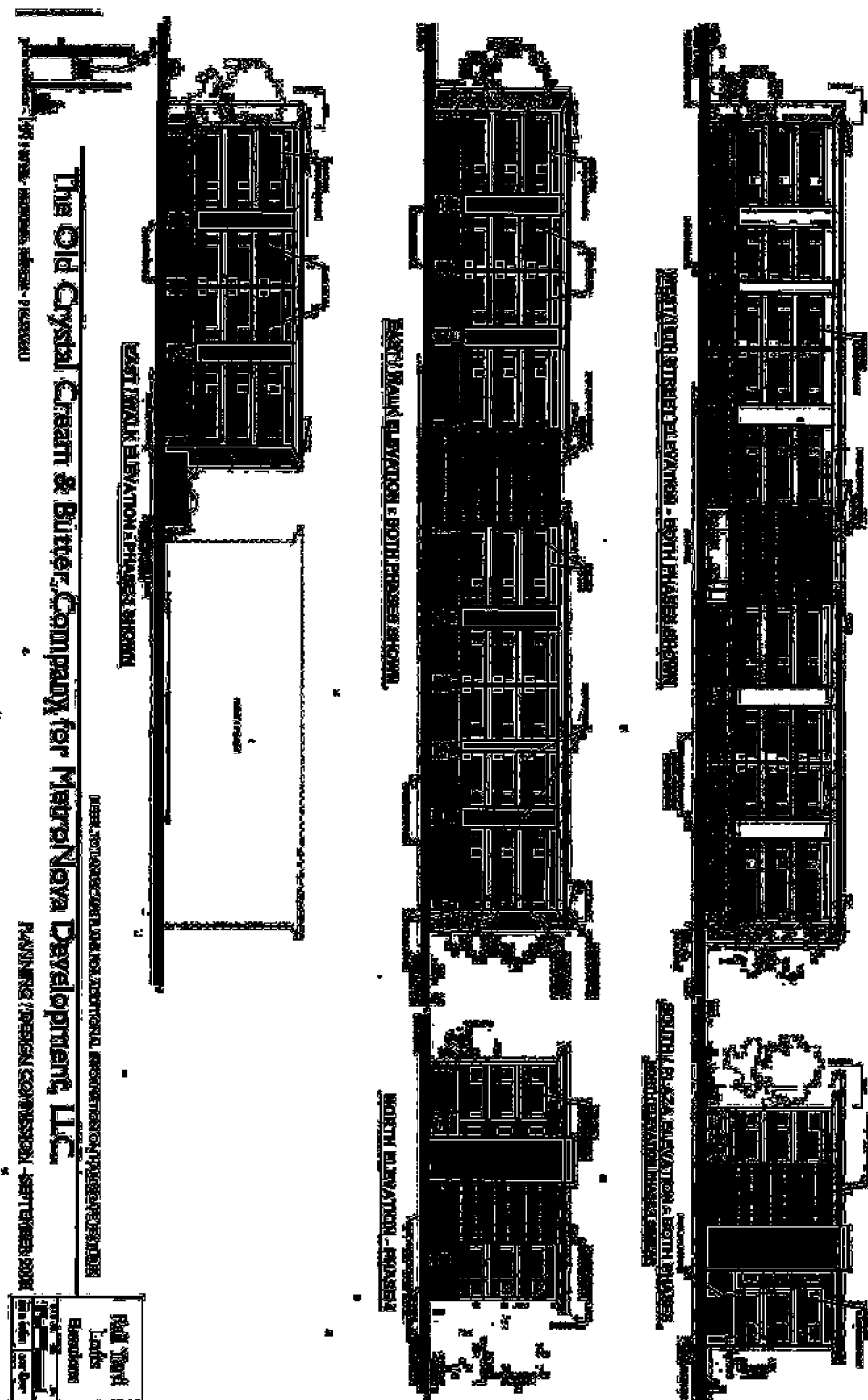


Exhibit X: North Block: Rail Yard Loft Phasing Plan

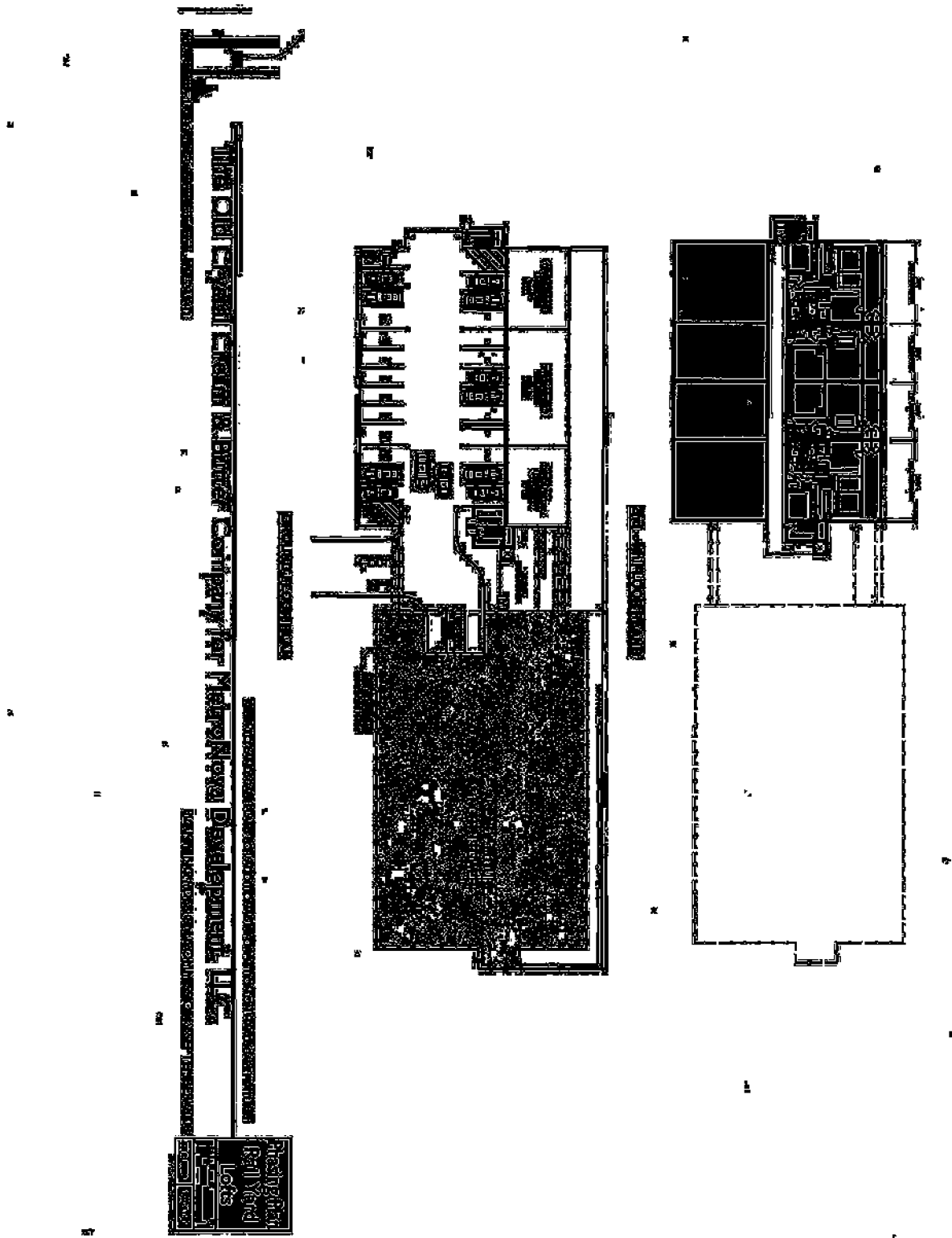
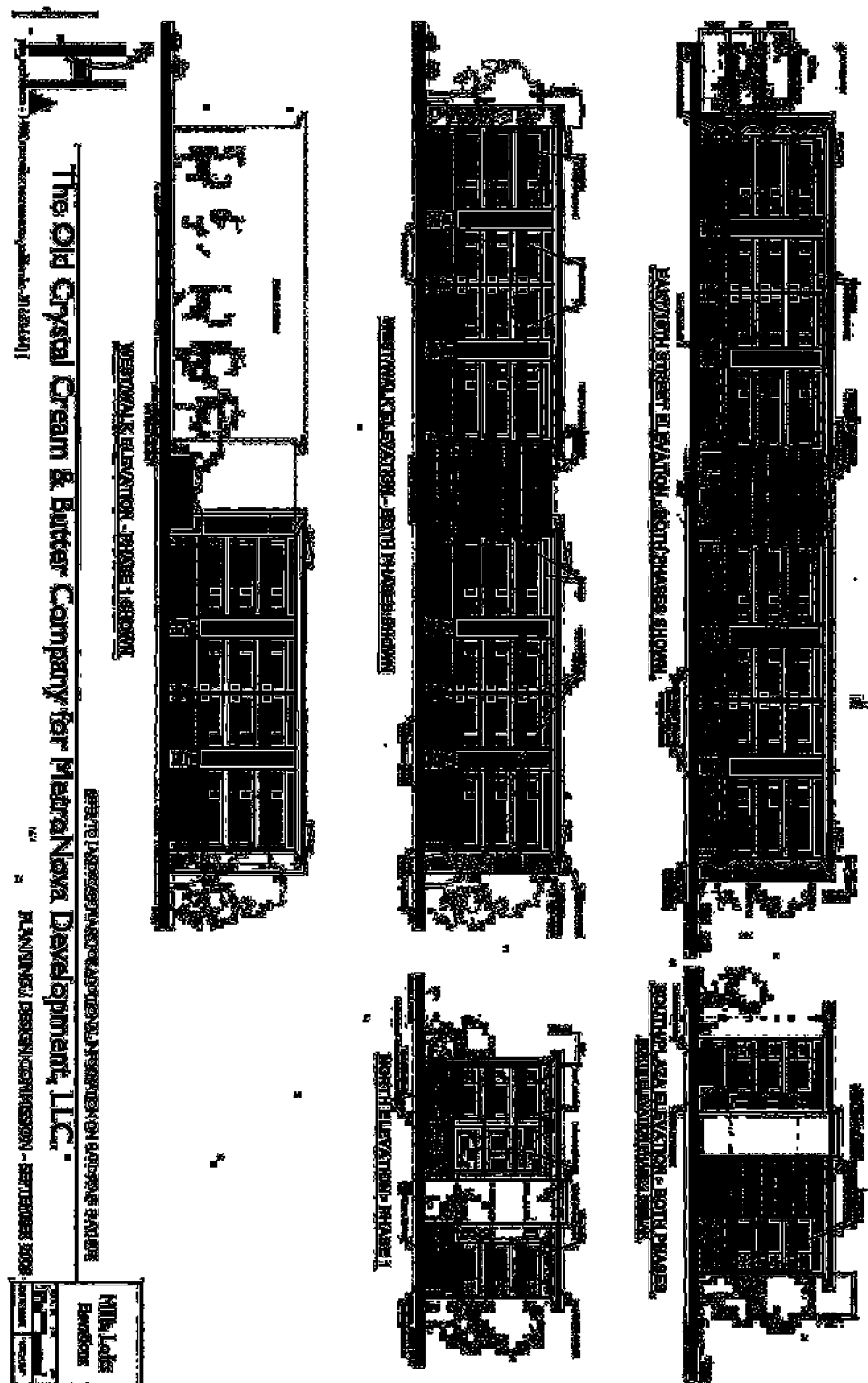


Exhibit Y: North Block: Mills Loft Elevations



[illegible]

Exhibit AA:North Block: Mills Loft Phasing Plan

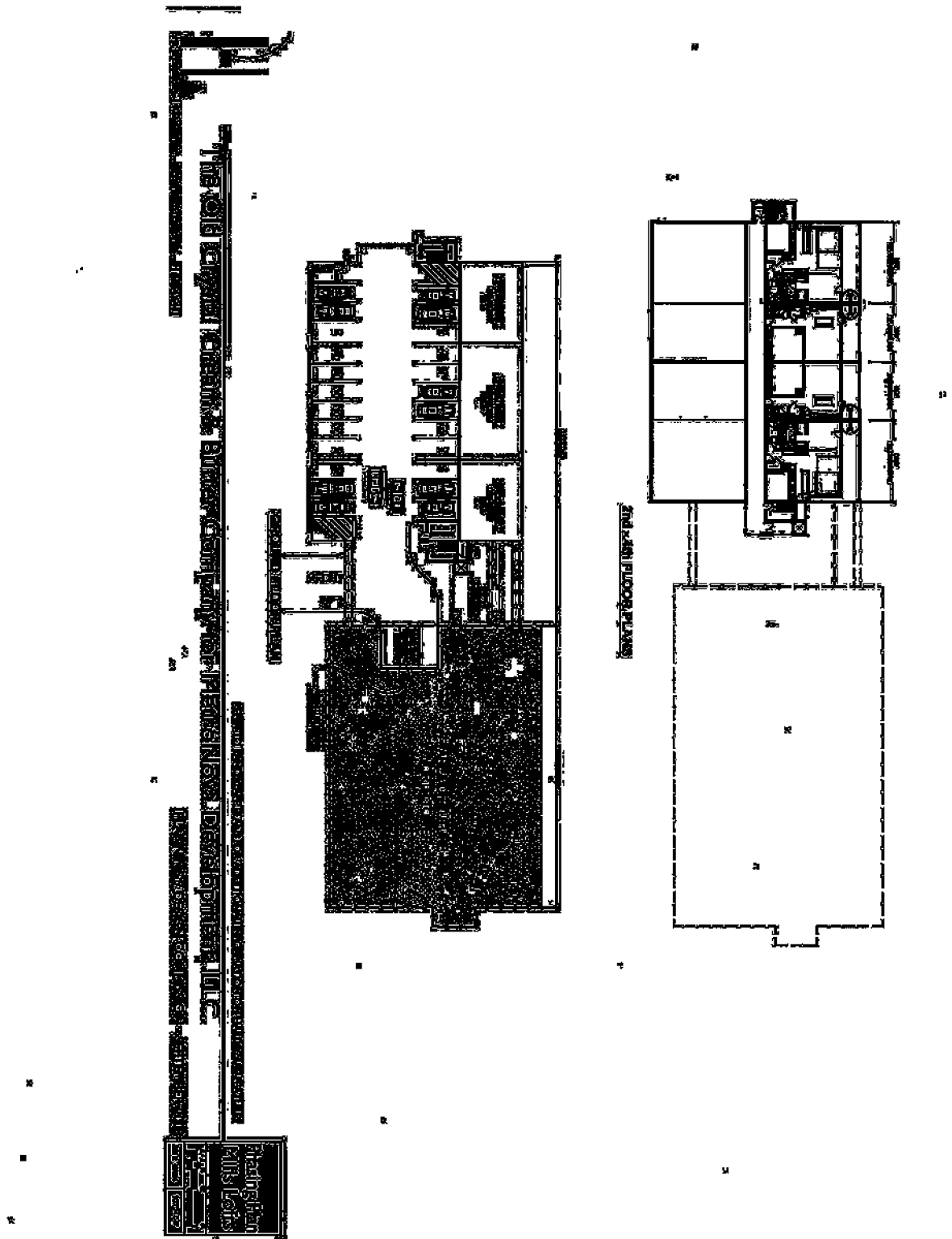


Exhibit BB: North Block: Rail Yard and Mills Loft Unit Plans

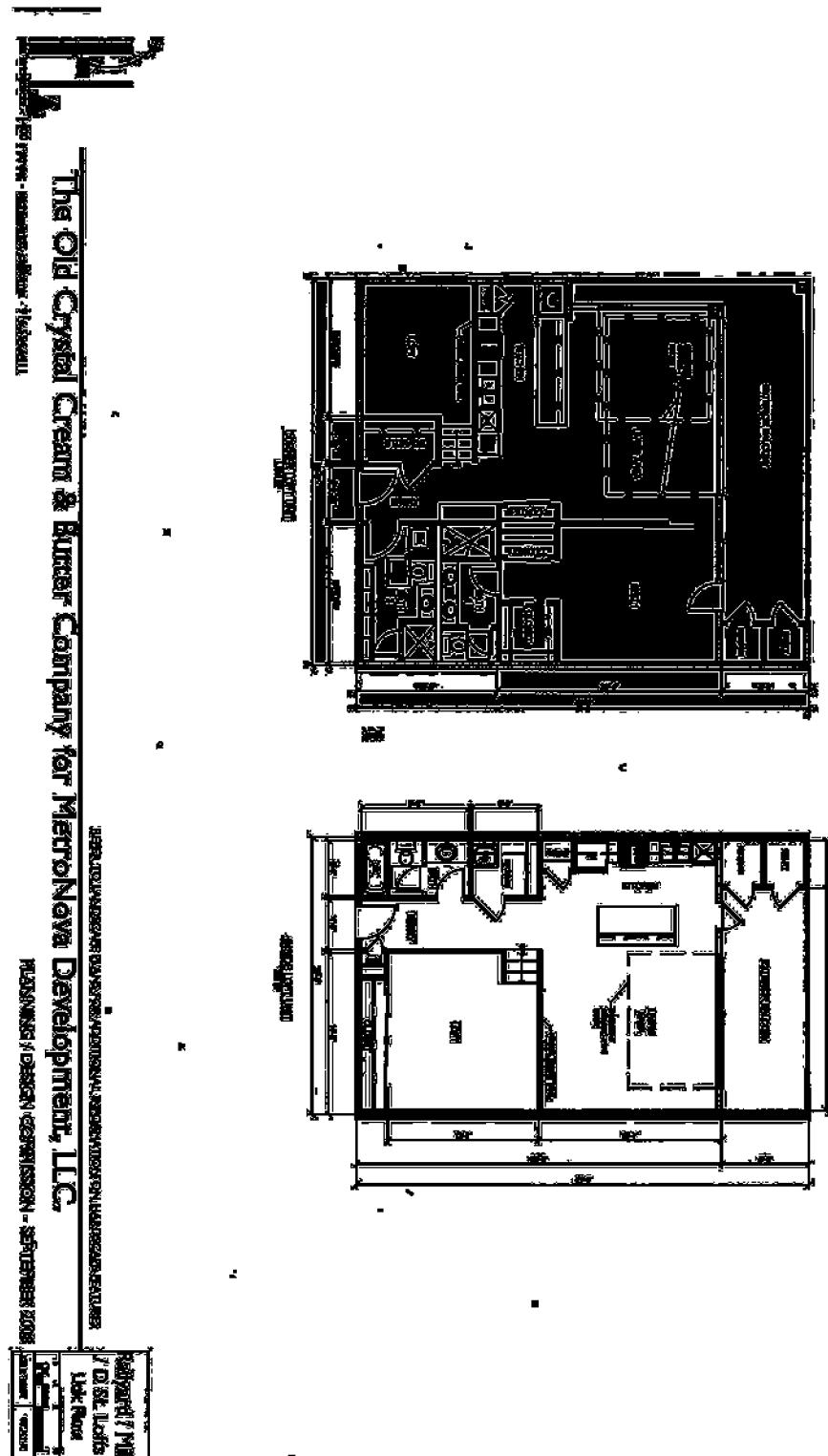


Exhibit CC: North Block: D Street Loft Elevations

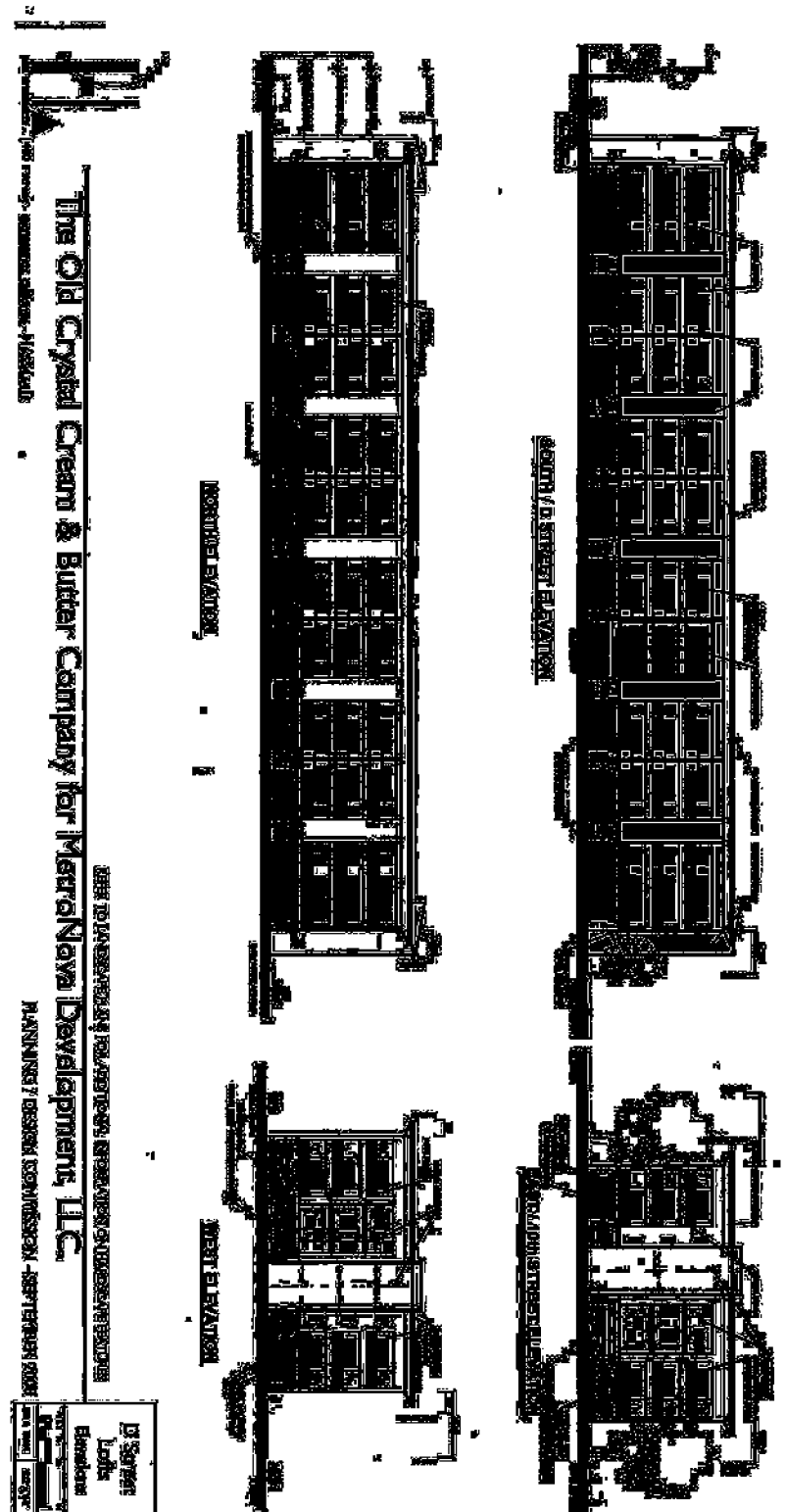


Exhibit DD: North Block: D Street Loft Building Plans

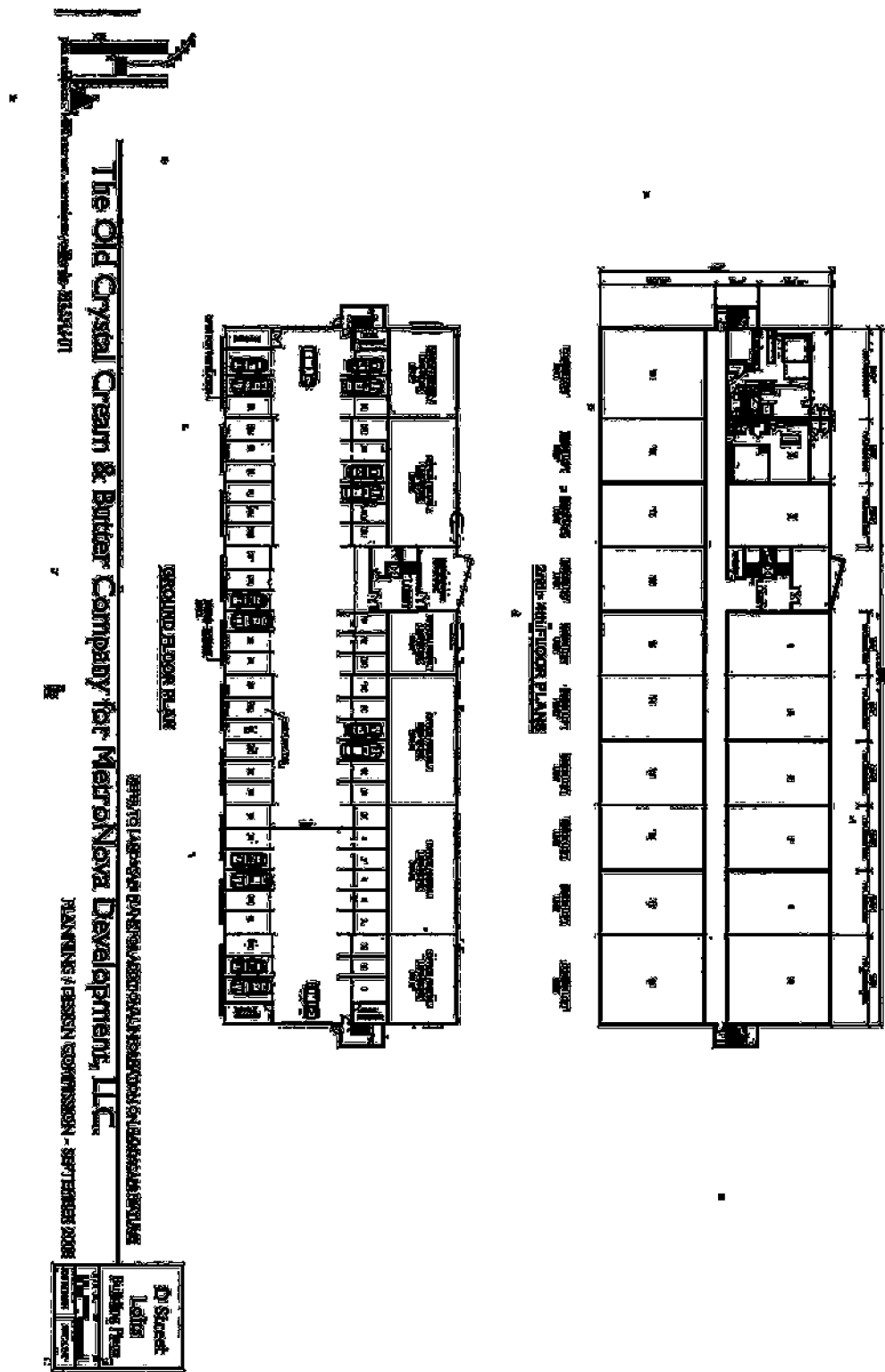


Exhibit EE: North Block: Office Building I Elevation (South and East)

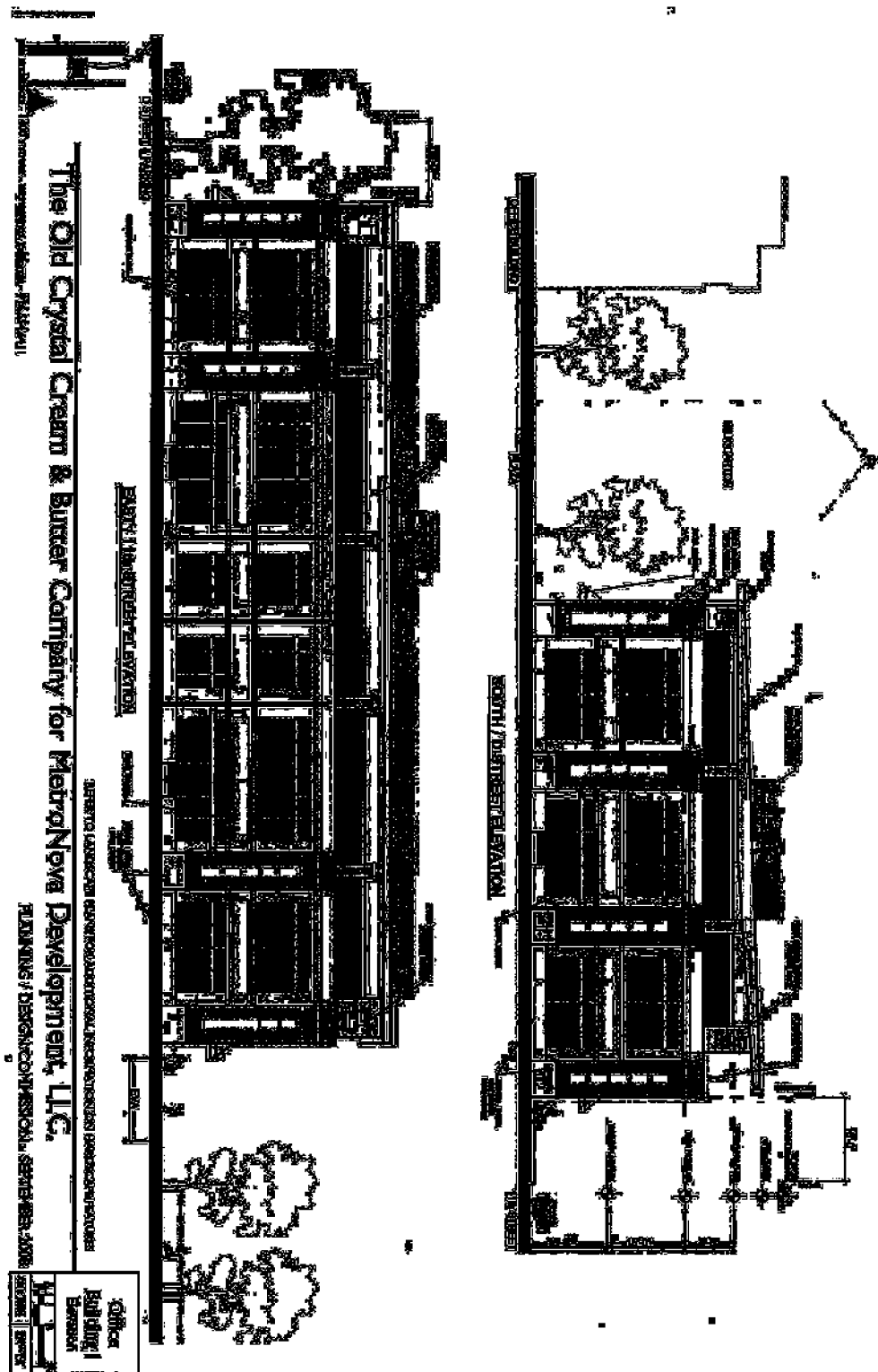
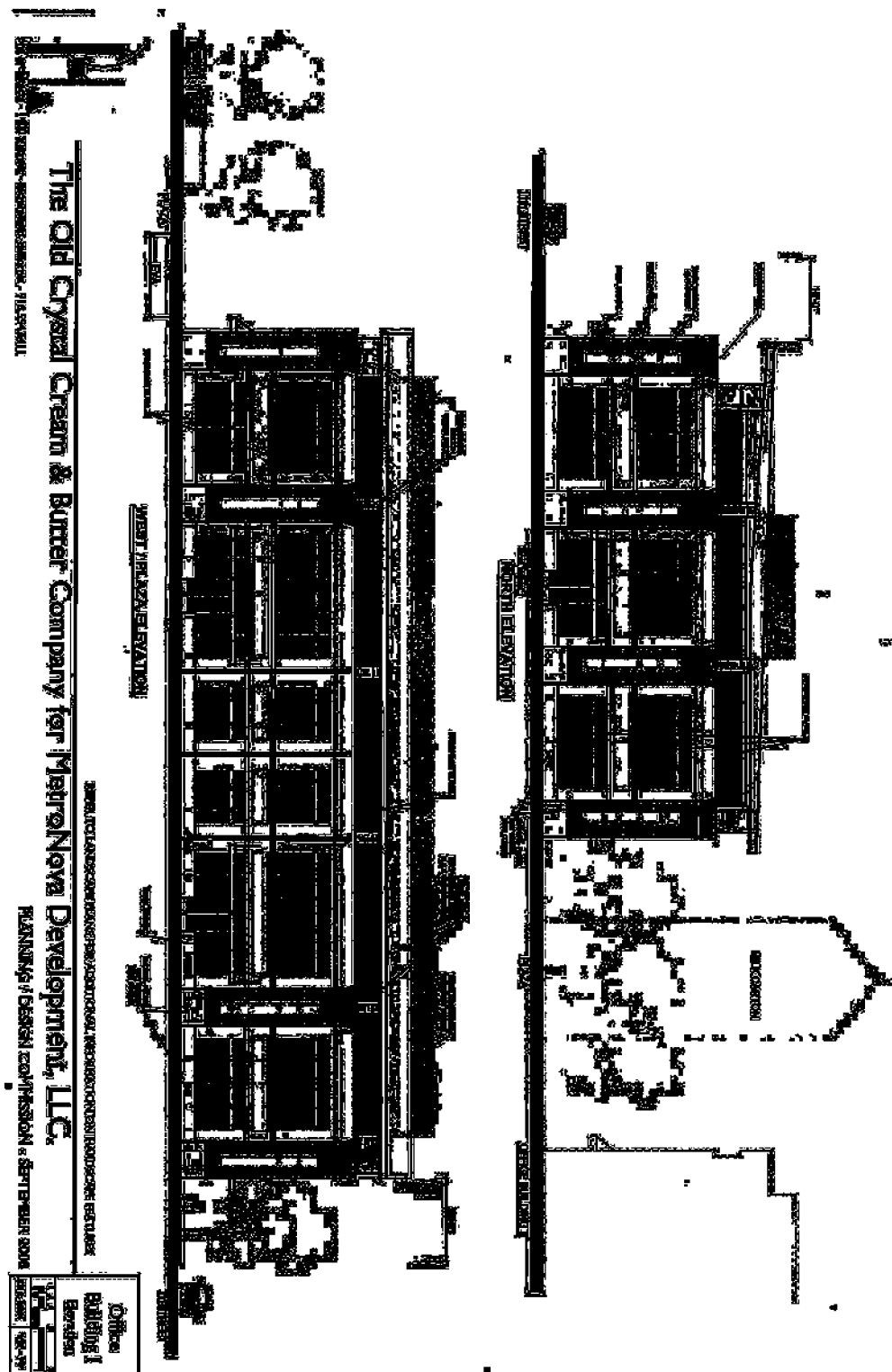


Exhibit FF: North Block: Office Building I Elevation (North and West)



**Office Building 1**  
1st Floor

**The Old Crystal Cream & Butter Company for MetroNova Development, LLC**  
**FIRST FLOOR PLAN**

**11th STREET**

**D STREET**

**SIDE WALK & TREE STRIP**

**PLAZA**

**OFFICE BUILDING**

**CORRIDOR/LOBBY**

**PLAZA**

**SIDE WALK & PLANTING STRIP**

**PLANNING DESIGN CONSTRUCTION, SEATTLE, WA 98101**

Exhibit HH: North Block: Office Building I Second Floor Plan

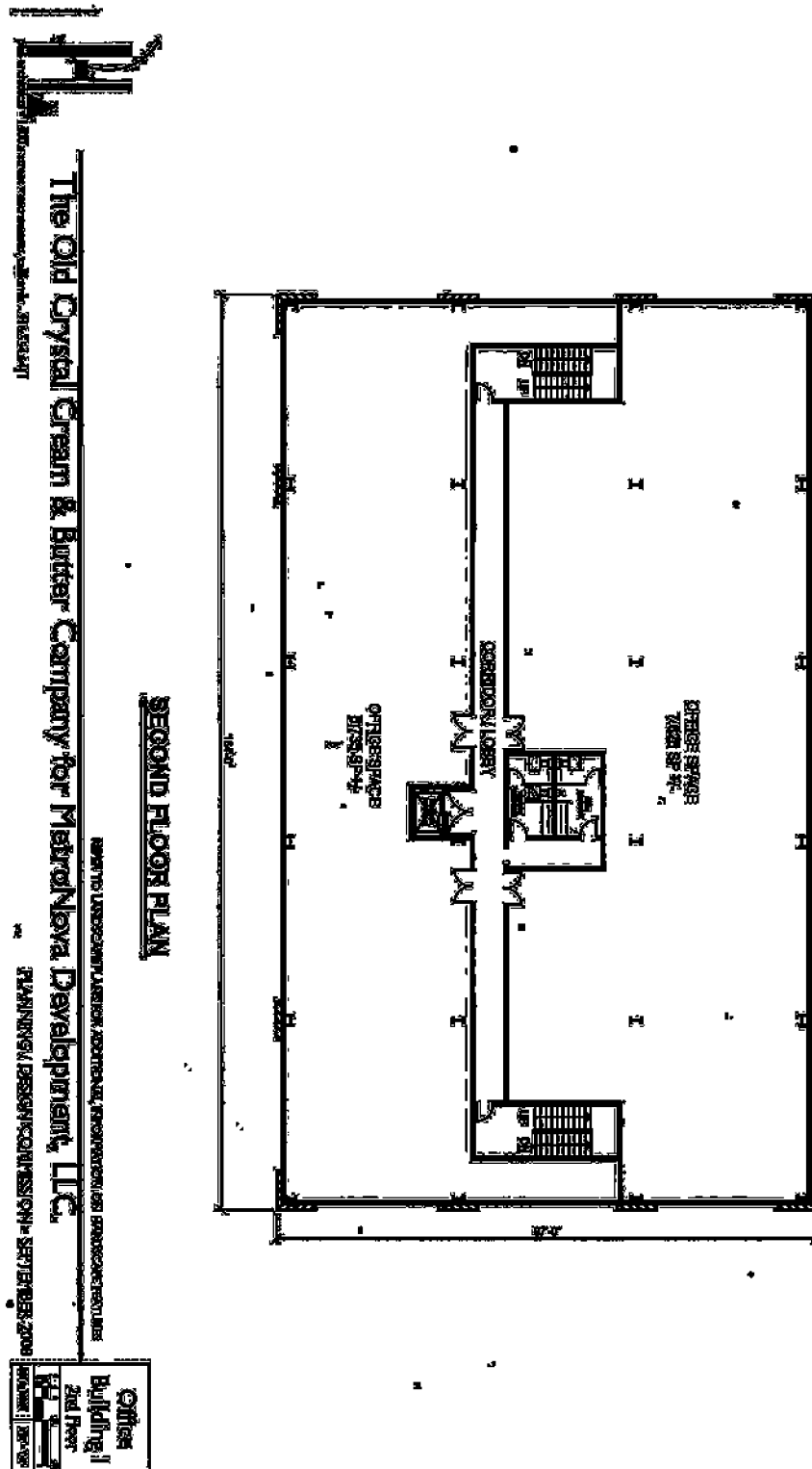


Exhibit II: North Block: Office Building I Third Floor Plan

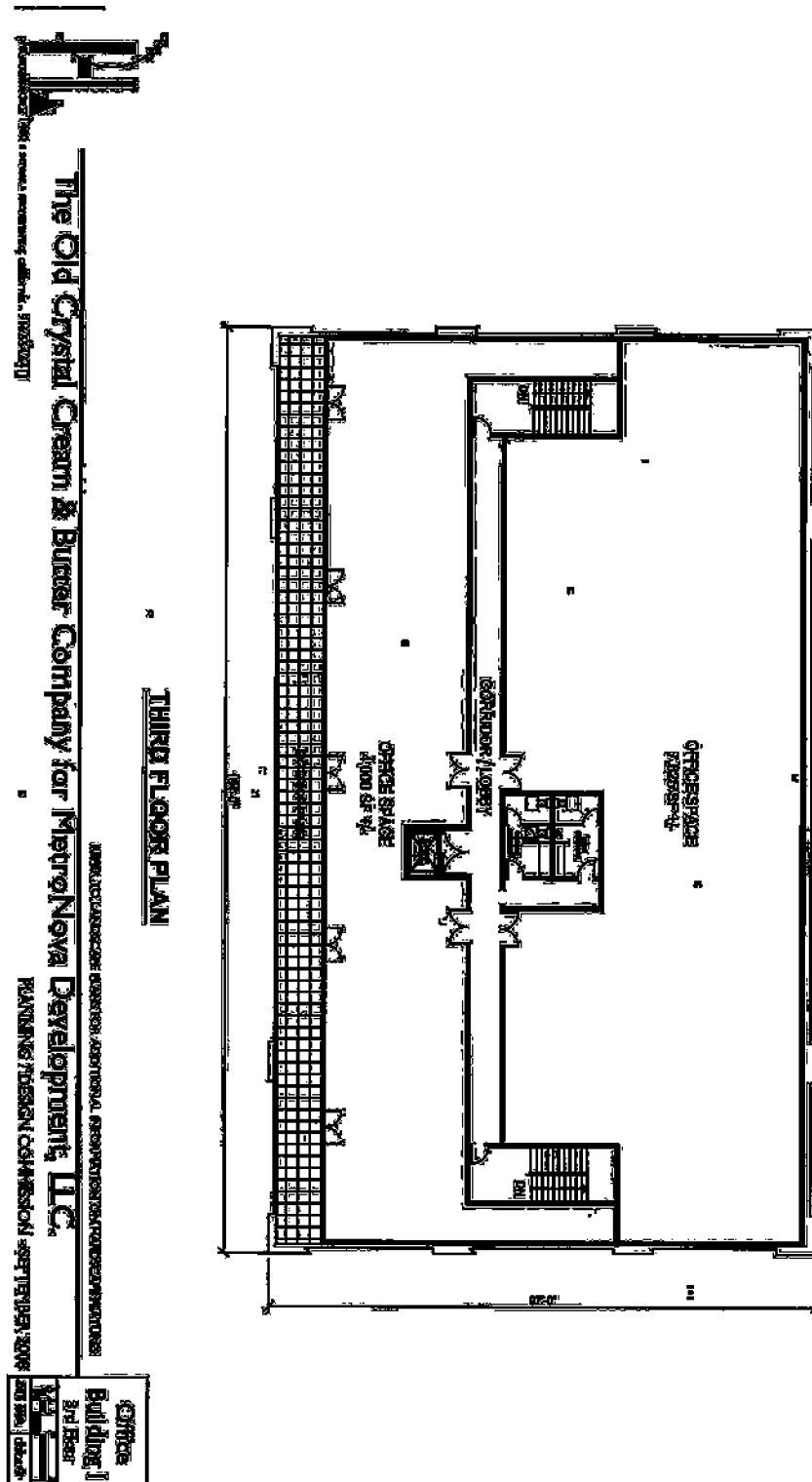


Exhibit JJ: North Block: Office Building II Elevation (West and South)

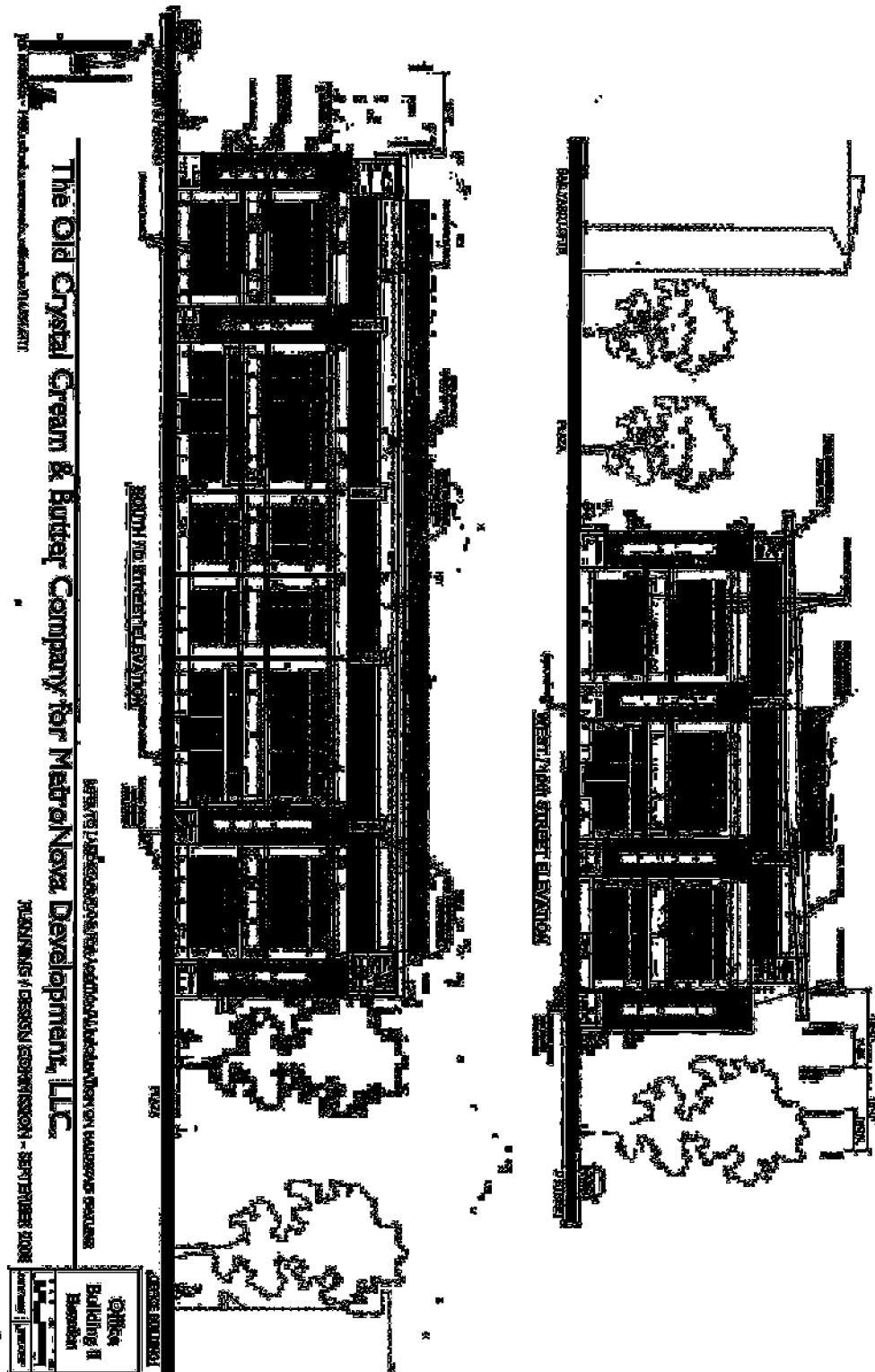
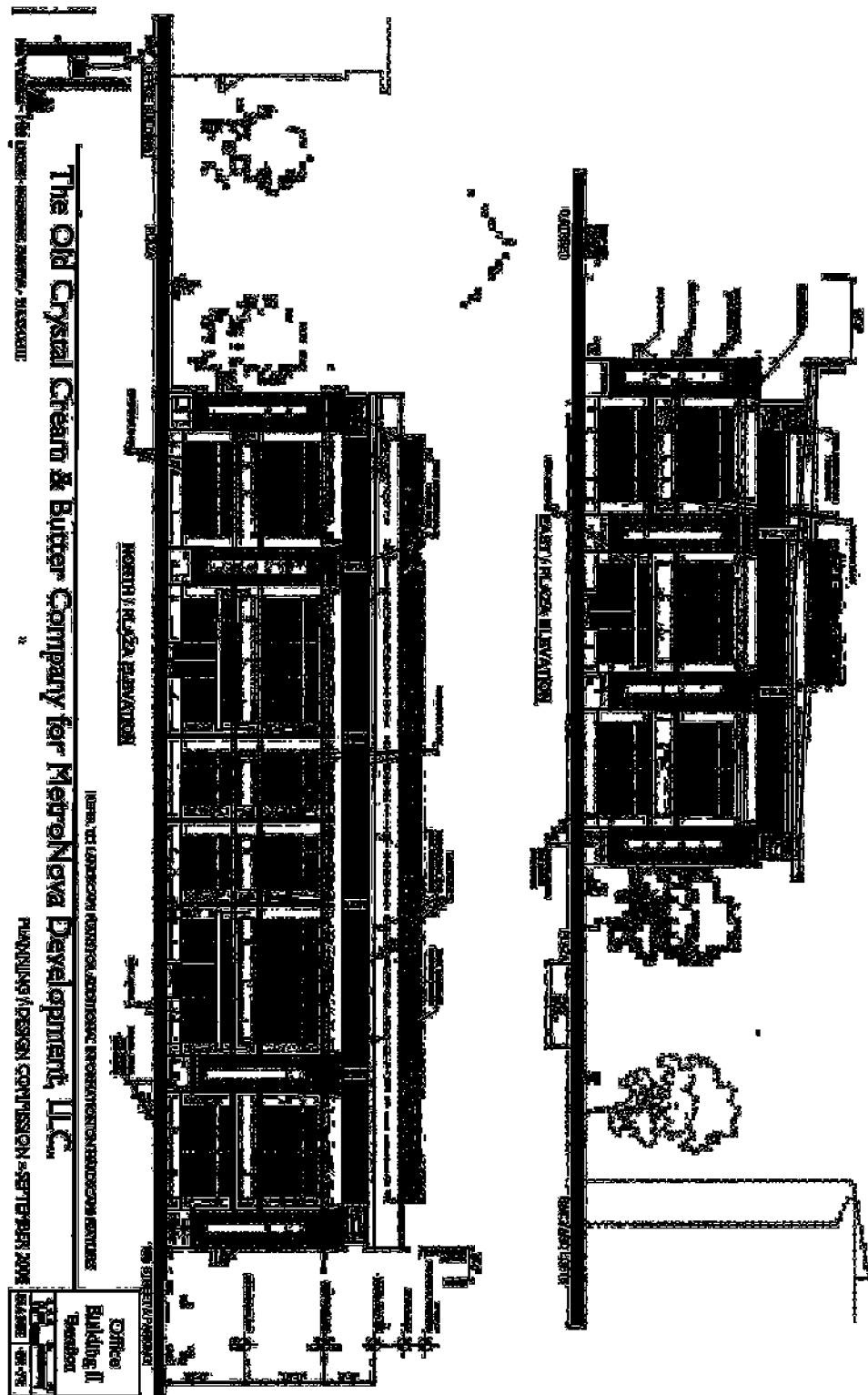


Exhibit KK: North Block: Office Building II Elevation (East and North)



[illegible]

Exhibit MM: North Block: Office Building II Second Floor Plan

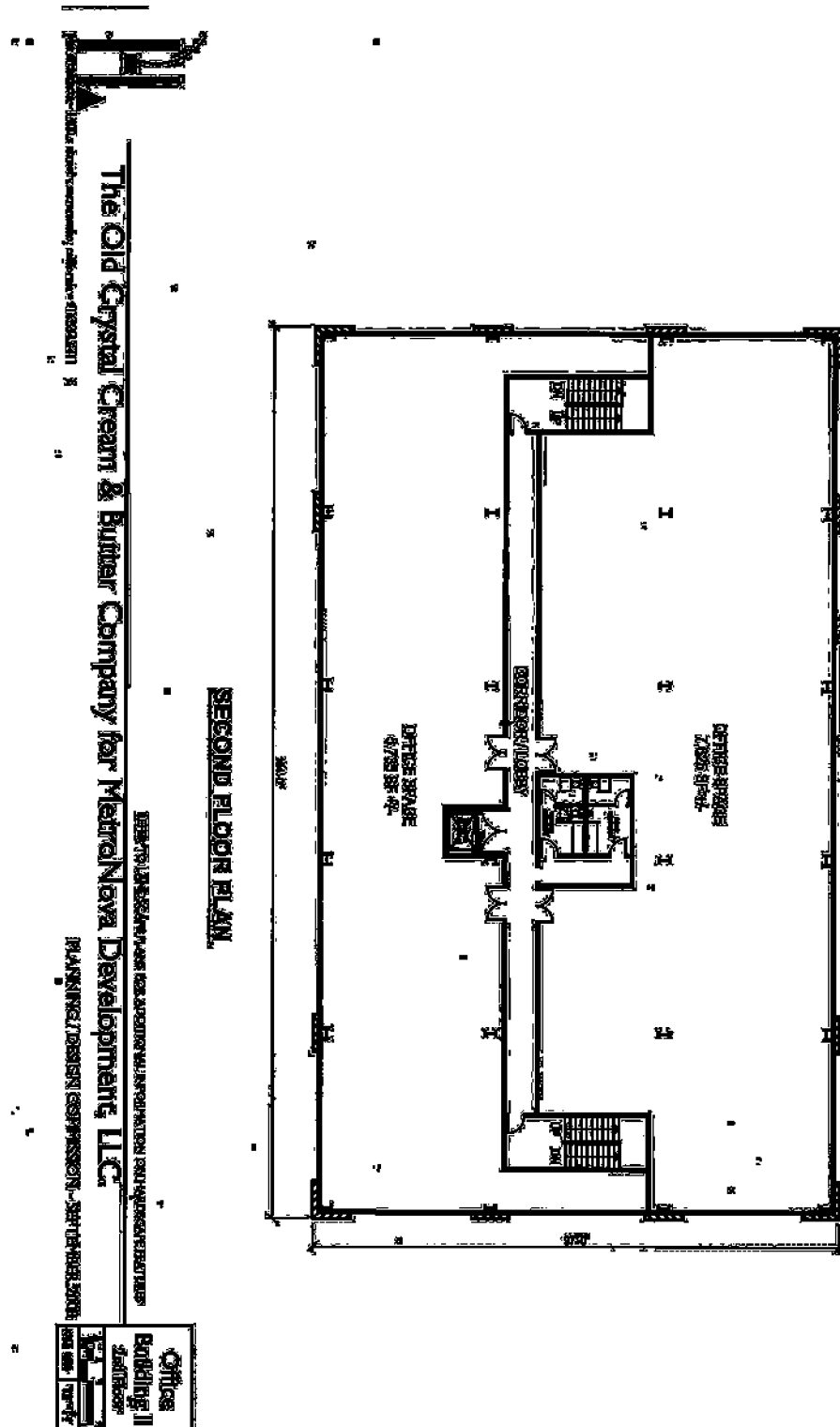


Exhibit NN: North Block: Office Building II Third Floor Plan

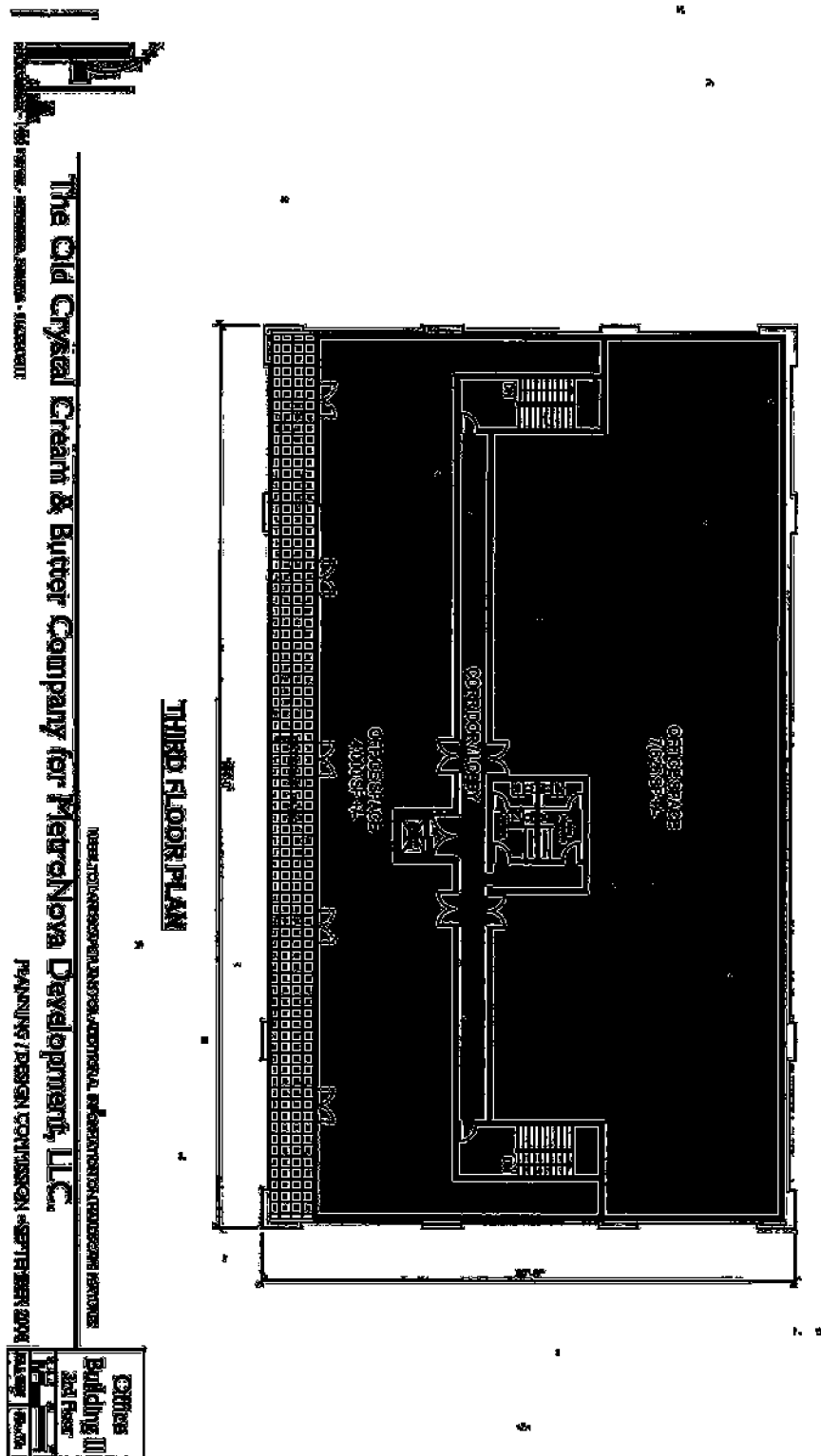


Exhibit OO: North Block: Artisans Work Lofts

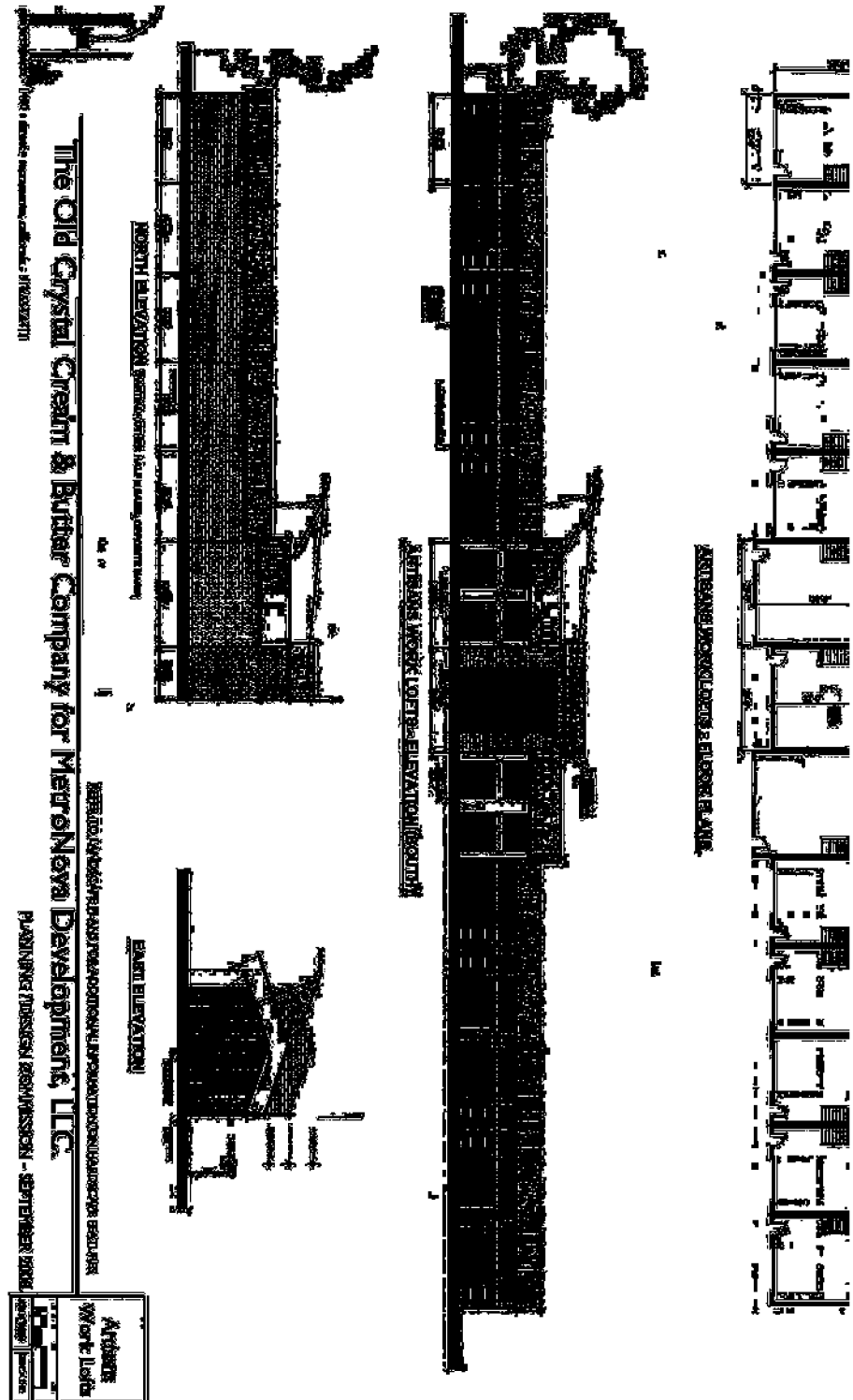


Exhibit PP: North Block: Caretaker's and Artisans Work Lofts

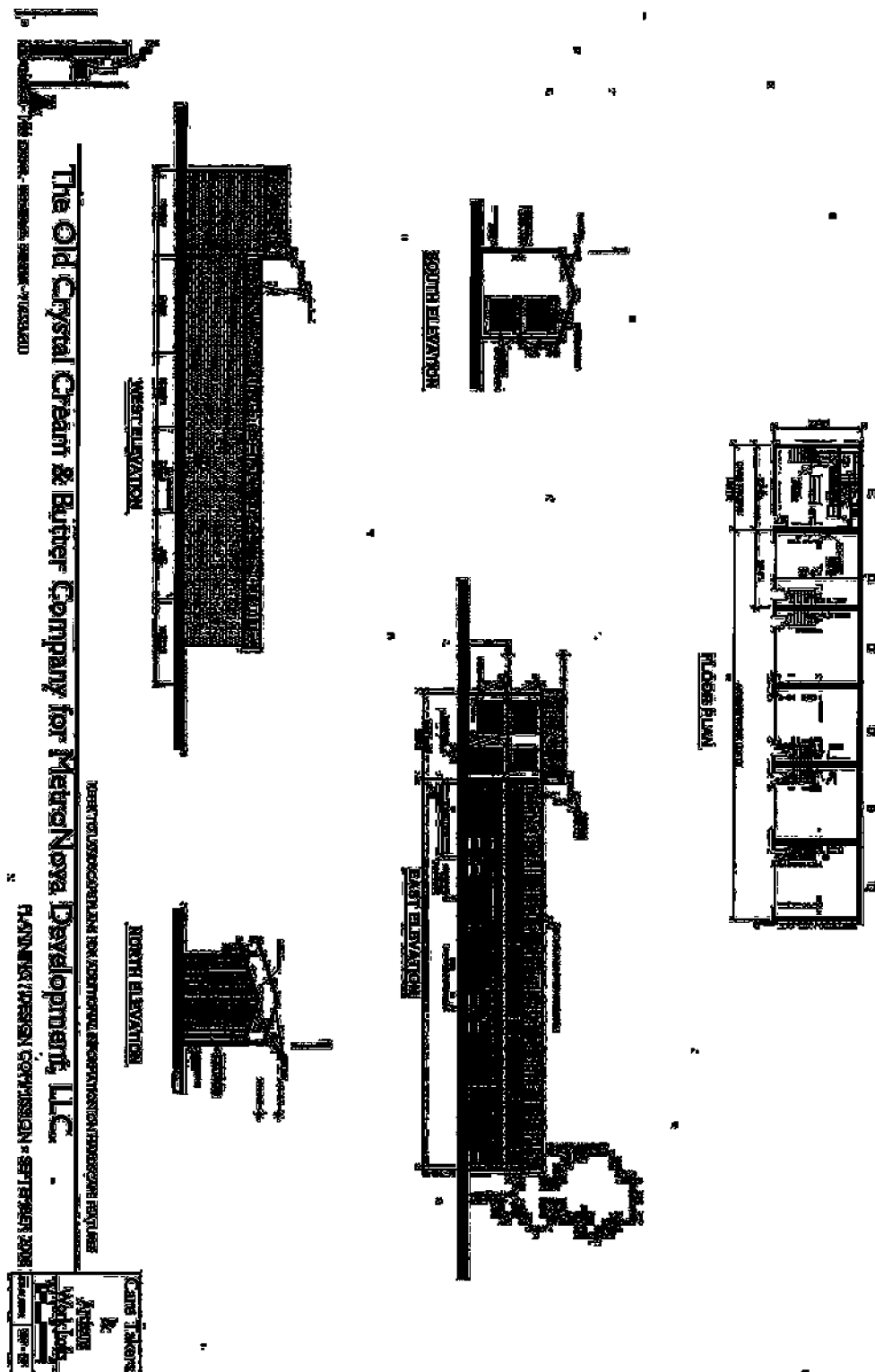


Exhibit QQ: South Block: Halfplex (Lot 9) Elevations (North and South)

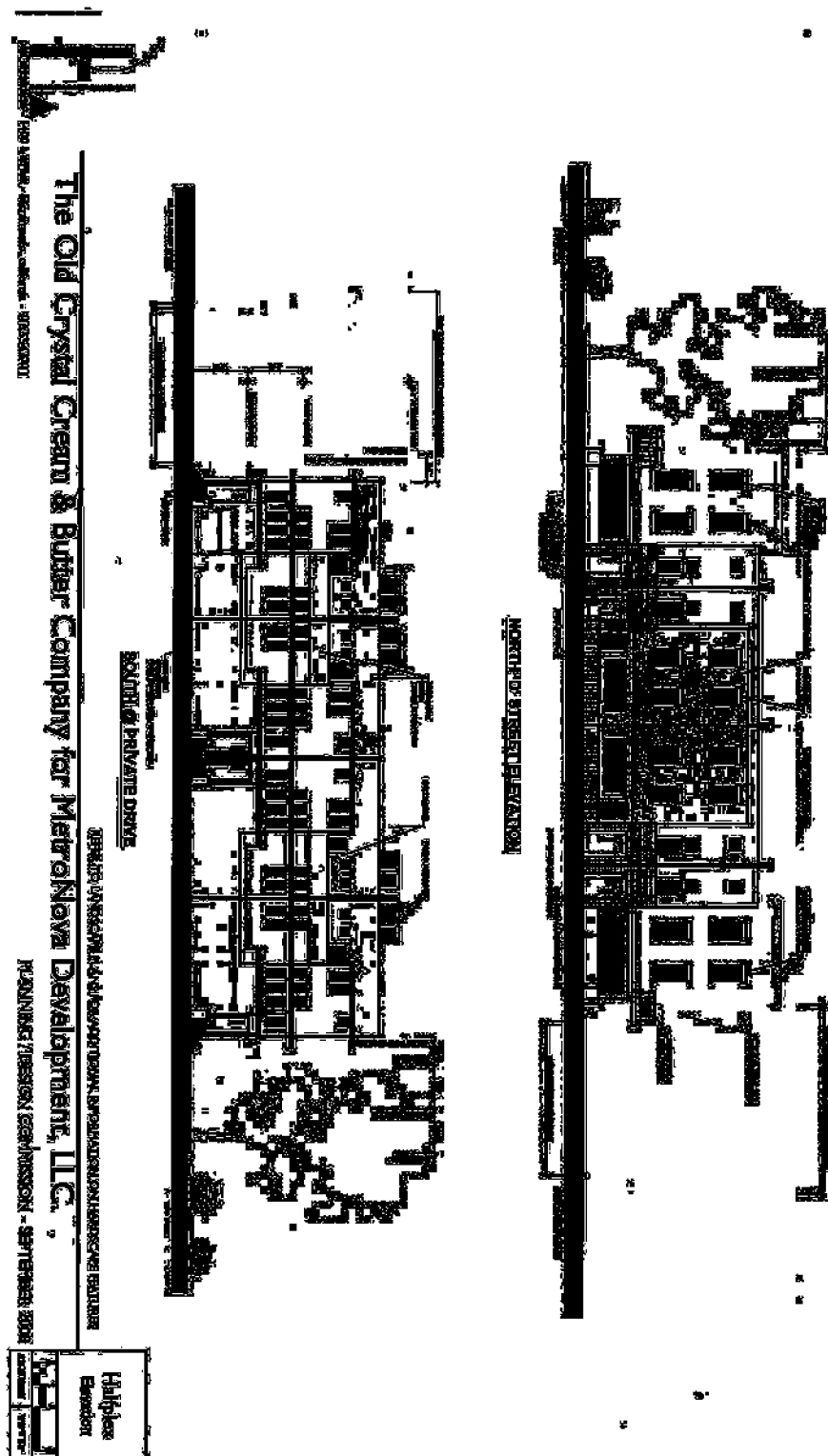


Exhibit RR: South Block: Halfplex (Lot 10) Elevations (North and South)

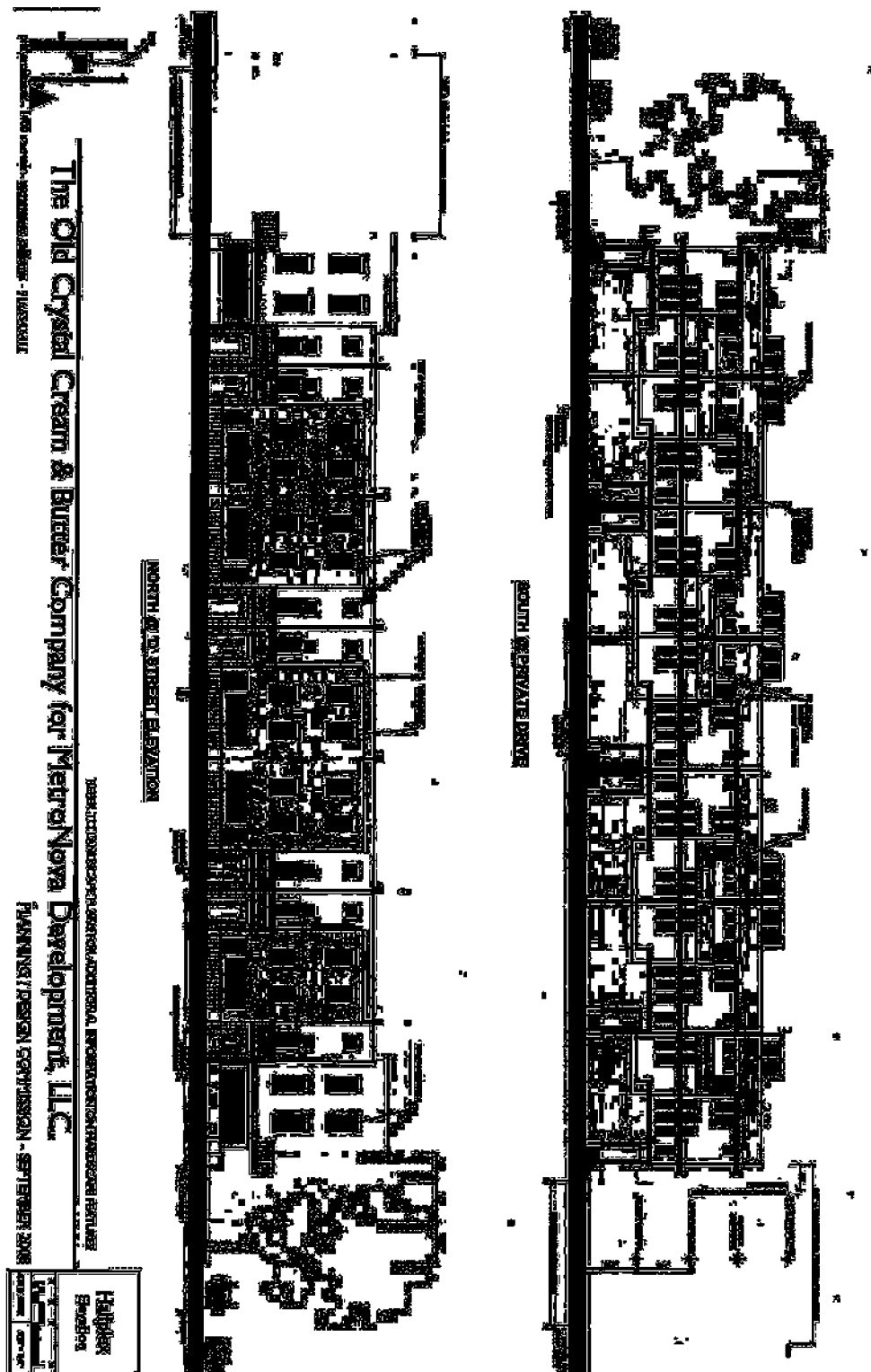


Exhibit SS: South Block: Halfplex (Lots 9-10) Elevations (East and West)

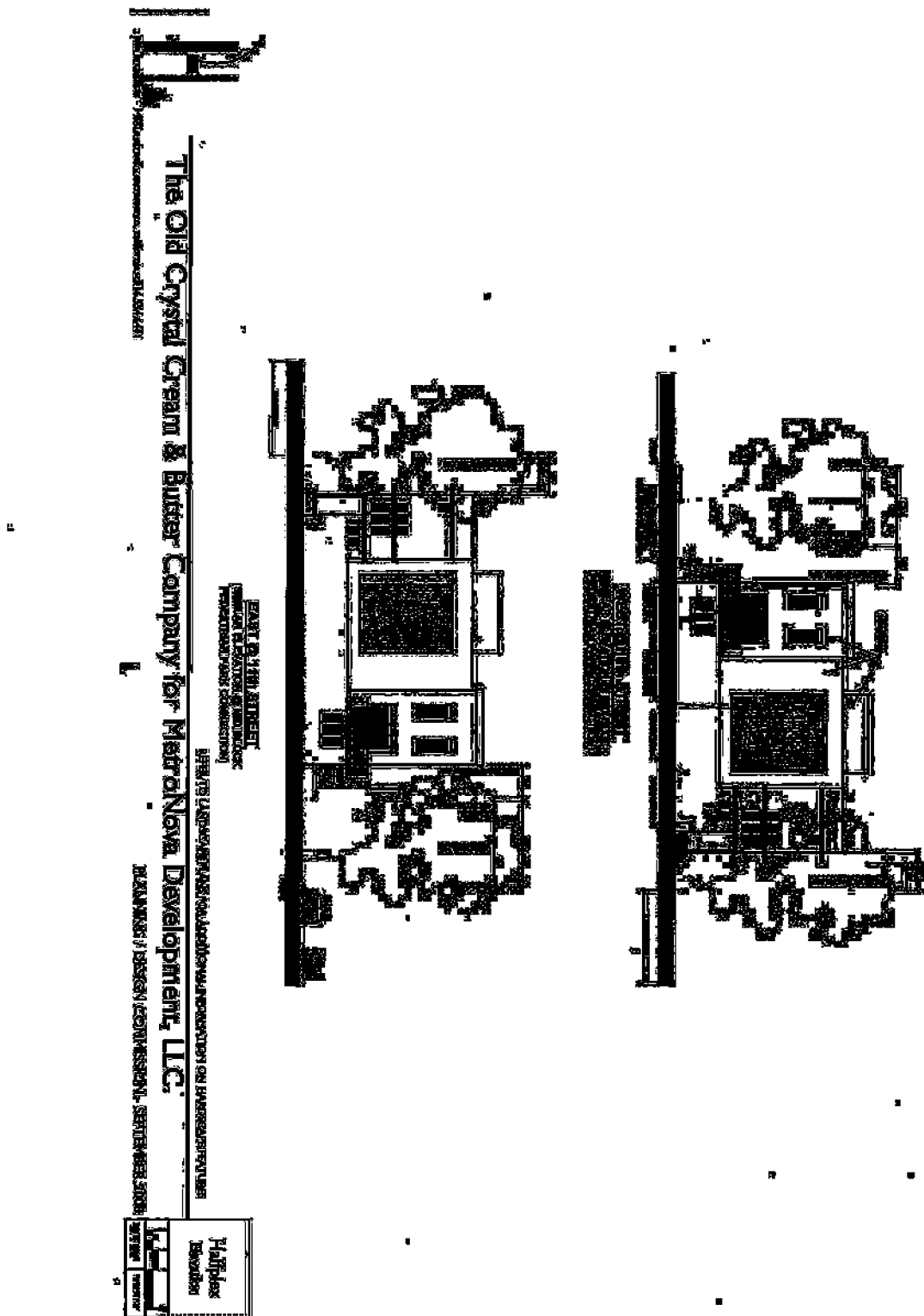


Exhibit TT: South Block: Halfplex (Lots 9-10) Ground Floor Plan

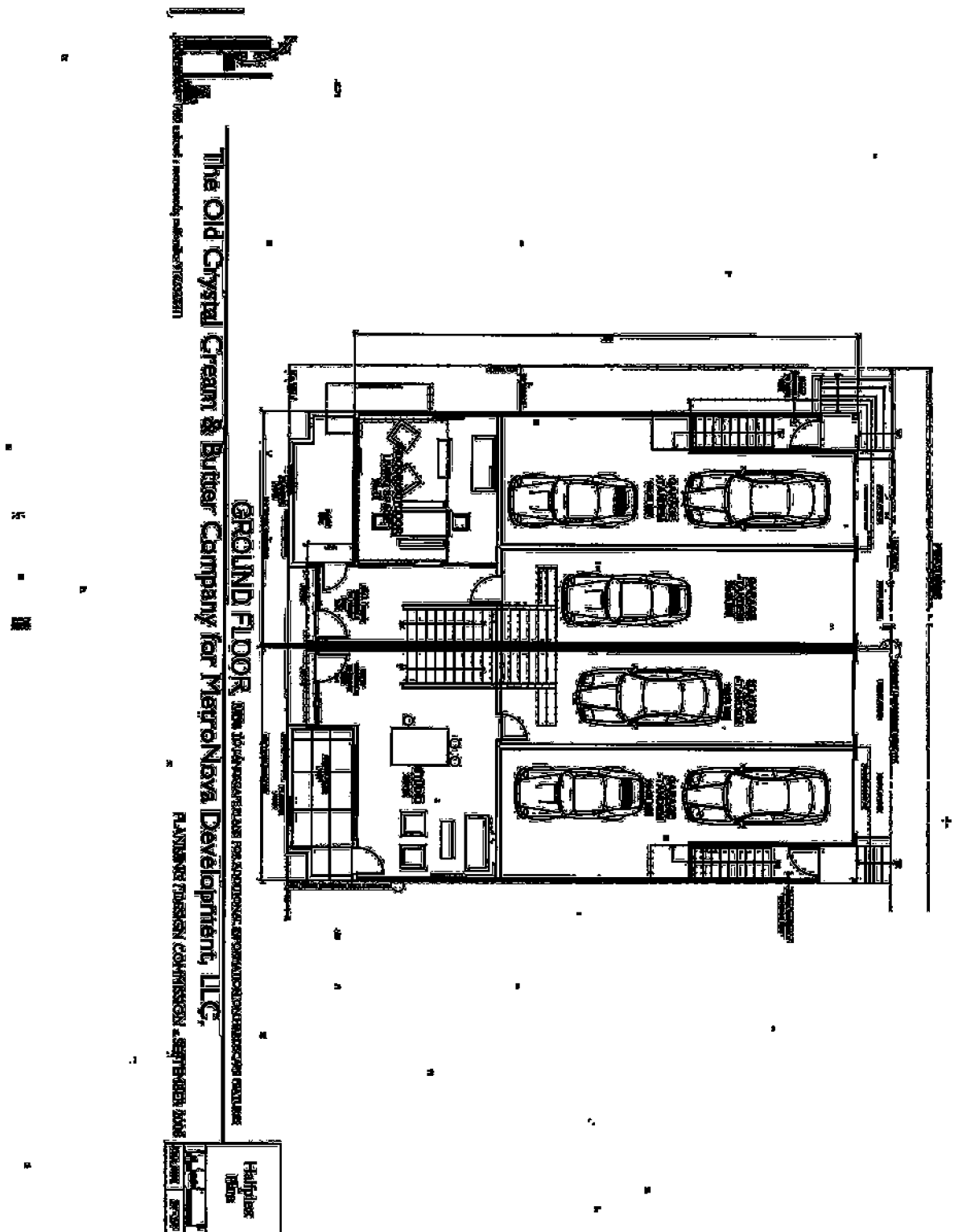


Exhibit UU: South Block: Halfplex (Lots 9-10) Middle Floor Plan

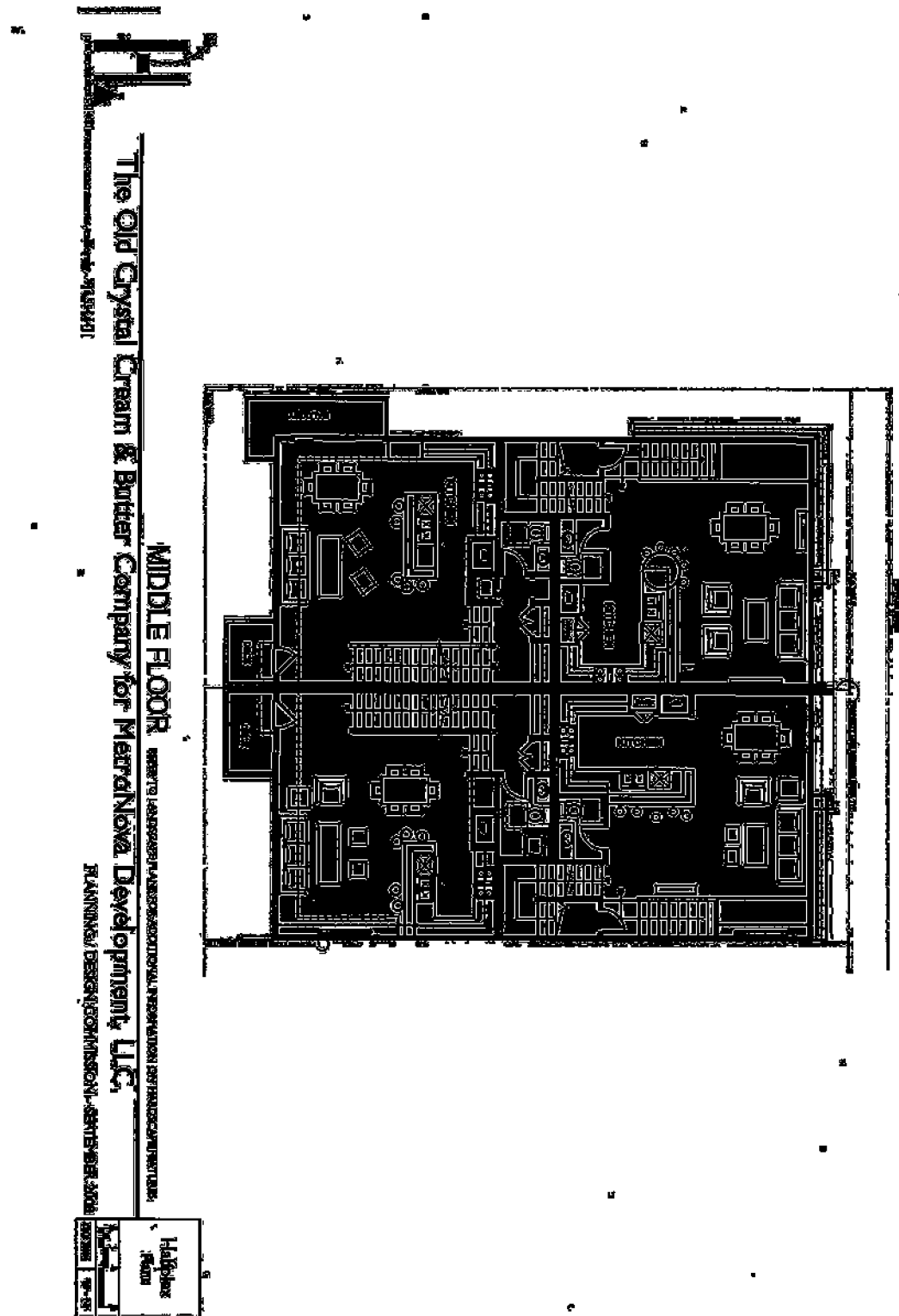


Exhibit VV: South Block: Halfplex (Lots 9-10) Upper Floor Plan

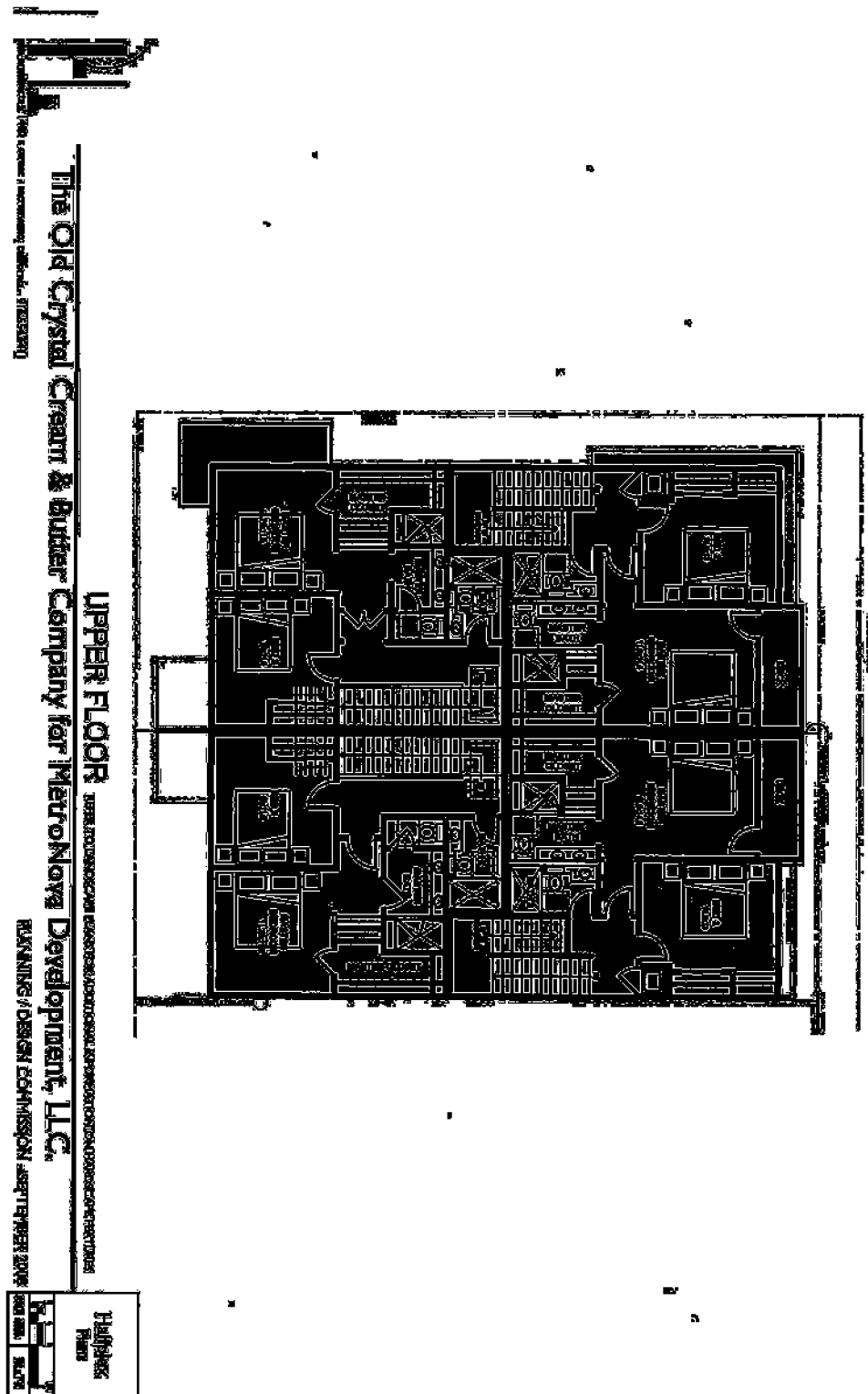




Exhibit XX: South Block: Rowhouses (Lots 11-45) Elevations

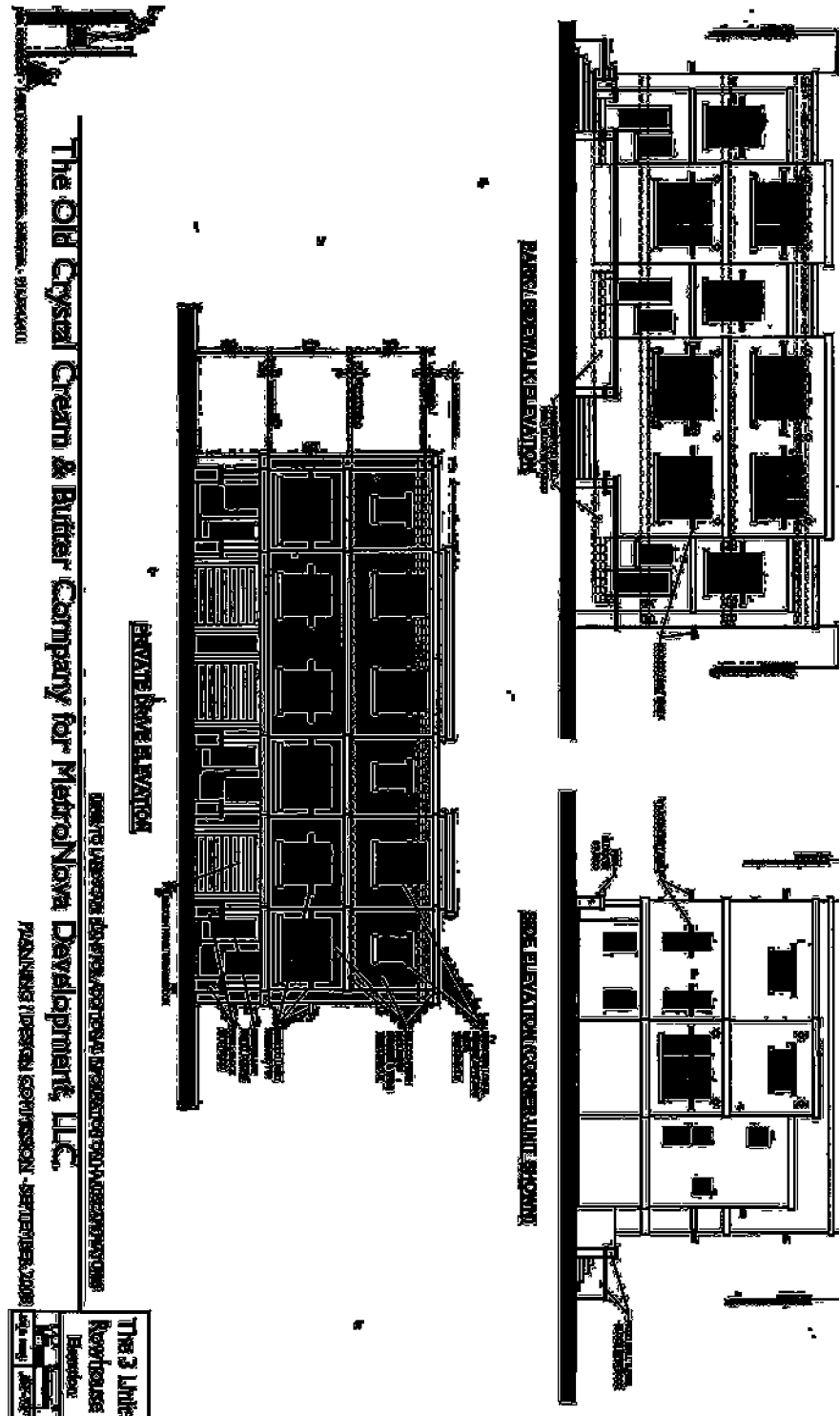


Exhibit YY: South Block: Rowhouses (Lots 11-45) Lower Floor Plan

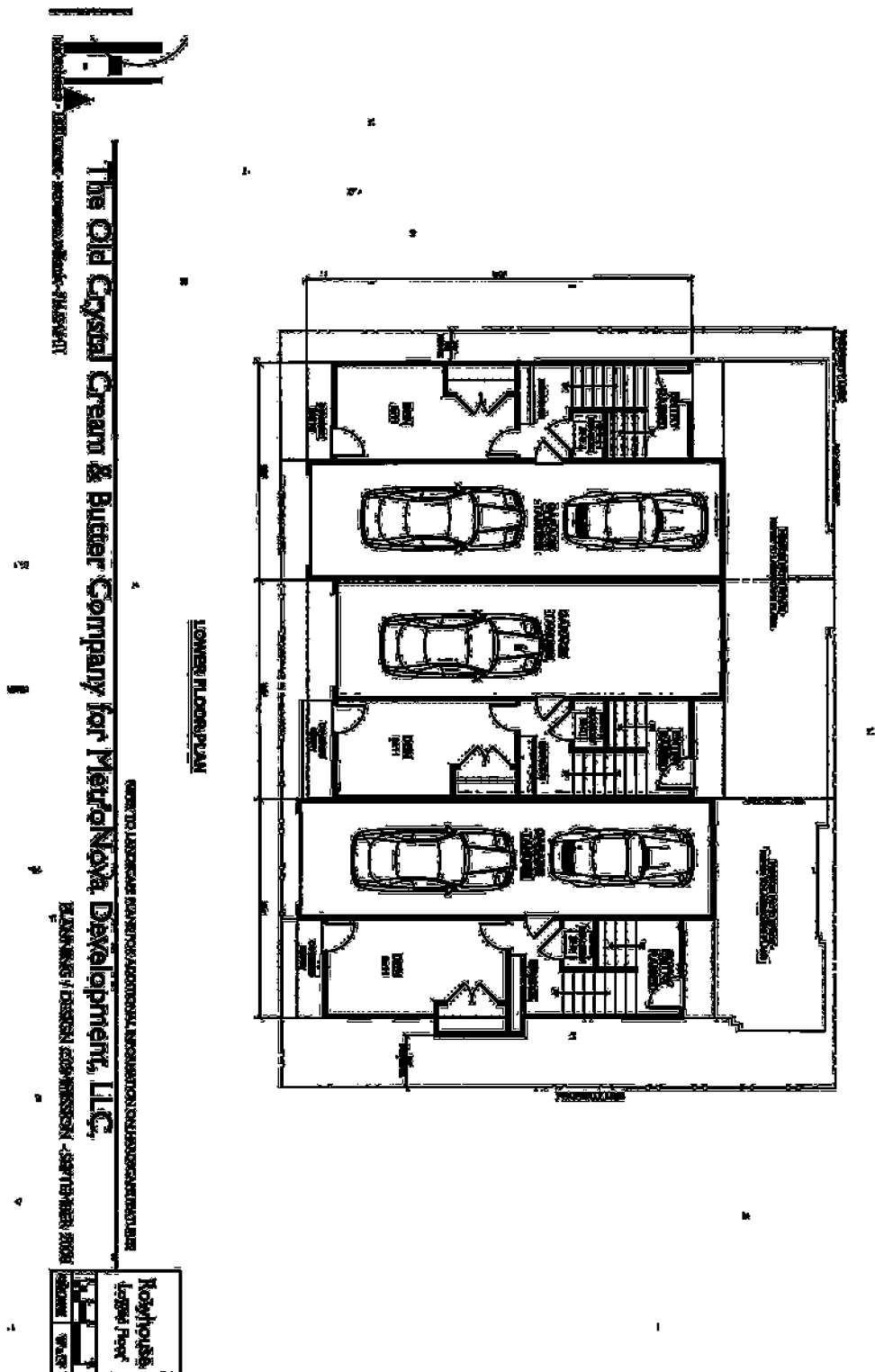


Exhibit ZZ: South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Patio

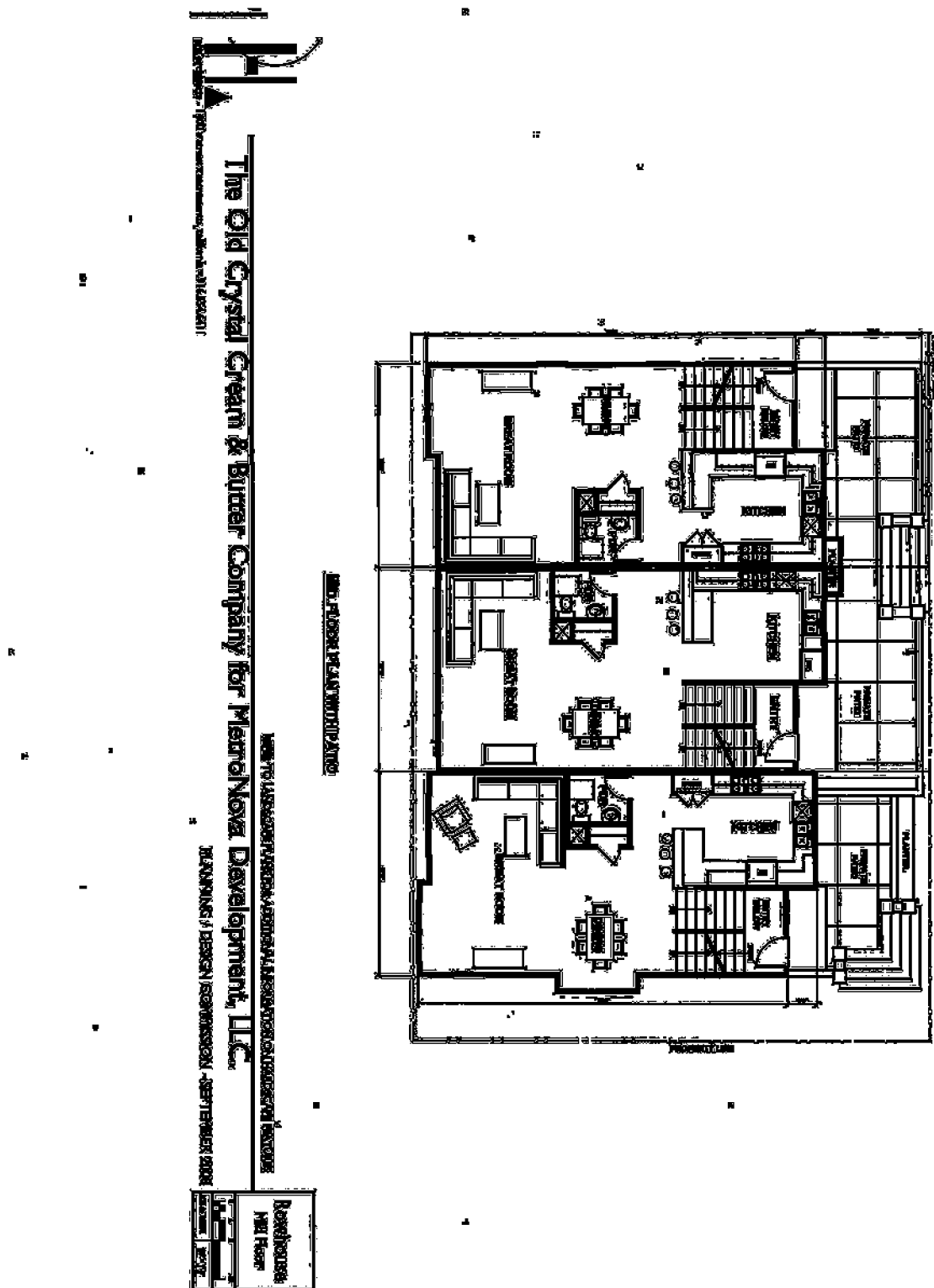


Exhibit AAA: South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Stoop

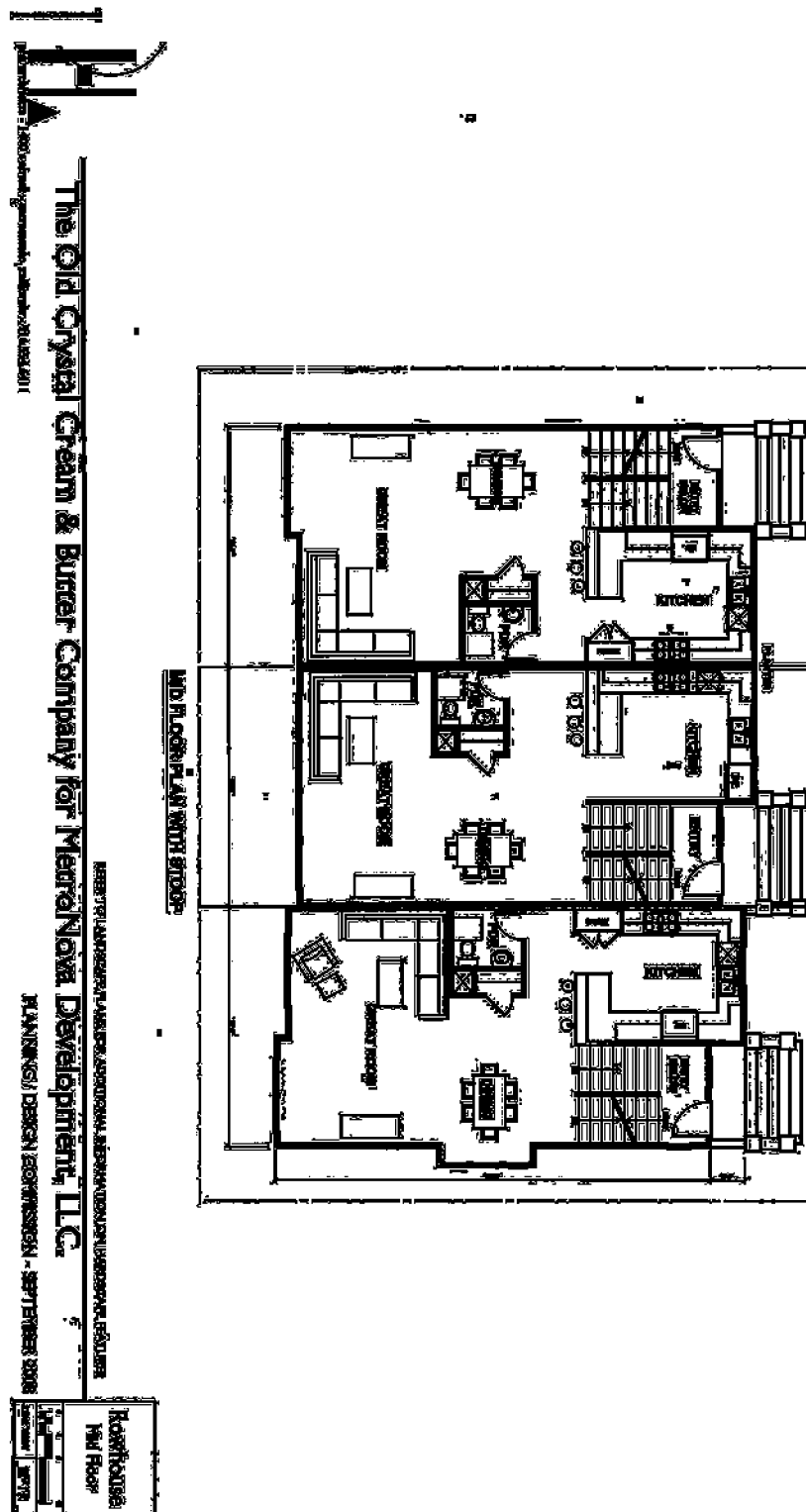


Exhibit BBB: South Block: Rowhouses (Lots 11-45) Upper Floor Plan

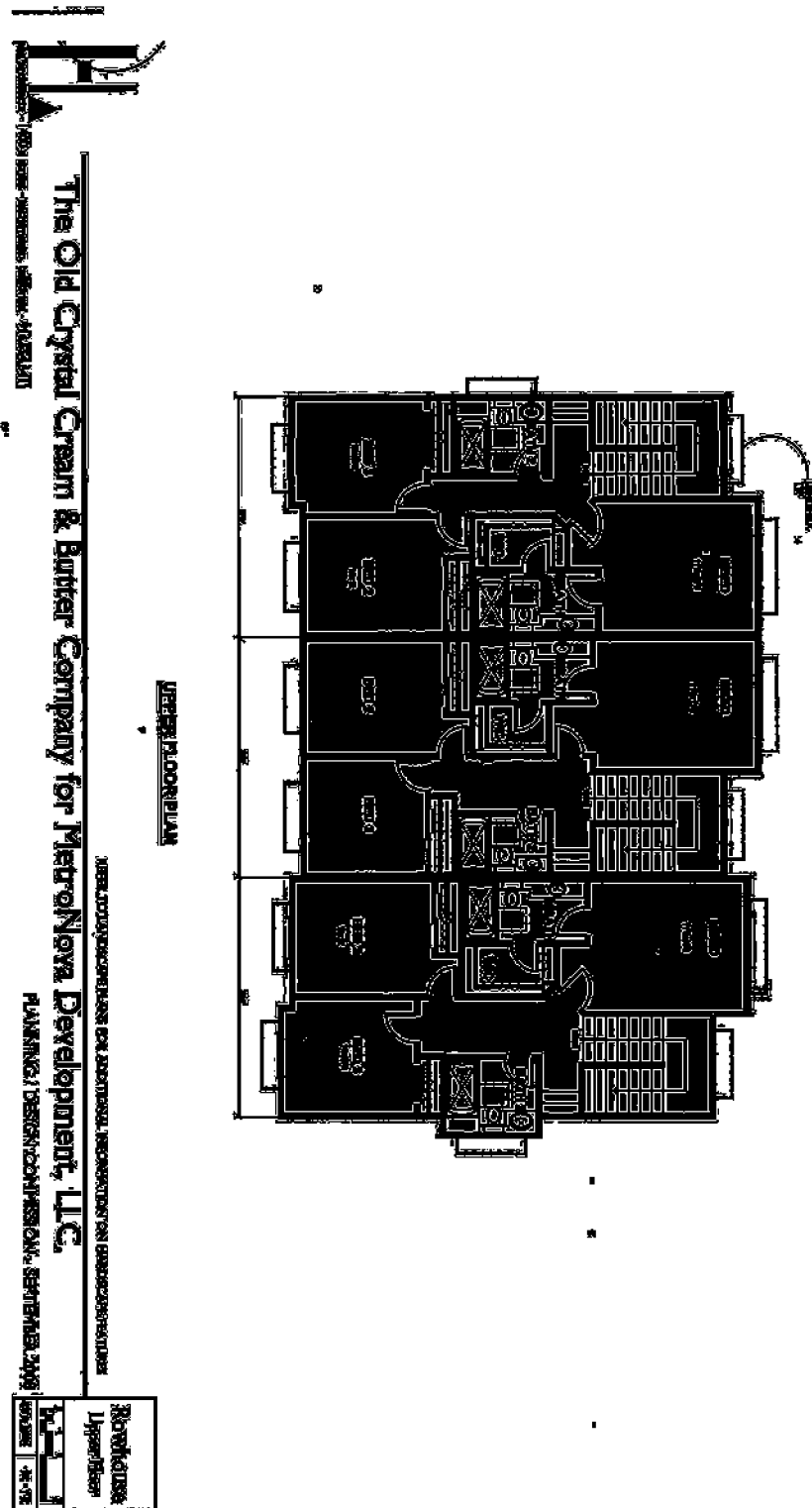


Exhibit CCC: South Block Rowhouses (Lot 20-21) Elevation

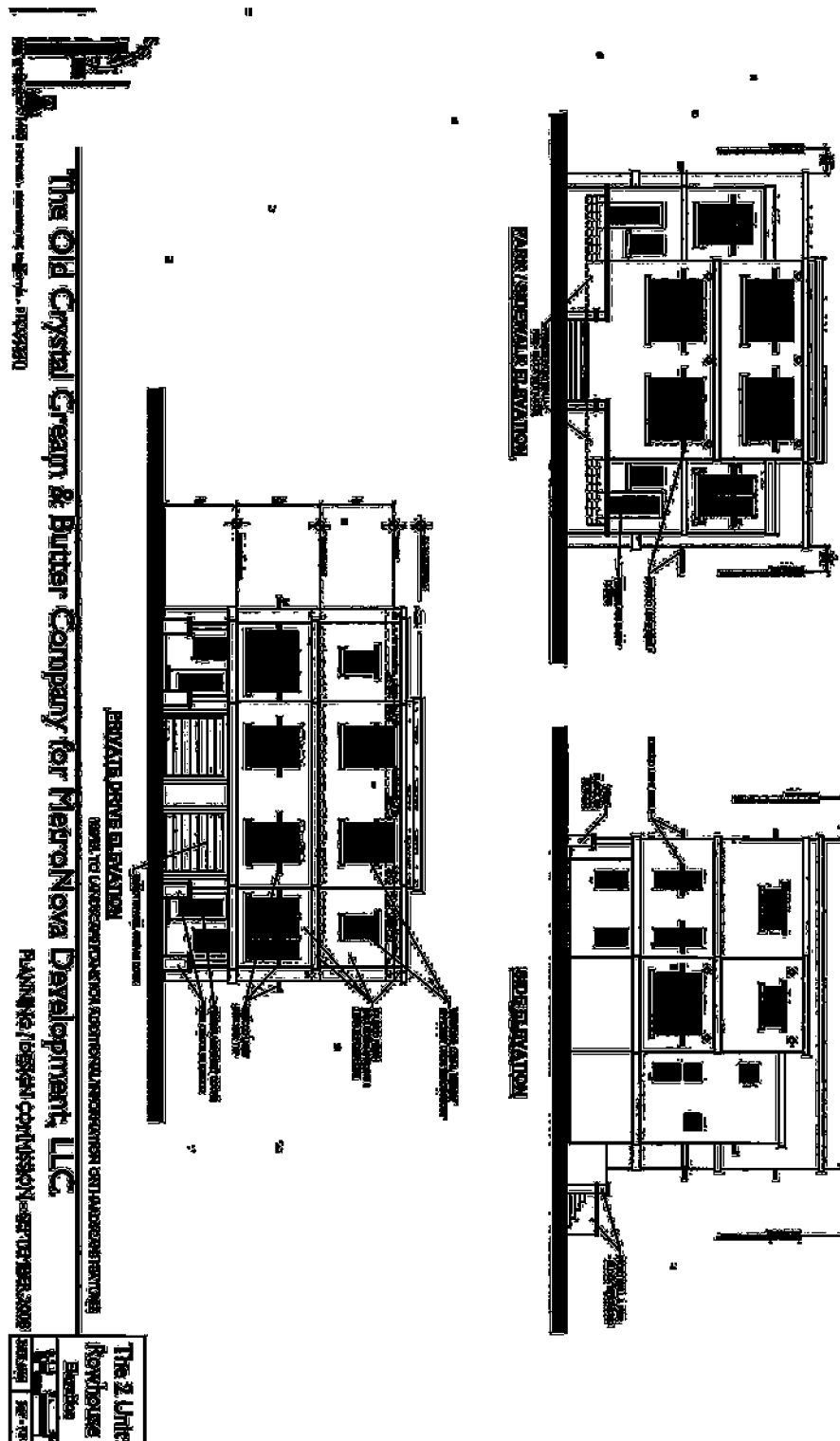


Exhibit DDD: Overall Preliminary Landscaping Plan for Project Site

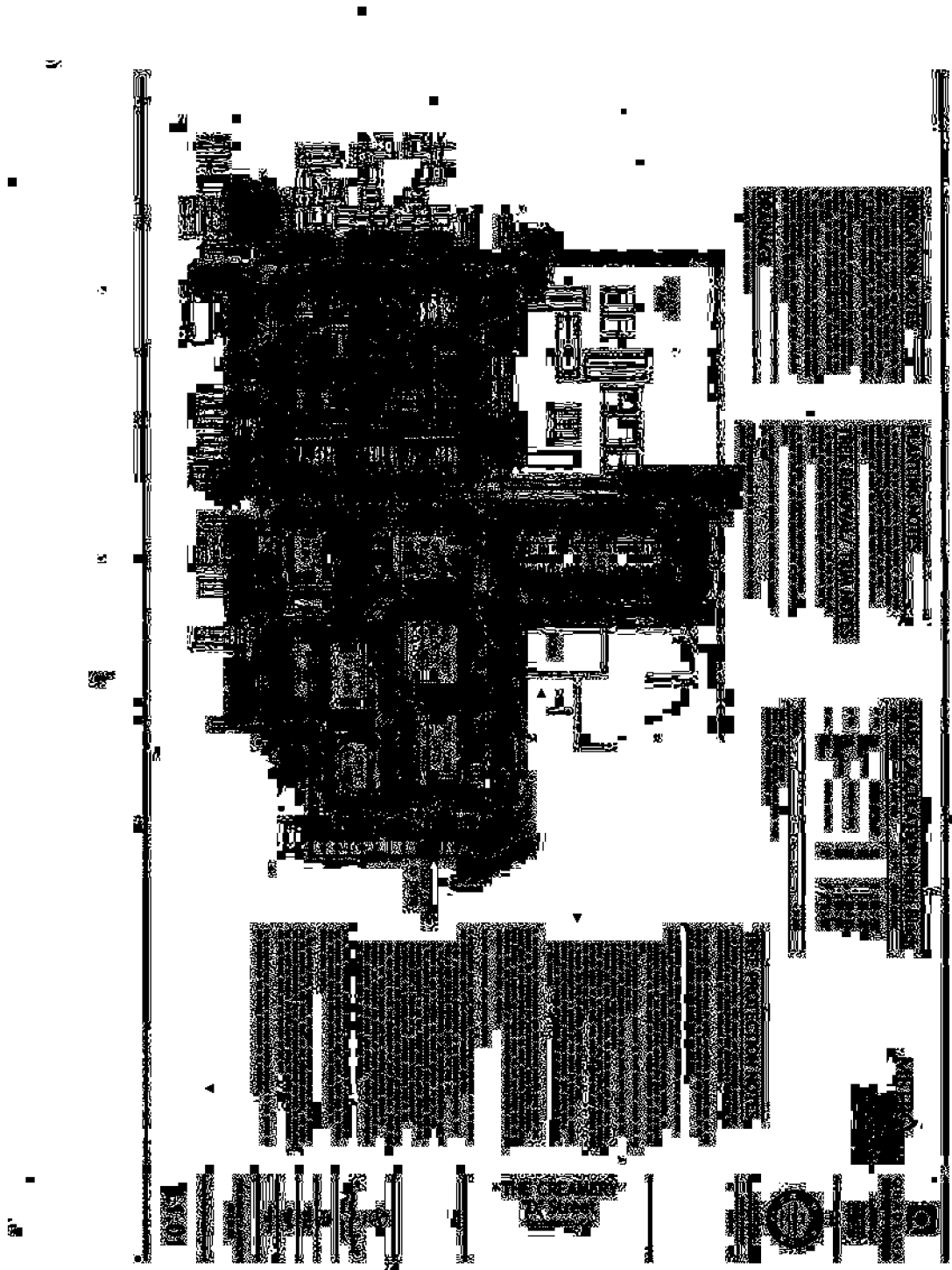


Exhibit EEE: North Block: Preliminary Landscape Plan

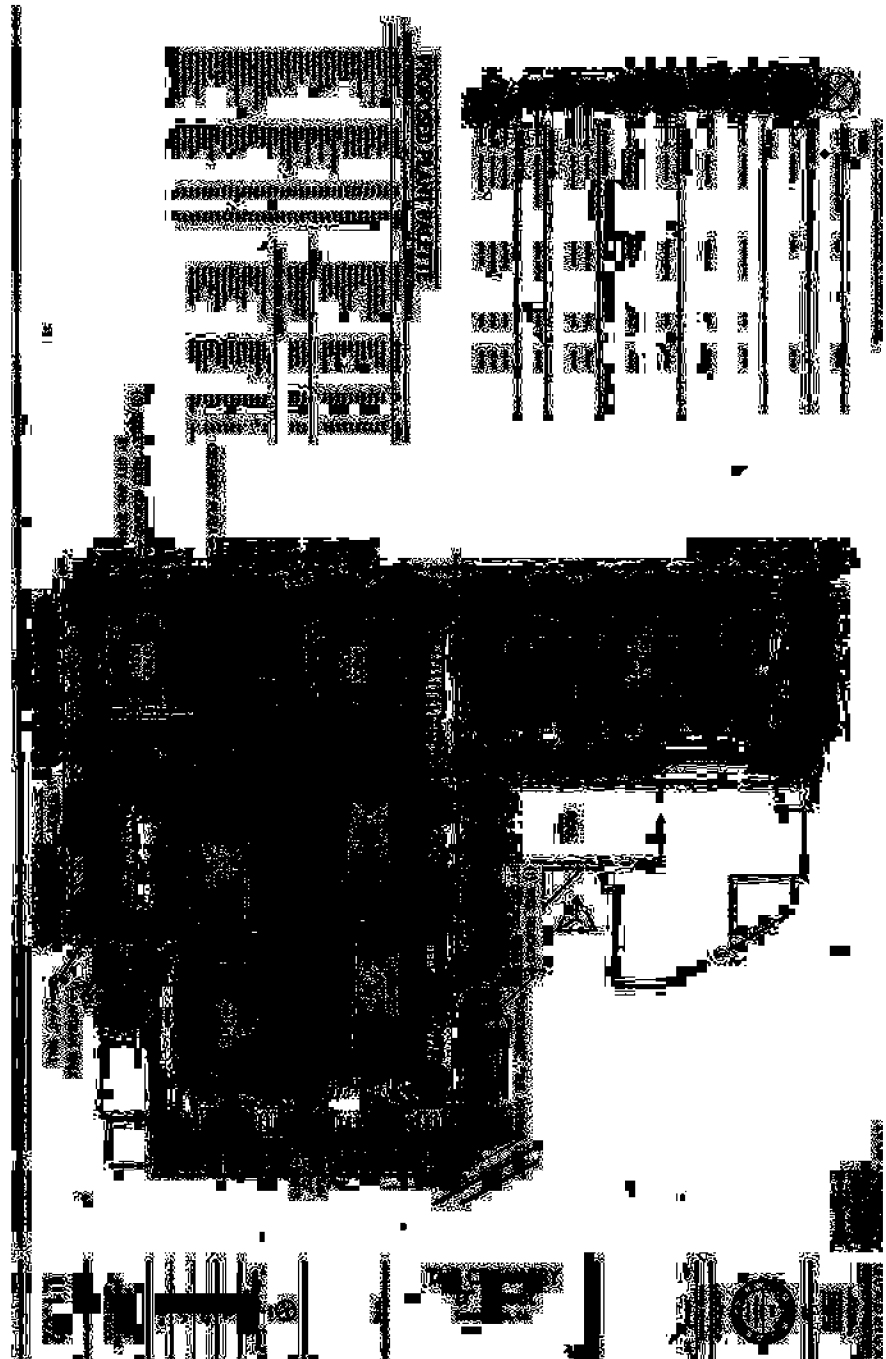
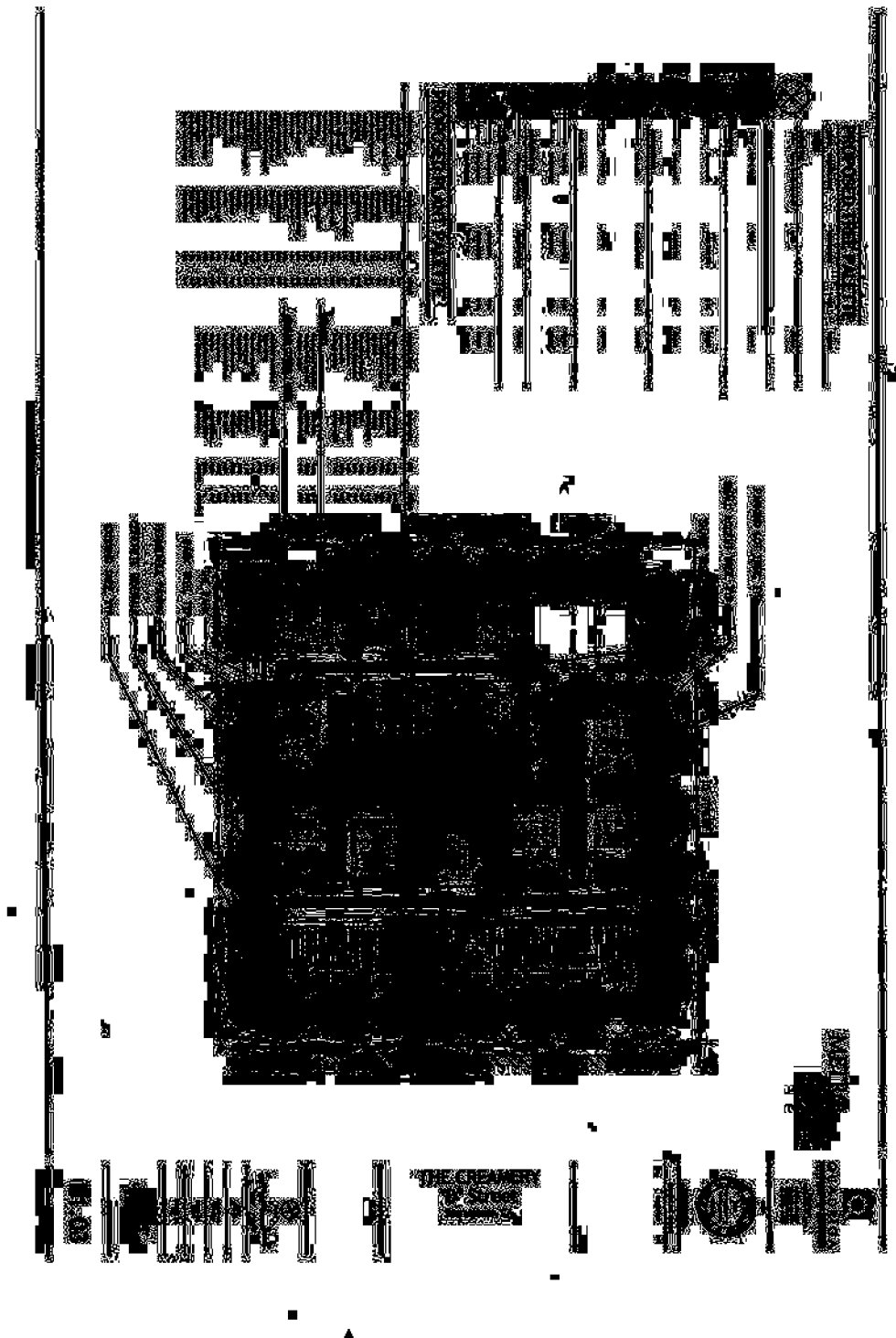


Exhibit FFF: South Block: Preliminary Landscape Plan



Attachment 9: Mitigated Negative Declaration

The Mitigated Negative Declaration may be found at the following link:

<http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/documents/DRAFT-MND.pdf>

## Attachment 10: Letter from Sacramento Montessori School

|   |                                  |
|---|----------------------------------|
| 1123 D Street Collaborative for Montessori Education, LLC | Ph: (916) 442-7786               |
| 1123 D Street   | Fa: (916) 442-7786               |
| Sacramento, CA 95811                                      | E: Bill.Tomlinson@montessori.org |

## SACRAMENTO MONTESSORI SCHOOL

October 16, 2008

Ellie Buford  
City of Sacramento, Development Services Department  
Environmental Planning Services  
300 Richards Boulevard  
Sacramento, CA 95811

*Subject: Comments on the Draft Mitigated Negative Declaration for the Creamery Project,  
P07-123*

Dear Ms. Buford:

First, on behalf of the parents and faculty of Sacramento Montessori School, we would like to thank you for providing us with 60 CDs of the various documents comprising the Draft Mitigated Negative Declaration for the Creamery Project. Your assistance in this regard was invaluable, and we would like to underscore our appreciation of your efforts, including having the CDs delivered to our campus.

Secondly, what follows are our comments regarding the Draft Mitigated Negative Declaration for the proposed Creamery Project. These comments are based on the analysis undertaken by Sacramento Montessori School, located to the east of the easternmost boundary of the proposed Creamery Project, i.e., 11<sup>th</sup> Street between D and C Streets.

Sacramento Montessori School serves infants, toddlers, and children to entry into the first grade. The School was developed originally in 1989 by the developer of the then U.S. Bank Plaza building in response to concerns about the impact of that development on the demand for childcare in Downtown Sacramento. The historic Marie B. Hastings building at 1123 D Street was rehabilitated in 1990 to house the Sacramento Montessori School, and the School began providing services this same year. The Marie B. Hastings building is on the National Register of Historic Places (NRHP) and is known as the third oldest building in Sacramento.

*Comments on the Draft Mitigated Negative Declaration for the Creamery Project,*

In 1995, with the development of the Wells Fargo Bank building in Downtown Sacramento, the School's Infant-Toddler facility at 1111 D Street was built to meet the additional childcare demands in Downtown.

The Sacramento Montessori School's current enrollment, including full- and part-week attending children, is slightly more than 100 children.

#### Our Understanding of the Proposed Creamery Project's Development

We understand that, in addition to the proposed South Park development between D and E and 10<sup>th</sup> and 11<sup>th</sup> Streets, the proposed Creamery Project will consist of:

- Two proposed office buildings
- The proposed office building that fronts 11<sup>th</sup> Street at the alley between D and C Streets is 49 feet in height with mechanicals included. This is the alley used by most families when picking up or dropping off their children.
- Next to this proposed office building would be a "parking court" for 175 vehicles.
- Immediately behind this parking area would be the proposed Mills Lofts; the Mills Lofts would be four stories in height and higher with roof-top placed mechanicals.
- The South Park located on the parcel bounded by D and E and 10<sup>th</sup> and 11<sup>th</sup> Streets
- 276 housing units

#### Our Concerns about the Development

Our concerns about the proposed Creamery Project fall in major areas, including, but not limited to:

- Lack of consideration of Sacramento Montessori School's Marie B. Hastings historic building
- Location of the three-story office building on 11<sup>th</sup> Street across from the alley used by the School's families
- Traffic circulation, sensitive receptors, and air emissions
- Parking

#### Marie B. Hastings Historic Building

No mention was made in the Initial Study of the Marie B. Hastings building. Yet, this three-story brick building was constructed in 1873 and is on the National Register of Historic Places (NRHP). Reference in the environmental documents is made to the Alkali Flat North Historic District along 11<sup>th</sup> Street, particularly the *south* corner of 11<sup>th</sup> and D Streets, but no mention is made of the area north, where Sacramento Montessori School is situated. The Initial Study indicates that:

Development on the portions of the Project site that face the Alkali Flat North Historic District along 11<sup>th</sup> Street should be compatible with the nearby District image in terms of scale and articulation. Character-defining features of the Historic District should be acknowledged such as yards or gardens, street furnishings, open spaces, building design and building materials, and their character not diminished by the design of the new construction directly across the street. The settings of the Alkali Flat North Historic District and the nearby Alkali Flat Central Historic District should be respected by visual additions to their vicinity (p. 52).

#### Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

We understand that one of the proposed three-story office buildings faces 11<sup>th</sup> Street between D and C Streets on the proposed driveway directly across the street from the existing alley (between D and C Streets). It is also our understanding that this office building will be 40 feet in height. However, when the roof-top mechanicals are added, the proposed building's height *increases to 49 feet*.

Directly across the street from this proposed office building is an early 1900's Victorian structure. About half-way down the alley is Sacramento Montessori School. It is our opinion that this proposed office building is not friendly to its existing neighbors and indeed diminishes their character because of its height.

- We have concerns that the location of this proposed office building will impact the character of existing structures because of its height.
- We have strong concerns about the massing of the two proposed office buildings, particularly the proposed building that will face 11<sup>th</sup> Street, and the potential impacts of this massing on our neighborhood.
- We strongly recommend that a significant off-set of the 49-foot high structure so that it does not overwhelm its neighbors and/or substantial setback of the office building to minimize impacts. Ideally, this office building and its accompanying parking lot would be moved more to the west toward the KCRA complex which is commercial and would provide more significant offset from D Street and the railroad tracks behind it.

The scale of the South Park development, located between D and E Streets and 11<sup>th</sup> and 10<sup>th</sup> Streets, suggests compatibility with "...the nearby District Image in terms of scale and articulation".

- The proposed three-story office building that faces 11<sup>th</sup> Street between D and C Streets will have potential impacts to the historic assets in the neighborhood.
- We believe that the proposed 49-foot high office building, located where currently planned, obstructs the neighborhood's scenic view corridor and blocks views of the Marie B. Hastings building.
- Its height is also a visual obstruction for those at Sacramento Montessori School and violates their aesthetic sense of scale.

#### Traffic Circulation, Air Emissions, and Sensitive Receptors

Traffic circulation through the alley at the rear of Sacramento Montessori School to 12<sup>th</sup> Street, i.e., between C and D Streets and 11<sup>th</sup> and 12<sup>th</sup> Streets, is already a serious concern to faculty and staff at Sacramento Montessori School and parents of children attending the School. On days when large-scale garbage trucks block one side of the alley and/or Capitol Ice Cream Company is accepting deliveries vis-à-vis large-scale delivery trucks (three days per week on average), vehicle traffic in the alley comes to a halt, causing vehicles to queue with engines running. *Traffic queuing, and resultant increased automobile emissions*, has a negative impact on air quality through increased emissions of carbon monoxide (CO), particulate matter (PM), and ozone (O<sub>3</sub>).

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

Additionally, "cut-through traffic" is a major concern. The proposed project design with the 49-foot high office building and its driveway directly across the street from the existing alley behind the School will create significant impacts to traffic entering and exiting the Sacramento Montessori School complex. As you may expect, safety of the children attending Sacramento Montessori School is an extremely important issue, along with the safety of our staff and parents of children attending our school. Traffic and safety are likely to be impacted by vehicles exiting 12<sup>th</sup> Street, cutting through the alley behind the School, and entering the office building's driveway. Vehicles exiting the driveway and cutting through the alley to access 12<sup>th</sup> Street are also likely to impact traffic and safety. In both cases, the traffic issues which Sacramento Montessori School currently faces are further negatively impacted by the proposed project and not addressed in the proposed Creamery Project's environmental documents.

- We find no review of the impact of traffic, traffic queuing, air emissions, and other air quality issues resulting from increased traffic volume as a result of the proposed project to the seniors who now or will reside in the Globe Mills complex.
- We believe that the impact of these issues both to children and seniors should be addressed.

We reviewed the Traffic Impact Analysis made available for public comment and found no mention of impacts to Sacramento Montessori School or traffic circulation in and around the School. We believe this to be a serious oversight for the reasons given above and because, without consideration of the School and increased traffic through the alley as a result of the office building and parking lot locations, the "less than significant impact" finding is indeed suspect. We are also concerned that we could find no reference in the Initial Study or in the companion Negative Declaration documents to suggest that the alley behind the School was taken into account in conjunction with the parking lot and the office building fronting 11<sup>th</sup> Street between D and C Streets. In the Traffic Impact Analysis, there is mention of the 11<sup>th</sup> Street driveway (across from the alley), but the description given of this driveway is simply that it is a:

...southerly driveway north of D Street. The driveway appears to be located across 11<sup>th</sup> Street from the existing alley and is *not located near an existing intersection*. As such, the driveway is not expected to affect traffic operations at the intersections." (Traffic Impact Analysis, p. 37, emphasis added).

There is no mention about how the manner in which traffic will operate at the proposed driveway/alley entrance which suggests that there is no activity there now. Obviously, this is not the case.

Pointed out in the Initial Study is "one important reason for air quality regulations and standards", i.e., "...the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed 'sensitive receptors'. Sensitive receptors refers to specific population groups – children and the elderly, among others – and land uses where they would be located for long periods. Schools, playgrounds, and child care centers are among the commonly identified sensitive land uses.

The children attending Sacramento Montessori School are all under the age of six years with about half of them under the age of two years. These children spend, on average, nine to ten hours each day at our School. Decreasing air quality through increased vehicle emissions is simply not acceptable to these sensitive receptors.

**Comments on the Draft Mitigated Negative Declaration for the Creamery Project,**

October 28, 2008

In addition, it should be noted that **asthma rates in Sacramento County are among the highest in the nation.**

If traffic from the proposed office building and/or the proposed parking lot is permitted through the alley, it will likely result in impacts to health and safety as well as to traffic and circulation because children are often walked through the alley when leaving the School. We would hope that the City planners and the developer will help to protect the air and walkways for our young children.

**We would recommend that, if the proposed office building and its adjacent parking lot cannot be redesigned with offsets and/or setbacks or moved closer to the commercial KCRA TV property, the proposed building be moved to D Street at 10<sup>th</sup>.**

#### Parking in the Alkali Flat Neighborhood along its Northern Borders

Contrary to a statement in the Initial Study, there are a significant number of *unmetered parking* spaces in the Alkali Flat neighborhood, particularly along its northern border. There are unmetered parking spaces along D Street between 11<sup>th</sup> and 10<sup>th</sup> Streets and along C Street from 11<sup>th</sup> to 15<sup>th</sup> Street. (14<sup>th</sup> and 15<sup>th</sup> Streets are in the Mansion Flat neighborhood, not Alkali Flat). Staff at Sacramento Montessori School observed that many of those parking along these streets are employees of the City, County, State, and Federal Governments who can park at no cost for up to ten hours in some cases. We believe that this fact should be noted and its impact taken into account when parking strategies are formulated for the new development, which, in and of itself, will increase the demand for parking spaces in the area.

#### Need for Child Care in Downtown Sacramento

The proposed Creamery Project environmental compliance documents do not address social impacts associated with either current or projected child care demand as a result of the proposed Project. However, the need and demand for child care in Downtown Sacramento is critical.

In the fall of 2005, a collaborative comprised of the Sacramento Local Child Care & Development Planning Council, the Sacramento County Office of Education (SCOE), First 5 Sacramento, and Child Action, Inc., received a Constructing Connections grant from the Low Income Investment Fund (LIIF). Sacramento County became one of ten counties participating in a statewide grant program. One of the findings of this group is that:

The inclusion of child care in planning and development in Sacramento, regional, county and city government general and transportation plans, and zoning that *incorporates child care services in residential and commercial zones* is critical if the expanding child care needs of Sacramento County are to be met. (Sacramento Local Child Care and Development Planning Council's Child Care Plan, "Promoting Excellence in Child Care, Sacramento Child Care Plan 2007-2012" (p. 25, emphasis added).

Another finding is that:

Early care and education services must be convenient and accessible to families throughout the county regardless of income or needs (ibid).

#### Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

There are approximately 154,296 children ages 0-13 with parents in the labor force in Sacramento County and 54,761 licensed child care slots. Essentially, licensed child care is available for *only 35 percent of the children with parents in the labor force Countywide.* (California Child Care Portfolio, published by the California Child Care Resource and Referral Network, 2005). The greatest demand for care is for Infants, followed by toddlers and preschool-aged children.

At the present time, Sacramento Montessori School's Wait List for Infants and toddlers stretches into August 2009 with babies not yet born constituting about one-half of our Wait List. Its Wait List for those 2.5 years and older is also significant. The School does not anticipate having any vacancies in Infant, Toddler, or its Children's House (for those 2.5 years and older) until the summer of 2009.

This situation is typical of child care facilities in the Downtown area. Downtown Sacramento is impacted by the number of workers who commute to and from their homes to work. While the number of Downtown residents is increasing as a result of new housing starts, the greatest demand for child care continues to be from State of California, City of Sacramento, and County of Sacramento workers who tend to live outside of Sacramento's Central City but commute to work.

The proposed Creamery Project intends to offer approximately 276 housing units. To anticipate that at least ten percent of those occupying these units will need child care is conservative. We recommend that child care be included in the proposed Creamery Project, and Sacramento Montessori School is willing to help in this regard.

#### **Our Support of the Creamery Project**

We believe that the proposed Creamery Project is a viable project for the Alkali Flat community and Sacramento Montessori School in particular. However, we are asking the City of Sacramento and project proponents to seriously consider the issues we have raised, including impacts associated with the view shed of the School, location of the office buildings, traffic circulation, health and safety, and social resources. We are certain that representatives from Sacramento Montessori School and parents of children attending our School would be interested in working with the developer and architect to ensure that the proposed Creamery Project minimizes impacts to environmental resources, is consistent with the historic assets to the north on 11<sup>th</sup> Street, does not diminish the visual character of the area, and is enhanced by the proposed project.

Please let us know if you have any questions.

Sincerely yours,

LE LY  
Site Director

MARILYN K. PROSSER, Ph.D.  
Administrative Consultant

**Comments on the Draft Mitigated Negative Declaration for the Creamery Project,**

Attachment 11: Letter from Evan Edgar



October 2, 2008

**Evan Compton**  
**City of Sacramento**  
**Development Services Department**  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811-0218

Dear Mr. Compton:

RE: Comments on The Creamery Project - P07-123

Total Compliance Management (TCM) is the consulting engineering firm representing Burnett & Sons Mill and Lumber Company (Burnett) on new mixed-used development projects adjacent to their property at 214 11<sup>th</sup> Street, Sacramento, CA 95814. Burnett has been in operation at its current facility since the 1930's, and has been an integral part of Sacramento's community since 1869. When Burnett relocated to this site adjacent to the former Crystal Creamery and the former Globe Mills, Burnett chose the site based on the heavy industrial zoning along the railroad tracks where the site was able to be developed for industrial uses for lumber and wood milling products. Contrary to the the statements on page 28 of Appendix D of the proposed Mitigated Negative Declaration, Burnett will not be relocating in the future, therefore, mitigation measures for the proposed Creamery Project will be required to attenuate and shield the noise from the dust collector that Burnett is entitled to operate in a Heavy Industrial Zone.

Burnett & Sons Mill and Lumber Company has always considered itself a good neighbor, has sustained a positive community presence, and has operated its facility without any significant nuisance complaints or noise complaints from its neighbors or the general public. With the current Globe Mill mixed use complex opening, and the conversion of the Crystal Creamery into residential units, Burnett is very concerned that the transition from a heavy industrial use zone to adjacent residential uses will affect their long-term livelihood and the ability to operate as they have for the last 70 years. On September 11, 2008, TCM submitted comments to the City Development Services Department for the Notice of Preparation (NOP) on an Environmental Impact Report. While we recognize that the subsequent proposed Mitigated Negative Declaration analyses the noise issues; TCM believes that mitigation measures should be considered as part of the Project.

As provided in our September 11, 2008 letter to the City, Burnett operates within the industrial performance standards per the Zoning Ordinance and the General Plan to generate up to 80 dBA of noise, and cannot change their standard industry operational procedures to accommodate a potentially lower-tolerance mentality towards noise, vibration, odor, fumes, and vapors that could be foisted upon their industrial use by adjacent residential uses that appear to be incompatible with industrial uses. The policies of the General Plan allow industrial uses to perform current operations operating within the standards of the industrial zone up to 80 dBA as established with the Globe Mills project approval. Future constraints of their industrial activity that may be sought by residential uses could impact the ability of the facility to operate.

We have received the Notice of Preparation (NOP) of the Environmental Impact Report, the proposed Mitigated Negative Declaration (MND), and the Staff Report to the Planning Commission, and believe that these documents will need to be revised to provide reasonable mitigation measures on the proposed residential units with respect to the established industrial noise generated as allowed by the City General Plan. There should be adequate conditions of approval built into the proposed project to assure the continued industrial uses allowed by the General Plan. The proposed Creamery project may eventually encroach upon the vested land use entitlements that Burnett has currently established under the goals and policies of the City of Sacramento Noise Element.

We have the following the proposed MND and the Staff Report:

**Issue 10: Noise** The Initial Study of the proposed MND does not propose any mitigation measures on The Creamery project having made an analysis that the entitled noise generated by Burnett is a ***less-than-significant impact***, having located the non-residential artisan building to shield the noise from the set back residential until. TCM believes that there are potentially significant impacts, and that mitigation measures are needed, and would recommend to the Planning Commission to impose mitigation measures recommended below.

**Impact 8 – of Appendix D – Technical Noise Analysis** of the MND states that the non-transportation noise could be a ***potentially significant impact***. The Analysis does state the following:

*“The applicant (i.e. The Creamery Project) can employ a company which builds enclosures for equipment such as the dust collectors. The enclosures would be required to reduce the exterior noise levels from the dust collectors by approximately 20 dBA to ensure that the exterior noise level criteria at all uses comply with the city of Sacramento criteria.*”

*Discussion with the project applicant indicates that the Burnett & Sons facility may relocate in the future. Therefore, if this occurs no mitigation for the dust collector would be required."*

**Burnett will not be moving, and mitigation by the application will be needed. Burnett hereby accepts the offer of the applicant (The Creamery Project) to enclose the dust collector, since the Artisan Buildings and nearby residential would be receptors to the entitled noise generated by Burnett.**

The Initial Study should be amended to add **Mitigation Measures N3** to require the applicant to enclose the dust collector.

Standard Sales or Lease Agreements for all of the occupants should include typical language identifying adjacent land uses, whereby the Buyer or Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria. A citizen noise complaint process shall be established prior to approval of the development.

Burnett seeks legal and public process conditions of project approval as part of the Special Permit. The industrial zone allows an entitlement to generate a reasonable and acceptable amount of noise as allowed in the City of Sacramento General Plan. The residents of the proposed development could possibly adopt a "zero tolerance" or "low tolerance" attitude towards noise, and might place the current operations of Burnett under intense public scrutiny even though Burnett is operating within the adopted noise standards. The following language that should be inserted for any Standard Lease Agreement for the occupants of the The Creamery Project is suggested herein.

#### **ADDITIONS TO STANDARD LEASE AGREEMENT**

Language to be added to a typical **LEASE AGREEMENT**:

**WHEREAS**, Lessee acknowledges that the subject property is adjacent to an operating lumber mill previously zoned for this type of industrial use.

#### **USE OF PREMISES.**

Lessee shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

Lessee acknowledges that the use of adjacent premises to the east is zoned industrial and occupied by a historical and operating lumber mill, and is therefore subject to conditions set forth by the City of Sacramento. Specific conditions allow such use in the industrial zone based on a set of performance

standards, which allows an acceptable level of noise, vibration, odors, and glare. Dust, fumes, vapors, and gases emissions are permitted within certain minimum standards that do not cause damage to public health and safety.

Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria.

A citizen noise complaint process shall be established prior to approval of the development. The citizen complaint process shall include exterior and interior acceptable noise level exposure allowed by the General Plan, and that those levels are acceptable. Citizen complaints below the acceptable noise level are not confirmed complaints, and shall have no effect upon the operations of Burnett. Special Conditions should be placed on the conditions of approval establishing the citizen complaint process. Should the occupants require additional mitigation to further decrease noise below the acceptable levels, the developer should pay for those costs, and in no way will those costs be the responsibility of Burnett.

We look forward to commenting at the Planning Commission and Design Review, and request that our company be noticed on all future public meetings and City working groups on this proposed development.

Should you have any questions, please contact me at (916) 739-1700.

Sincerely:

A handwritten signature in black ink, appearing to read "Evan W.R. Edgar".

Evan W.R. Edgar  
Principal Civil Engineer

cc: Jim Miller, Burnett & Sons



DEVELOPMENT SERVICES  
DEPARTMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

RIVER DISTRICT SERVICE  
CENTER  
300 RICHARDS BLVD., 3RD  
FLOOR  
SACRAMENTO, CA 95834

PLANNING DIVISION

PLANNING  
916-808-8458  
FAX 916-808-1077

**MITIGATED NEGATIVE DECLARATION**

The City of Sacramento, California, a municipal corporation, does hereby prepare, make declare, and publish this Negative Declaration for the following described project:

**Draft Mitigated Negative Declaration for the Creamery Project (P07-123)**

The City of Sacramento, Development Services Department, has reviewed the proposed project and on the basis of the whole record before it, has determined that there is no substantial evidence that the project, with mitigation measures as identified in the attached Initial Study, will have a significant effect on the environment. This Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Sections 21000, et seq., Public Resources Code of the State of California).

This Negative Declaration has been prepared pursuant to Title 14, Section 15070 of the California Code of Regulations; the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

A copy of this document and all supportive documentation may be reviewed or obtained between 7:30 AM and 3:30 PM (except holidays) at the following location:

City of Sacramento  
Development Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Environmental Services Manager, City of Sacramento,  
California, a municipal corporation

By: \_\_\_\_\_

*Herley B. [Signature]*

# THE CREAMERY PROJECT (P07-123) INITIAL STUDY

(REVISED OCTOBER 20, 2008)

This initial study has been prepared by the Development Services Department, 300 Richards Boulevard, Third Floor, Sacramento, CA 95811, pursuant to Title 14, Section 15070 of the California Code of Regulations; and the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

## ORGANIZATION OF THE INITIAL STUDY

This initial study is organized into the following sections:

**SECTION I—BACKGROUND.** This Section provides the summary background information about the project name, location, sponsor, and the date this initial study was completed.

**SECTION II—PROJECT DESCRIPTION.** This Section includes a detailed description of the proposed project.

**SECTION III—ENVIRONMENTAL CHECKLIST AND DISCUSSION.** This Section contains the Environmental Checklist form together with a discussion of the checklist questions. The checklist form is used to determine the following for the proposed project: (1) Potentially Significant Impacts, which identifies impacts that may have a significant effect on the environment, but for which the level of significance cannot be appropriately determined without further analysis in an environmental impact report (EIR); (2) Potentially Significant Impacts Unless Mitigated, which identifies impacts that could be mitigated to have a less-than-significant impact with implementation of mitigation measures; and (3) Less-than-Significant Impacts, which identifies impacts that would be less than significant and do not require the implementation of mitigation measures. The environmental issues are discussed as follows:

- |   |  |
|---|--|
| Issue 1: Land Use and Planning          | Issue 8: Energy                          |
| Issue 2: Population and Housing         | Issue 9: Hazards and Hazardous Materials |
| Issue 3: Seismicity, Soils, and Geology | Issue 10: Noise                          |
| Issue 4: Hydrology and Water Quality    | Issue 11: Public Services                |
| Issue 5: Air Quality                    | Issue 12: Utilities and Service Systems  |
| Issue 6: Transportation/Traffic         | Issue 13: Aesthetics, Light, and Glare.  |
| Issue 7: Biological Resources           | Issue 14: Cultural Resources             |
|   | Issue 15: Recreation                     |

**SECTION IV—ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** This Section identifies which environmental factors were determined to have either a Potentially Significant Impact or a Potentially Significant Impact Unless Mitigated, as indicated in the Environmental Checklist.

**SECTION V—DETERMINATION:** Page This Section identifies the determination of whether impacts associated with development of the proposed project are significant, and what, if any, added environmental documentation may be required.

## SECTION VI—APPENDICES

## SECTION I—BACKGROUND

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Project Name, File Number:

THE CREAMERY PROJECT (P07-123)

Project Location:

1013 D Street, Sacramento, CA. 95814. The project site includes the area roughly delineated by E Street on the south, 11<sup>th</sup> Street on the east, the Union Pacific Rail Right of Way on the north and 10th Street on the west, with the addition of the south half of the C to D Street block between 9<sup>th</sup> and 10<sup>th</sup> Streets.

APNs: 002-0076-006, 007, 013, 014, 016, 019, 020 and 021

002-0113-003, 011, 012, 013, 014, 019, 020, 022 and 023

Project Applicant:

Craig Hausman: PHA Architects, (916) 554-6411 Ext. 15

1801 I Street, Suite 100 Sacramento, Ca. 95811

Project Planner:

Evan Compton, Senior Planner,

City of Sacramento

Development Services

300 Richards Boulevard, Third Floor

Sacramento, CA 95811

Phone (916) 808-5260 [ecompton@cityofsacramento.org](mailto:ecompton@cityofsacramento.org)

Environmental Planner:

Ellie Buford, Principal Planner

City of Sacramento

Development Services

300 Richards Boulevard, Third Floor

Sacramento, CA 95811

Phone (916) 808-5935 [lbuford@cityofsacramento.org](mailto:lbuford@cityofsacramento.org)



*Printed on Recycled Paper*



The Creamery Project Site Plan

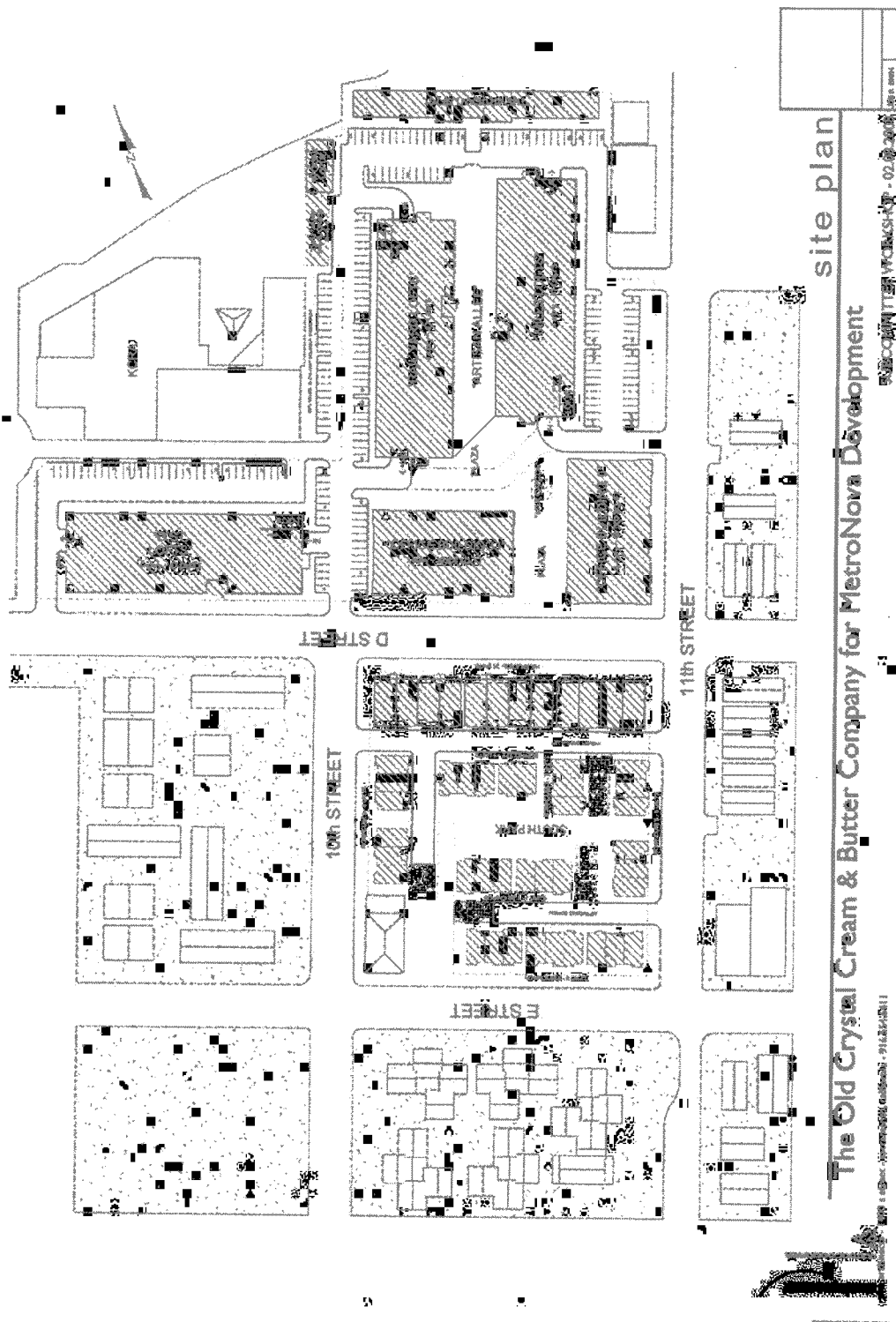


Figure 1

## SECTION II—PROJECT DESCRIPTION

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### **Project Location/Setting:**

The project site is located in the Alkali Flat neighborhood of Sacramento. The site includes the area roughly delineated by E Street on the south, 11<sup>th</sup> Street on the east, the Union Pacific Rail Right of Way on the north and 10<sup>th</sup> Street on the west, with the addition of the south half of the C to D Street block between 9<sup>th</sup> and 10<sup>th</sup> Streets. The site is identified as including the following Sacramento County Assessors Parcel Numbers: 002-0076-006, 007, 013, 014, 016, 019, 020 and 021 and 002-0113-003, 011, 012, 013, 014, 019, 020, 022 and 023. (Location Map. Pg.3)

A demolition permit was issued in March, 2008 after the structures on the site were declared "dangerous". All structures on the site have been demolished and removal of the demolition debris is in progress.

**General Plan designation:** Industrial

**Central City Community Plan designation:** Industrial

**Previous use of site:** Former Crystal Creamery production site

**Existing zoning of site:** M-1

### **Planning Entitlements requested:**

The applicant is requesting approval of a rezone of the south block to Multi-Family (R-3A), a community plan amendment, a tentative map, a special permit, a major-modification and design review.

### **Project Components:**

The proposed project includes development of 230 residential units and 123,329 square feet of commercial space on 8.2 net acres. The project has two components: The North Block (Site A) and the South Block (Site B). The north block is bounded by the railroad tracks to the north, KCRA to the west, 11<sup>th</sup> Street to the east, and D Street to the south. The South Block is bounded by D, E, 10<sup>th</sup>, and 11<sup>th</sup> Streets. (Site Plan, pg. 4)

#### *The North Block:*

Historically, this is the portion of the site which held the bulk of the Crystal Creamery's manufacturing facilities and business operations. It is bound on the northern edges by the active UP rail line and Burnett & Son's millworks. The southern boundary is 'D' Street from 9<sup>th</sup> to 11<sup>th</sup>. Easterly, the boundary is 'C' Street with Burnett & Son's showroom/offices and the Globe Mills just beyond. Westerly, KCRA's production studio and Television Circle comprise the limits of the site.

The proposed uses for this portion of the site are Office/Retail/Commercial, Residential, and Factory/Manufacturing. The former would be housed in two, three-story Office Buildings which are situated along 'D' Street between 10<sup>th</sup> and 11<sup>th</sup> Streets. The proposed residential component consists of three, four-story lofts distributed in primarily two locations on site; the first is along 'D' Street between 9<sup>th</sup> and 10<sup>th</sup>. The second location consists of what, essentially is the extension of 'C' Street between 10<sup>th</sup> and 11<sup>th</sup> Streets. Lastly, the proposed 'factory' uses consist of a series of artisan work-lofts situated along the northern and northwestern boundaries and function as a sound wall to the active railroad line.

Additional site features of the North Block include parking, a central plaza and its corresponding arterials, as well as a proposed three-story milk carton feature. The proposed parking is a mix of ninety-degree street parking along the private drives. A parking court would be located to the north of the easternmost Office Building along 11<sup>th</sup> Street. One hundred and seventy one spaces (not including the private garages or street parking) would be provided for employees, guests/visitors and residents. It is envisioned as 'flex parking' in nature; the spaces are to be used by off-setting building users between residential and offices.

The Creamery Plaza element is conceived as a 'square' in use and nature. The space was placed at the intersection of several pathways (or arterials) within the North Block boundaries. Considered to be the primary entry, the space flanked by the two office buildings leads users from 'D' Street and connects with the South Block by means of a bulb-out and mid-block crosswalk.

### The Buildings:

The applicant is proposing to construct, 2 office buildings, 3 loft buildings and sixteen Artisan spaces.

### The Offices

Two Office Buildings are planned with each office building containing approximately 39,000 sq ft, totaling over 78,000 sq ft of commercial/retail space.

### The Lofts

The three loft buildings (designated as D Street, Rail Yard, and Mills) would have 57 residential units for a total of 171 units. The lofts are each four-stories. Each loft building would contain ground floor commercial space and private podium parking for the loft residents. The commercial spaces for the Rail Yard and Mills Loft buildings would face the interior plaza area. The commercial space area for the D Street lofts would face D Street.

### Artisan Lofts

The last component on the North Block is the work-lofts (not live-work) along the north boundary. Unit A has thirteen spaces @ 600 square feet each, Unit B has two spaces @ 2,200 square feet each, and Unit C has one space @ 2,100 square feet. The spaces are not designed for living purposes and are intended to be for light industrial use. The Artisan building is also intended to provide a sound barrier from the railroad tracks at the north property line for the rest of the development. Along the western portion of 10<sup>th</sup> Street, a smaller group of Artisan Work Lofts and a Caretaker's Unit would be included.

**Parking:** As indicated below, the project requires entitlements to deviate from the standard parking requirements. The site has designated parking spaces for the residential units in the ground floor of the loft buildings. The onsite surface parking spaces will be shared for the office, commercial, artisan spaces, and residential guests. These parking figures do not include street parking. Angled street parking is currently being considered for D, 10<sup>th</sup>, and 11<sup>th</sup> Streets in front of this site.

| Parking for the "The North Block" on Site A |  |                  |            |
|---|--|------------------|------------|
|   | Required Parking                                   | Proposed Parking | Difference |
| Office (88,980 sqft)                        | 198 spaces (1/450)                                 | 148 spaces       | 50 spaces  |
| Residential (171 units)                     | 182 spaces (171 for residents and 11 guest spaces) | 182 spaces       | No         |
| Ground Floor Commercial                     | 66 spaces (1/400 for first 9600 then 1/250)        | 14 spaces        | 52 spaces  |
| Artisan Space                               | 14 spaces (1/1000)                                 | 14 spaces        | No         |

## *The South Block*

The South Block is the smaller residential portion of the project. Bound by 10<sup>th</sup> and 11<sup>th</sup> to the East/West sides and 'D' and 'E' Streets to the North/South it is one city block, less the southwest corner where a grocery store and vacant parcel are located. These two parcels are not part of the development. This lot functioned as the Crystal Creamery's motor pool where the delivery trucks and other vehicles were parked and serviced. Running east to west in the center is an abandoned alley (similar to the North Block where the utilities are currently located). The utilities would be relocated and the abandoned alley would be developed as a park/open space for the residents and neighborhood. The Park would have an open green space on the West end, and a patio area on the East end to serve as a gathering space.

The Row-house units are proposed to surround this central pocket park. Entrances would be provided from both sides of the units; garages/secondary entries orient to the private drives and primary entries toward the front (sidewalk or park side). A private drive would separate the Halfplex units along 'D' Street with the Row-houses to the South. The remaining circulation on the block would be via a series of hammerhead private roadways and private drives to access the Row-houses garages.

### *The Buildings:*

The applicant is proposing to construct a total of 59 residential units on the south block. There would be 24 units (12 duplexes) in which half of the units face D Street and the other half face a private drive that runs parallel to D Street. The remaining 35 units on the south block would be constructed as Row-houses.

### The Halfplexes

These three-story, transitional units would be situated along 'D' Street with one unit facing the street and the other oriented toward the private drive. While appearing to be a continuous building, each halfplex is to be constructed as a standalone, building. Private tandem garages and storage areas are provided for each unit with access to each unit from the garage.

The front units would be entered from the sidewalk. Oriented to the South, a short, shared stoop provides access to the aft, walk-up half of the units above the garages. A large living, dining and kitchen area make up this floor. Above is a two-bed, two-bath sleep area.

### The Row-houses:

Thirty five row-house units are proposed, with units sized for 3-4 bedroom, 2-1/2 Bath, 1700+ sq ft and two-car garages. The row-houses (town-homes) would be grouped into threes oriented to the surrounding sidewalks or central park area. The units are designed with entries at both the front and rear. The lower level is comprised of the rear oriented tandem garage and storage.

| Parking for the "The South Block" on Site B |                   |                  |            |
|---|-------------------|------------------|------------|
|   | Required Parking  | Proposed Parking | Difference |
| Residential                                 | 59 parking spaces | 118 spaces       | No         |

## SECTION III—ENVIRONMENTAL CHECKLIST AND DISCUSSION

### Issue 1: Land Use and Planning

| Land Use and Planning<br>Would the proposed project:  | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>With Mitigation | Less than<br>Significant<br>Impact |
|---|--------------------------------------|---|------------------------------------|
| a) Result in a substantial alteration of the present or planned use of an area?   |                                      |   | X                                  |
| b) Affect agricultural resources or operation (e.g., impacts to soils or farmlands, or impact from incompatible land uses)? |                                      |   | X                                  |

### ENVIRONMENTAL SETTING

The City of Sacramento Zoning Ordinance designates the site as M-1, Light Industrial; residential is allowed in this zone with a special permit. The City of Sacramento General Plan designates the proposed project site as Industrial. The proposed project is also located in the Alkali Flat Redevelopment Project Area.

### STANDARDS OF SIGNIFICANCE

For the purposes of this analysis, an impact is considered significant if the project would substantially alter an approved land use plan that would result in a physical change to the environment. Impacts to the physical environment resulting from the proposed project are discussed in subsequent sections of this document.

### ANSWERS TO CHECKLIST QUESTIONS

a) Implementing the proposed project would introduce new land uses, intensify land uses, increase building heights, and parking that would vary from the previous development on the project site. The project would require a Central City Community Plan amendment, and rezone to allow development of several of the proposed land uses. The project site is located in the Central Business District General Plan. This designation supports the proposed residential densities and increased building heights. The proposed project is consistent with the Council's desire to increase the amount of housing in the Central City.

The site is also located in a redevelopment area. The Redevelopment Agency has identified construction of Central City residential and mixed-use projects as priorities for Downtown redevelopment and revitalization. The Agency's primary focus for the remaining duration of the Redevelopment Project is on continuing its efforts to revitalize the 12th Street Corridor, as identified in the Implementation Plan. The recent Globe Mills project near the site has been developed consistent with this goal. Therefore, the proposed project would result in a **less-than-significant** impact.

b) The project site is urban and is not located in an area designated or zoned by the City, or an agency with jurisdiction over the project site, for agricultural resource conservation or operation. The project site neither contains nor is located adjacent to existing farmland designated or under contract for preservation (FMMP 2007). Therefore, the proposed project would result in a **less-than-significant** impact.

#### MITIGATION MEASURES

No mitigation measures are required.

#### FINDINGS

The project would not affect agricultural resources and would result in a **less-than-significant** impact. The project would result in an alteration of the present and previous land use on the site but the proposed uses would be compatible with the surrounding land uses and would result in a **less-than-significant** impact.

### Issue 2: Population and Housing

| Population and Housing<br>Would the proposal:   | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact |
|---|--------------------------------|---------------------------------------|------------------------------|
| 2. Population and Housing<br>Would the proposal:  |                                |                                       |                              |
| a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? |                                |                                       | X                            |
| b) Displace existing housing, especially affordable housing?  |                                |                                       | X                            |

#### ENVIRONMENTAL SETTING

The project site is currently developed vacant and did not previously include residential uses. Full urban utilities and services are provided to the site.

#### STANDARDS OF SIGNIFICANCE

For the purposes of this analysis, an impact is considered significant if the project would induce substantial growth that is inconsistent with the approved land use plan for the area or displace existing affordable housing.

#### ANSWERS TO CHECKLIST QUESTIONS

##### a) Substantial Population Growth

The proposed project would directly induce population growth in the project area because it includes a significant number of new residential units and employee-generating commercial and office development. This growth from the proposed project could be considered substantial. However, the project area is fully served by local roads and other infrastructure, and the project would not extend such infrastructure to unserved areas, so the project would not induce substantial indirect growth. Although the project would substantially increase the number of residential units on the project site, project development would occur in an existing developed, urban area of the city and would not require

extension of major infrastructure. Therefore, the proposed project would have a ***less-than-significant*** impact on growth inducement in the project area.

## b) Displacement of Housing

The project does not include the demolition of existing residential units. Therefore, a ***less-than-significant*** impact would occur.

## MITIGATION MEASURES

No mitigation measures are required.

## FINDINGS

Impacts associated with population and housing would be ***less than significant***.

## Issue 3: Seismicity, Soils, and Geology

| Seismicity, Soils, and Geology<br>Would the proposal result in or expose people to potential impacts involving:     | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact |
|---|--------------------------------|---------------------------------------|------------------------------|
| 3. Seismicity, Soils, and Geology.<br>Would the proposal result in or expose people to potential impacts involving: |                                |                                       |                              |
| a) Seismic hazards?   |                                |                                       | X                            |
| b) Erosion, changes in topography or unstable soil conditions?  |                                |                                       | X                            |
| c) Subsidence of land (groundwater pumping or dewatering)?  |                                |                                       | X                            |
| d) Unique geologic or physical features?  |                                |                                       | X                            |

## ENVIRONMENTAL SETTING

Sacramento is located within the Great Valley geomorphic province of California. The Great Central Valley is a deep trough extending 400 miles from the Klamath Mountains in the north to the Tehachapi Mountains in the south. The geologic formations of the Great Valley are typified by thick sequences of alluvial sediments derived primarily from the erosion of the Sierra Nevada to the east and, to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. The sediments from these mountains were transported downstream and deposited onto the valley floor as river channel and flood plain deposits and alluvial fans. The subsurface materials beneath the project site have been mapped as recent (Holocene to Pleistocene-aged) alluvial deposits attributed to the Sacramento and American Rivers. The younger alluvial soils are underlain by older (Pleistocene) alluvial fan sediments of the Riverbank Formation. The Riverbank Formation is composed of semi-consolidated gravels, sands and silts.

## Seismic Hazards

### Hazards related to Fault Rupture

No active faults or Alquist-Priolo Special Studies Zones are located in or adjacent to the city of Sacramento (California Geological Survey 2008). As described in the *City of Sacramento General Plan*

*Update: Technical Background Report* (City of Sacramento 2005a), there are no active faults located in the city of Sacramento or in Sacramento County. The closest known active fault to the project site is the Foothills fault system, located approximately 25 miles to the east. Although Sacramento has experienced relatively little seismic activity, ground motion originating from neighboring regions such as the San Francisco Bay Area and the Sierra Nevada could affect the Sacramento area. Records indicate that occasional ground shaking and slight structural damage caused by earthquakes have occurred in Sacramento.

The California Geological Survey identifies low-, medium-, and high-severity zones within California. Although Sacramento lies in a low-severity zone, the probable maximum intensity of an earthquake could be as high as VII on the Modified Mercalli scale; some structural damage could occur at that intensity (City of Sacramento 1988). A series of earthquakes occurring in April 1892, which were thought to have originated in Yolo County between Winters and Vacaville, measured VI and VII on the Modified Mercalli Intensity Scale and caused some structural damage to buildings in Sacramento (e.g., statuary falling from building tops, cracks in chimneys). These earthquakes and the May 1983 Coalinga earthquake are both noteworthy, however, in that they occurred on previously unmapped faults (City of Sacramento 2005a). The 1906 San Francisco earthquake caused minimal impacts in Sacramento, as did the 1989 Loma Prieta earthquake (7.1 Richter magnitude at its epicenter in the Santa Cruz Mountains). Other earthquakes felt in the Sacramento area occurring in 1869, 1954, and 1966 were centered in western Nevada.

### ***Hazards related to Liquefaction***

Liquefaction is a type of ground deformation associated with unconsolidated soils. Water in such soils is subjected to pressure, usually produced by ground motion that causes the soil to behave like quicksand and to literally flow out from underneath buildings. Earthquake shaking is the major cause of such ground motion. A combination of factors contributes to the potential for liquefaction: the intensity of ground shaking, soil type and density, and depth to groundwater.

Liquefaction poses a hazard to engineered structures. The loss of soil strength can result in insufficient bearing capacity to support foundation loads, increased lateral pressure on retaining or basement walls, and slope instability. The possibility that liquefaction will occur is greatest in very loose, clean sands with the groundwater level near the ground surface. The Sacramento area is located on a broad alluvial plain with areas of low-lying, poorly consolidated to unconsolidated sediments that are often water saturated. It is these areas that are potentially subject to liquefaction as a result of seismic activity. The potential for damage from liquefaction exists in Sacramento, including the project site (City of Sacramento 1988).

### ***Soils***

Soil in the vicinity of the site is identified by the United States Department of Agriculture - Soil Conservation Service as Orthents-Urban land complex (USDA, 1993). Soils in the Orthents-Urban land complex are formed in fill material derived from nearby soils and sediments that were used to elevate the land surface in low flood plains. They are typically very deep and somewhat poorly drained to well-drained. Topography is flat, and there are no outstanding topographic or ground surface relief features which would be disturbed as a result of the proposed project.

The project site and project area are urban in nature and do not contain any unique geologic or physical features. [JMG:1]Standards of Significance

For the purposes of this analysis, an impact is considered significant if it allows a project to be built that will either introduce geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards.

## ANSWERS TO CHECKLIST QUESTIONS

### a) Seismic Hazards

#### ***Hazards related to Fault Rupture***

No active faults or Alquist-Priolo Special Studies Zones are located in or adjacent to the city of Sacramento (California Geological Survey 2008); therefore, the proposed project would not be subject to fault rupture.

The State of California provides minimum standards for building design through the California Building Standards Code (CBSC) (Title 24 of the California Code of Regulations). The CBSC is based on the federal Uniform Building Code (UBC) used widely throughout the United States but is more detailed and has more stringent regulations than the federal UBC. Specific minimum seismic safety requirements are set forth in Chapter 23 of the CBSC. The state earthquake protection law (California Health and Safety Code Section 191000 et seq.) requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. Earthquake-resistant design and materials are required to meet or exceed the current seismic engineering standards of the CBSC Seismic Risk Zone 3 improvements.

The City implements the requirements of the CBSC through its building permit process. The proposed project would be required to comply with state seismic-safety design requirements, which require project applicants to prepare site-specific geotechnical evaluations and design foundations and drainage facilities to conform to Title 24 of the California Code of Regulations and recommendations contained in the geotechnical evaluations. Because the proposed project would be required to adhere to federal, state, and local construction standards, and because these standards would provide seismic protection in exceedance of the low seismic risk described above for the project site, a ***less-than-significant*** seismic impact would occur.

#### ***Hazards related to Liquefaction***

As described under answer a) above, the City implements the requirements of the CBSC through its building permit process. The proposed project would be required to comply with state seismic-safety design requirements, which require project applicants to prepare site-specific geotechnical evaluations and design foundations and drainage facilities to conform to Title 24 of the California Code of Regulations and recommendations contained in the geotechnical evaluations. In addition, common structural engineering methods meeting CBSC requirements would be implemented during construction and design of the proposed project that would reduce the potential for damage from seismically induced liquefaction. The project applicant would be required to have the engineering and design of foundational structures reviewed and approved by the City of Sacramento Development Engineering Department prior to approval of grading and construction plans for the project site. Project design and engineering of the building structures would be required to be compliant with the California Building Standards Code for structures built in Seismic Zone 3.

Because the proposed project would be required to adhere to federal, state, and local construction standards, and because these standards would provide require the project applicant to identify and protect against potential hazards from liquefaction for the project site, a ***less-than-significant*** seismic impact would occur.

### b) Erosion, Changes in Topography, or Unstable Soil Conditions

Construction on the project site would require relatively deep excavation because of proposed building heights (170–340 feet), grading, and compaction, which could cause erosion during the construction period. The deep excavations needed to construct the project would not, in themselves, create soil erosion or unstable soil conditions because pile driving would require an insignificant amount of grading and would not change the underlying soil types. The erosion potential of the soil type found on the

project site is unknown, according to the NRCS soil survey (NRCS 2008). However, the project applicant would be required to prepare a grading and erosion control plan in accordance with the City Grading, Erosion, and Sediment Control Ordinance (Title 15, Chapter 15.88 of the City Municipal Code) to reduce, or eliminate, the amount of erosion and retain sediment from uncovered soils on the project site. In addition, the project applicant would be required to prepare a storm water pollution prevention plan (SWPPP), which would identify best management practices (BMPs) that would be implemented at the project site to protect stormwater runoff and minimize erosion during construction. Because erosion control measures would be implemented, construction of the proposed project would have a **less-than-significant** impact on soil erosion.

### c) Subsidence of Land

Dewatering activities, such as project excavation and pile driving, could result in a minor short-term change in the quantity of groundwater and/or direction of rate of flow, and groundwater quality. Any dewatering activities must comply with application requirements established by the Central Valley Regional Water Quality Control Board (RWQCB) to ensure that such activities would not result in substantial changes in groundwater. Construction of the project could require buildings be supported on concrete piles below the existing surface level, and the project may require excavation to or below the groundwater table. Therefore, it is anticipated that groundwater could be encountered during construction and dewatering activities may be required to maintain adequate construction conditions.

Common structural engineering methods would be implemented during construction and design of the proposed project that would reduce the potential for impacts associated with unstable soil conditions during dewatering activities. The project applicant would be required to have the engineering and design of foundational structures reviewed and approved by the City of Sacramento Development Engineering Department prior to approval of grading and construction plans for the project site. The following requirements would be implemented into the project design:

- ▶ Any dewatering would comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and shall be coordinated with the City's Flood Control and Sewer Division.
- ▶ Where required due to high groundwater, excavations would be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring would use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.

Compliance with the above construction methods would reduce the potential for hazards associated with construction on unstable soil conditions. Therefore, impacts related to the potential for subsidence of land would be **less than significant**.

### d) Unique Geologic or Physical Features

The project site and project area are urban and does not contain any unique geologic or physical features. Therefore, implementation of the proposed project would result in a **less-than-significant** impact on any unique geologic or physical features.

### MITIGATION MEASURES

No mitigation measures are required.

### FINDINGS

Implementation of the project would result in **less-than-significant** impacts associated with seismicity, soils, and geology.

## Issue 4: Hydrology and Water Quality

| Hydrology and Water Quality<br>Would the proposed project expose people to potential impacts involving:  | Potentially Significant Impact | Less than Significant With Mitigation | Less than Significant Impact |
|--|--------------------------------|---------------------------------------|------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface/storm-water runoff (e.g. during or after construction; or from material storage areas, vehicle fueling/maintenance areas, waste handling, hazardous materials handling & storage, delivery areas, etc.)?  |                                |                                       | X                            |
| b) Exposure of people or property to water related hazards such as flooding?   |                                |                                       | X                            |
| c) Discharge into surface waters or other alteration of surface water quality that substantially impact temperature, dissolved oxygen or turbidity, beneficial uses of receiving waters or areas that provide water quality benefits, or cause harm to the biological integrity of the waters? |                                |                                       | X                            |
| d) Changes in flow velocity or volume of storm-water runoff that cause environmental harm or significant increases in erosion of the project site or surrounding areas?  |                                |                                       | X                            |
| e) Changes in currents, or the course or direction of water movements?   |                                |                                       | X                            |
| f) Change in the quantity of ground waters, either through direct additions or withdrawal, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?  |                                |                                       | X                            |
| g) Altered direction or rate of flow of groundwater?   |                                |                                       | X                            |
| h) Impacts to groundwater quality?   |                                |                                       | X                            |

## ENVIRONMENTAL SETTING

The project site is currently developed with urban uses and is primarily covered with impervious surfaces (e.g., concrete, pavement). The only non-impervious surfaces on the project site include small landscaped areas located sporadically throughout the project site. As a result of the primarily impervious nature of the project site, storm water drainage patterns are directed to drains that are connected to the City's underground storm drainage system.

The Federal Emergency Management Agency (FEMA) publishes Flood Insurance Rate Maps (FIRM) that delineate flood hazard zones for communities. The project site is located within an area designated as Zone shaded X by a Letter of Map Revision (LOMR) to the City's FIRM, dated February 14, 2007 and effective February 21, 2007 (Case number 07-09-0266P, Community Panel Number 0602660025F). This zone is applied to areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood. The project site is in an area protected from the one percent annual chance (100-year) flood by levee, dike, or other structures subject to possible failure or overtopping during larger storms.

The project site does not contain any streams or rivers. Storm drainage collected from the site ultimately drains to the Sacramento River via the existing underground storm drainage system.

Water for the project site originates from the City's municipal supplies, which originate primarily from surface water supplies. The City uses 34 groundwater wells but focuses on developing surface water as its primary source of water supply. The groundwater wells allow flexibility by providing additional water supplies when there are low river flows.

## STANDARDS OF SIGNIFICANCE

For purposes of this analysis, an impact is considered significant if the proposed project would:

- ▶ substantially degrade water quality or violate any water quality objectives set by the SWRCB, due to increased sediments and other contaminants generated by consumption and/or operation activities; or
- ▶ substantially increases exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.

## ANSWERS TO CHECKLIST QUESTIONS

### a, c, d) Water Absorption Rates, Discharge, and Flow Velocity/Volume/Quality

#### ***Construction-Related Impacts***

As stated previously, storm water on the project site currently and primarily flows to the City's storm water drainage system for portions of the project site covered by impervious surfaces.

Construction activities associated with the proposed project would create the potential for increased sedimentation (i.e., decreased water quality) and increased discharge (i.e., flows, volume) associated with storm water runoff as a result of exposing underlying soils (i.e., removal of landscaping, removal of impervious surfaces). Specifically, construction activities would expose underlying soils directly to storm water. Because the absorption rate of underlying soils is unknown, storm water has the potential to "sheet" and not percolate into the groundwater during construction. As a result, storm water runoff flows also have the potential to increase in velocity and volume. The City of Sacramento is located within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). The State Water Resources Control Board (SWRCB) adopted a statewide general National Pollutant Discharge

Elimination System (NPDES) permit for storm water discharges associated with construction activity. Performance standards for obtaining and complying with the general permit are described in NPDES General Permit NO CAS000002, Waste Discharge Requirements, Order No. 99-08-DWQ. The general permit was modified in April 2001 (SWRCB Resolution No. 2001-046) to require permittees to implement specific sampling and analytical procedures to determine whether the Best Management Practices (BMPs) used at the construction site are effective. Under the general permit, the state requires that any construction activity affecting 1 acre or more obtain a waste discharge identification number for the general construction activity storm water permit.

The City is currently required to operate under a NPDES municipal storm water permit and is required to develop, implement, and enforce a NPDES Phase 2 storm water management program (SWMP). The City's SWMP outlines a comprehensive set of priorities, activities, and strategies that comprise the City's minimum control measures (MCMs) for storm water runoff and BMPs to reduce pollutants in storm water to the maximum extent practicable. In addition, Title 13, Chapter 13.16 of the City Code regulates storm water management and discharge control. As mentioned previously, Title 15, Chapter 15.88 of the City Code regulates grading, erosion, and sediment control. The City Building Department issues a grading approval in connection with the issuance of a building permit. At the time an applicant applies for a building permit, the applicant must submit a site-specific erosion and sedimentation control plan to demonstrate how the plan would reduce the potential for contaminants to enter receiving waters.

In addition to City requirements, to protect storm water inlets the developer would be required to implement BMPs such as the use of straw bales, sandbags, gravel traps, and filters; erosion control measures such as vegetation and physical stabilization; and sediment control measures such as fences, dams, barriers, berms, traps, and basins. Conformance with City regulations and permit requirements along with implementation of BMPs, construction activities under the proposed project would have a **less-than-significant** impact related to storm water absorption rates, discharges, flows, and water quality.

### **Operation-Related Impacts**

Operation of the proposed project has the potential to decrease storm water absorption, increase storm water discharges and flows, and violate water quality standards associated with runoff of nonpoint-source pollutants (i.e., urban runoff) to storm drains.

Although the project would construct additional residential units on the project site along with new retail/office uses, the increased uses would be constructed vertically and not substantially increase the amount of impervious surfaces on the project site. Because the amount of impervious surfaces on the project site would not substantially increase, the storm water absorption rate along with the amount of storm water discharges and flows would not substantially increase either.

However, implementation of the project could introduce urban runoff of pollutants (e.g., heavy metals, nutrients, hydrocarbons, and suspended solids) which result from the deposition of compounds on streets, highways, and parking areas that are subsequently washed off during storms. The City's NPDES Phase 2 SWMP identifies the developer must implement a minimum of control measures as required by the general permit. The overall goal of the SWMP is to reduce pollutants in storm water to the maximum extent practicable and to ultimately protect the water quality where storm water discharges. Implementation of activities identified in the SWMP would ultimately protect the water quality of the American and Sacramento Rivers. With compliance with the City's SWMP requirements, this impact would be **less than significant**.

### **b) Exposure to Water-Related Hazards**

The Federal Emergency Management Agency (FEMA) publishes Flood Insurance Rate Maps (FIRM) that delineates flood hazard zones for communities. The project site is currently within an area

designated as a shaded X-A99 flood zone. This zone applies to areas of the City that are outside the 100 year floodplain due to protection of levees, by a Letter of Map Revision (LOMR) to the City's FIRM (dated July 6, 1998), issued by FEMA on May 22, 2000 (Panel Number 060266 0025E). This zone is applied to areas of the City which have less than 100-year flood protection; however, FEMA has determined that adequate progress has been made on a Federal funded flood control project which, when completed, will provide 100-year flood protection to those areas. Implementation of the project will, therefore, expose people and/or property to the risk of injury and damage in the event of a 100-year, or greater, flood until the flood control project is completed. These risks are considered significant adverse impacts under CEQA.

The City of Sacramento has evaluated these risks associated with allowing development within the A99 Flood Zone in the Programmatic Environmental Impact Report (EIR) prepared in connection with the Land Use Planning Policy Within the 100 Year Floodplain (the "Policy") (M89-054) which was adopted by the City Council on February 6, 1990. Accordingly, the findings adopted by the Council in connection with its certification of the Program EIR and its adoption of the Policy are applicable to the proposed project. These findings are set forth in the Findings of Fact/Statement of Overriding Considerations for the Land Use Planning Policy Within the 100-Year Flood Plain in the City of Sacramento.

In 1998, per congressional mandate to establish a Special Flood Hazard Area (SFHA) addressing flood control systems that no longer provide 100-year protection, FEMA issued a final flood elevation determination letter and revised the FIRM for portions of the Sacramento area, replacing the A99 designation with a new flood zone entitled AR Flood Zone. This AR zone was intended for communities, such as Sacramento, where a certified 100-year or greater flood protection system had been decertified due to updated hydrologic or other data. The AR zone allowed for development to continue, with some restrictions, while progress was being made toward restoring a 100-year flood protection level. In 1998, the City of Sacramento certified Addendum III to the EIR for Land Use Planning Policy within the 100-year Floodplain, which evaluated the risks of allowing development to continue within the AR zone.

Subsequent to the AR zone re-designation, the Army Corps of Engineers lowered the estimates for 100-year flood flows on the American River. In addition, the Sacramento Area Flood Control Agency (SAFCA) continued to make progress on flood control projects along the American River. These two occurrences enabled the City to apply for and receive a flood map revision. On May 22, 2000, FEMA notified the City that the FIRM was being revised to re-designate areas previously listed as an AR zone back to the A99 zone. FEMA's action removes the 3-foot elevation and flood-proofing requirement for new buildings but does not eliminate the mandatory flood insurance requirement. On July 25, 2000, the City Council adopted these updates relating to the City's flood zone status and the Morrison Creek Floodplain policies (Resolution # 2000-451). Potential impacts related to flooding This impact would be **less than significant**.

#### e) Change in Currents or the Course or Direction of Water Movements

The project site does not contain any streams or rivers, and the proposed project would not alter the course of any off-site streams or rivers. Although development of the project site would intensify land uses there, implementation of the proposed project would not substantially alter the drainage area or drainage patterns which are already well defined by urban development. In addition, intensification of land uses with development of the project site would not affect the amount of drainage flow contributed to the existing storm drainage system because the area is already developed and highly impervious. Therefore, the impact would be **less than significant**.

#### f, h) Quantity of Groundwater or Groundwater Quality

The proposed project would not include the use or construction of wells for extraction of groundwater. Water for the project site would originate from the City's domestic water supplies which originate primarily from the American and Sacramento Rivers. Although the City uses 34 groundwater wells to supplement surface water, the primary source of water supply for the City. The groundwater wells allow flexibility by providing additional water supplies when there are low river flows. Hence, the proposed project would not be expected to deplete groundwater supplies.

#### g) Direction and Rate of Flow of Groundwater

According to the California Regional Water Quality Control Board - Central Valley Region (CRWQCB, 1994), the site lies within the Florin Hydrographic Subarea of the Morrison Creek Hydrographic Area. In general, groundwater in this area has been designated as beneficial for domestic/municipal, agricultural, and industrial uses. There are at least twelve water wells within a three-mile radius of the subject site, as identified in information provided by the California Department of Water Resources-Division of Planning and Local Assistance. According to monitoring data for the three nearest wells, water levels near the site range from approximately 5 feet below ground surface (bgs) (Well ID No. 08N04E02K07) to over 25 feet bgs (Well ID No. 08N05E06H01). The estimated groundwater flow direction is to the southwest.

The proposed project would not affect the direction or rate of flow of groundwater. Water supplies are provided by the City of Sacramento through a system of pipelines that currently exist within the streets. The project will not require new withdrawals from groundwater sources or affect aquifers by cuts or excavations.

Under natural conditions, groundwater recharge results from precipitation and infiltration of excess irrigation water. However, the rate and quantity of water reaching the saturation zone depend on factors that include the amount and duration of precipitation, soil time, moisture content of the soil, and vertical permeability of the unsaturated zone. The project site was developed with urban uses and large areas of impervious surfaces.

Although the project would construct additional residential units on the project site along with new retail/office uses, the increased uses would be constructed vertically and not substantially increase the amount of impervious surfaces on the project site. Because the amount of impervious surfaces on the project site would not substantially increase, the storm water absorption rate along with the amount of storm water discharges and flows would not substantially increase either.

Therefore, a **less-than-significant** impact would occur.

#### MITIGATION MEASURES

No mitigation measures are required.

#### FINDINGS

The proposed project will result in **less-than-significant** impacts on groundwater quantity and quality, ground water absorption rates, discharge, flow, velocity and volumes, flooding, and surface water movements.

## Issue 5: Air Quality

| Air Quality<br>Non-Proposed  | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>with<br>Mitigation | Less Than<br>Significant<br>Impact |
|--|--------------------------------------|--|------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? |                                      |  | X                                  |
| b) Exposure of sensitive receptors to pollutants?  |                                      |  | X                                  |
| c) Alter air movement, moisture, or temperature, or cause any change in climate?                     |                                      |  | X                                  |
| d) Create objectionable odors?   |                                      |  | X                                  |

### ENVIRONMENTAL SETTING

The project area is located in the Sacramento Valley Air Basin (SVAB), which is bounded by the Sierra Nevada on the east and the Coast Range on the west. The SVAB is subject to federal, state, and local air quality regulations under the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD). The SMAQMD is responsible for implementing emissions standards and other requirements of federal and state laws. Air quality near the project area, the Central City, and the region is largely influenced by urban emission sources. Urban emissions are primarily caused by internal combustion engines, particularly automobiles. Home fireplaces also contribute a significant portion of the air pollutants, particularly during the winter months.

Air emissions, such as carbon monoxide (CO), particulate matter (PM), and ozone (O<sub>3</sub>), primarily result from the operation of motor vehicles. These are referred to as "criteria" pollutants. "Criteria" pollutants are those pollutants, or their precursors, for which the U.S. Environmental Protection Agency (EPA) has established national ambient air quality standards (NAAQS). California has also established its own ambient air quality standards (CAAQS) that are at least as stringent as the NAAQS. Sacramento County is currently designated a nonattainment area for the state and national standards for ozone and particulate matter 10 microns or less in diameter (PM<sub>10</sub>). The emissions inventories used to develop a region's air quality attainment plans are based primarily on projected population growth and vehicle miles traveled (VMT) for the region, which are based in part on the planned growth identified in regional and community plans. Therefore, projects that would result in increases in population or employment growth beyond that projected in regional or community plans could result in increases in VMT, further resulting in increases in mobile-source emissions that could conflict with a region's air quality planning efforts. Increases in VMT beyond those projected in area plans generally would be considered to have a significant adverse incremental effect on the region's ability to attain or maintain state and federal ambient air quality standards. Emissions produced during site preparation and construction are considered "short-term" because they would occur only during the construction phases of the project. Dust generation is normally the primary concern during initial site preparation. Because such emissions are not amenable to collection and discharge through a controlled source, they are referred to as "fugitive emissions." Fugitive dust emissions typically include emissions from on-site grading and excavation activities and from off-site truck and passenger car travel on unpaved roadways. Fugitive dust emission rates are affected by a variety of factors: amount of soil silt, amount of soil moisture, wind speed, size of the area disturbed, number of vehicles, depth of disturbance or excavation, and VMT.

Emissions of reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) are generated primarily by the operation of gasoline- and diesel-powered motor vehicles. Construction-generated emissions vary from day to day, depending on the specific activities being conducted, the type of equipment, the duration of equipment use, and the number of transport trips for people and material. Actual pollutant concentrations would depend on the location and type of activities performed, meteorological conditions, distances to nearby receptors, and the effectiveness of the mitigation measures employed.

One important reason for air quality regulations and standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." This term refers both to specific population groups and to the land uses where they would be located for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, child care centers, retirement or convalescent homes, hospitals, and clinics. Sensitive land uses in the project area include residences. The pollutant of concern for sensitive receptors is carbon monoxide (CO). Motor vehicle emissions are the dominant source of CO in Sacramento County (SMAQMD 2004). Commercial buildings are generally not considered sensitive receptors.

## STANDARDS OF SIGNIFICANCE

For purposes of this analysis, an impact is considered significant if implementation of the proposed project would result in the following:

- ▶ an increase of NO<sub>x</sub> above 85 pounds per day (lb/day) for short-term effects (construction);
- ▶ an increase of either ozone precursor, NO<sub>x</sub> or ROG, above 65 lb/day for long-term effects (operation);
- ▶ project emissions of PM<sub>10</sub> at a level equal to or greater than 5% of the CAAQS (50 micrograms per cubic meter for 24 hours) if there were an existing or projected violation; or
- ▶ concentrations of CO exceeding the 1-hour CAAQS of 20.0 parts per million (ppm) or the 8-hour CAAQS of 9.0 ppm (the CAAQS is more stringent than the NAAQS).

## Discussion of Checklist Answers

### a) Air Quality Plan

#### Long-term

The proposed project includes intensification of the urban development for the project area. Evidence suggests that increasing density of development in an urban center such as downtown Sacramento, proximate to public transportation, and among a diverse mix of land use types, has the potential to reduce the number of regional vehicle trips and vehicle miles traveled (VMT) (Ewing 2001). The proposed project would result in the siting of more residents proximate to employment-generating uses and regional destinations in the City of Sacramento, adjacent to the Regional Transit District light rail and would provide for an environment where residents would not necessarily rely on an automobile to meet daily travel needs. However, the standard method of analysis recommended by SMAQMD for land development projects is to treat new development as new potential to emit.

In order to assess whether mobile source emissions (i.e., emissions generated by the vehicles resulting from the operation of the project) for ozone precursor pollutants (NO<sub>x</sub> and ROG), PM<sub>10</sub> and CO are likely to exceed the standards of significance due to operation of the project, an initial project screening was performed using the thresholds in Table AIR-1 and Table 4.2 Project Sizes with Potentially

Significant Emissions, which is included within the *SMAQMD Guide to Air Quality Assessment*, 2007). The function of the table is to provide project sizes for land-use types which, based conservatively on default assumptions for modeling inputs using the URBEMIS2002 model, are likely to result in mobile source emissions exceeding the SMAQMD thresholds of significance for ROG and NO<sub>x</sub> (SMAQMD, *Guide to Air Quality Assessment*, 2007).

SMAQMD considers development projects of the type and size that fall below the significance cut-points in Table 4.2 for ROG and NO<sub>x</sub> also to be insignificant for CO emissions. SMAQMD has indicated that PM<sub>10</sub> emissions from development projects, if they are of the type and size below the cut-points in Table 4.2 for ROG and NO<sub>x</sub>, may likewise be considered not significant. However, this assumption applies only to projects that do not generate trips by heavy-duty diesel vehicles in greater proportion than such trips occur generally on public roadways. Operation of the proposed single-family residential subdivision would not generate trips by heavy-duty diesel vehicles.

Projects categorized as “Apartments – Low Rise” land use development types are considered potentially significant at the NO<sub>x</sub> Screening Level for operational impacts at 470 units. (“Apartments – Low Rise” land use was used to screen the residential uses there aren’t townhomes or halfplexes in Table 4.2 and the low rise apartments most closely resemble condominiums in density and form.) Projects categorized as General Office land use development types are considered potentially significant at the NO<sub>x</sub> Screening Level for operational impact at 495,000 square feet. The proposed project would result in the construction of about 123,500 commercial/office space. Therefore, the project would not result in operation impacts that could impact air quality due to mobile source emissions for these criteria pollutants.

### Short-Term

The Screening Level for Construction is 330 units for “Apartments – Low Rise” (as stated above, the closest land use type to townhomes/halfplexes). The project includes 230 residential units which does not exceed the screening threshold. Projects categorized as General Office land use development types are considered potentially significant at the NO<sub>x</sub> Screening Level for construction impacts at 550,000 square feet. The proposed project would result in the construction of about 123,500 sq. ft. of commercial/office space.

Because neither construction nor operation of the proposed project is anticipated to exceed thresholds of criteria pollutants, and because construction of the proposed project would be required to comply with SMAQMD Guidelines, the proposed project would result in a **less-than-significant** impact related to short and long term emissions.

### **b) Exposure of Sensitive Receptors**

One important reason for air quality regulations and standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed “sensitive receptors.” This term refers both to specific population groups and to the land uses where they would be located for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, child care centers, retirement or convalescent homes, hospitals, and clinics. Sensitive land uses in the project area include residences, senior housing, day-care and schools.

Implementing the proposed project could result in potential short-term increases in mobile- and area-source emissions, which could lead to increases in pollutant concentrations at both on-site and nearby off-site sensitive receptors.

Construction activities would be required to comply with SMAQMD’s Rule 403 on Fugitive Dust, which states that a person shall take every reasonable precaution not to cause or allow the emissions of

fugitive dust from being airborne beyond the property line from which the emission originates, from any construction, handling or storage activity, or any excavation, grading, clearing of land or solid waste disposal operation. Reasonable precautions include, but are not limited to:

- the use of water or chemicals for control of dust, where possible, during construction operations (including roadways), or during the clearing of land;
- the application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces, which can give rise to airborne dusts;
- other means approved by the Air Pollution Control Officer.

The California Air Resource Board (ARB) published land use guidance that raises concerns about locating sensitive receptors (which include residential communities) near freeways, heavily traveled roadways and railways. The ARB guidance suggests that a site specific health risk assessment (HRA) should be performed to characterize the health risks of a given development project, when sensitive land, including residential land, uses are sited closer than 500 feet from a freeway or other high traffic roadway.

To address the need of a separate site specific health risk assessment for every sensitive land use project that does not meet the distance recommendation from the ARB, Sacramento Metropolitan Air Quality Management District (SMAQMD) published *The Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways*, to provide guidance to local land use planners on how to assess potential cancer risk of sensitive receptors exposed to diesel particulate matter (DPM) from major roadways.

The site is located more than 500 feet from the nearest freeway. However, the site is located immediately south of railway lines (part of the Sacramento Regional Transit District Light Rail System and the Union Pacific). A *Screening Health Risk Assessment* was completed by ENVIRON (Appendix A). The screening approach recommended in the SMAQMD guidance was applied to the potential DPM impact from the railway in the report prepared by ENVIRON for the nearby Sacramento Railyards redevelopment project in 2007. This analysis implemented the same screening methodology.

In order to follow a similar screening procedure as the freeway DPM emissions, the DPM emissions from the freight trains and the passenger trains were summed up to be 1,007 grams per day over one mile of railway. Table 4 summarized the EMFAC2007 relative traffic volume and vehicle DPM emission rates used by SMAQMD in 2007 for the calculation of the screening look-up table. As shown in Table 4, the daily distribution of the traffic volumes and DPM emission rates assumed by SMAQMD is equivalent to 0.465 gram daily DPM emissions for each peak hour vehicle mile traveled. Dividing the total railway emissions for this project, 1,007 grams per day-mile, by the 0.465 gram daily DPM emissions per peak hour vehicle mile traveled, results in an equivalent peak hour traffic volume of 2,166 vehicles per hour.

The project area is located to the south (upwind) of the east-west railroad tracks. In this case, the upper matrix of Table 1 from the SMAQMD guidance should be applied. According to the screening process, the peak hour traffic is rounded up to 4,000, the nearest entry in Table 1 from the SMAQMD guidance. Based on this table, no matter where the new residence is placed within the , the cancer risks from the locomotive DPM are considered less than the evaluation criteria selected by SMAQMD (446 per million) and a site specific HRA is not recommended.

### c) Alteration in Air Movement, Moisture, or Temperature

The project site is located in downtown Sacramento, which incorporates numerous high-rise buildings and an urban development pattern. The proposed project would result in construction of structures and buildings similar to existing buildings and structures in the project area. As a result, air movement

patterns through the project area would not change substantially from existing conditions. In addition, the project would not construct any components or elements that would create moisture or change ambient air temperatures in the project area. This impact is considered ***less than significant***.

#### **d) Objectionable Odors**

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Although offensive odors rarely cause any physical harm, they can still lead to distress among the public and often generate citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

Construction activities associated with the proposed project could include the application of architectural coatings and asphalt paving materials that could generate localized, temporary odors. The use of diesel-powered construction equipment also could generate localized, temporary odors. Retail operations and businesses (e.g., restaurants) are anticipated to operate on the project site after project completion of which would also generate localized, temporary odors. However, no heavy industrial facilities, power plants, wastewater treatment plants, or other large odor emitters are proposed as part of the project. Therefore, the proposed project would not be expected to create objectionable odors affecting a substantial number of people. Because this impact is considered ***less than significant***.

#### **MITIGATION MEASURES**

No mitigation measures are required.

#### **FINDINGS**

The proposed project would involve some increase in construction traffic, and construction and demolition activities would result in temporary increases in dust and equipment emissions. Air pollutants would be emitted by construction equipment, and fugitive dust would be generated during interior grading and site preparation. Although construction of the project would not result in significant air quality impacts, construction activities would be regulated by the Sacramento Metropolitan Air Quality Management District (SMAQMD). The proposed project would result in a ***less-than-significant*** impact on air quality.

## Issue 6: Transportation/Traffic

| Transportation/Traffic<br>Would the proposal result in:   | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>With<br>Mitigation | Less than<br>Significant<br>Impact |
|---|--------------------------------------|--|------------------------------------|
| a) Increased vehicle trips or traffic congestion?   |                                      | X  |                                    |
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm, equipment)? |                                      |  | X                                  |
| c) Inadequate emergency access or access to nearby uses?  |                                      |  | X                                  |
| d) Insufficient parking capacity on-site or off-site?   |                                      |  | X                                  |
| e) Hazards or barriers for pedestrians or bicyclists?   |                                      |  | X                                  |
| f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                           |                                      |  | X                                  |
| g) Rail, waterborne, or air traffic impacts?  |                                      |  | X                                  |

### ENVIRONMENTAL SETTING

The proposed project is generally bounded by Union Pacific Rail Road (UPRR) facilities to the north, E Street to the south, 10th Street to the west, and 11th Street to the east. Access to the site would be provided via numerous proposed driveways along 10th Street, 11th Street, and D Street.

#### Major Roadways

The following are descriptions of the major roadways in the vicinity of the project:

*Interstate 5 (I-5)* is a north-south freeway located west of the project site. Primary access to the project site from I-5 is provided at the I Street/J Street interchange. Within the project area, I-5 currently serves approximately 190,000 vehicles per day<sup>1</sup> (vpd) with four travel lanes in each direction.

*I Street* is a one-way, westbound arterial roadway located south of the project site. I Street extends from the Sacramento River to the west to 53rd Street to the east. In the vicinity of the project site, this roadway provides three westbound travel lanes.

*J Street* is a one-way, eastbound arterial roadway located south of the project site. J Street extends from the Sacramento River to the west to M Street at California State University-Sacramento to the east, where it becomes Fair Oaks Boulevard. In the vicinity of the project site, this roadway provides three eastbound travel lanes.

12th Street is a one-way, southbound arterial roadway located east of the project site. 12th Street extends from Richards Boulevard to the north to Riverside Boulevard to the south. In the vicinity of the project site, this roadway provides four southbound travel lanes.

16th Street is a one-way, northbound arterial roadway located east of the project site. 16th Street extends from Broadway to the south to Richards Boulevard to the north, where it then becomes State Route 160 (SR-160). In the vicinity of the project site, this roadway provides four northbound travel lanes.

### **Bicycle and Pedestrian Facilities**

There are currently on-street bike lanes along portions of C Street, E Street, and 11th Street, and 13th Street in the immediate vicinity of the project site. The immediate project area does not have dedicated on-street bicycle facilities. Placement of bikeways is guided by the City's *Pedestrian Friendly Street Standards* (adopted in 2004), which requires bike lanes on all collector and arterial streets.

Sidewalks are currently located along all streets in the immediate vicinity of the project site. Pedestrian crosswalks are also currently provided at most of the major signalized intersections within downtown Sacramento.

### **Transit Facilities**

- The Sacramento Regional Transit District (RT) provides public transit service within the project area. The Sacramento Valley Station Light Rail Transit (LRT)/Bus Transfer Station, located southwest of the project site at the 5th Street at I Street intersection, also serves as Amtrak's boarding station for its Capitol Corridor line. The RT Light Rail Transit Gold Line operates from the Sacramento Valley Station to Folsom. Additionally, the nearby Alkali Flat/La Valentina Light Rail Station, located along 12th Street between D Street and E Street, also provides access to light rail transit. The Alkali Flat/La Valentina station is one of the ten stops along light rail's Blue Line.

RT also provides bus transit service that operates routes adjacent to the proposed project site. The following summarizes these bus routes:

- Route 11 provides bus service connecting North Natomas to the 3rd Street & J Street bus stop in Downtown Sacramento, and provides direct access to the project site via 7th Street. Route 11 operates at 30 minute headways during the peak-hours with a total of 35 trips per day. This bus route averages 739 boardings per day<sup>2</sup> with a maximum capacity of 68 passengers per bus.

- Route 29 provides express bus service connecting Fair Oaks to the 7th Street & O Street bus stop in Downtown Sacramento. Route 29 operates with a total of only 4 trips per day, all of which run during the peak periods. This bus route averages 147 boardings per day<sup>2</sup> with a maximum capacity of 68 passengers per bus.

Route 33 provides bus service connecting neighborhoods adjacent to Richards Boulevard and SR-160 to the Alkali Flat/La Valentina light rail station in Downtown Sacramento. Route 33 operates at 20 minute headways during the peak-hours with a total of 103 trips per day. This bus route averages 607 boardings per day<sup>2</sup> with a maximum capacity of 68 passengers per bus.

Route 34 provides bus service connecting the 65th Street Station in East Sacramento to the 8th Street & O Street bus stop in Downtown Sacramento. Route 34 operates at 30 minute headways during the peak-hours with a total of 56 trips per day. This bus route averages 861 boardings per day<sup>2</sup> with a maximum capacity of 68 passengers per bus.

## Parking

Parking facilities in the Central City include City, State, and privately-owned lots and garages, off-street residential spaces, and on-street parking, including permitted and metered parking spaces. On-street parking restrictions for metered and permitted spaces vary by location. The majority of on-street parking in the Downtown area is metered.

## STANDARDS OF SIGNIFICANCE

The following standards of significance have been established in assessing impacts of the proposed project on transportation facilities. For purposes of this analysis, an impact is considered significant if implementation of the proposed project would:

- ▶ cause a roadway to degrade from LOS C or better to LOS D or worse;
- ▶ increase the roadway volume-to-capacity ratio by 0.02 or more on a roadway that is already worse than LOS C without the project;
- ▶ cause the LOS of an intersection to degrade from LOS C or better to LOS D or worse;
- ▶ increase the average intersection delay by 5 seconds or more, for intersections that are already operating at LOS D, E, or F without the project;
- ▶ result in project-generated ridership that, when added to the existing or future ridership, would exceed existing and/or planned system capacity (capacity is defined as the total number of passengers that the system of buses and light rail vehicles can carry during the peak hours of operation);
- ▶ adversely affect transit system operations or facilities in a way that discourages ridership (e.g., removes shelters, reduces park-and-ride operations);
- ▶ eliminate or adversely affect an existing bikeway facility in a way that discourages bikeway use;
- ▶ interfere with the implementation of a proposed bikeway;
- ▶ result in unsafe conditions for bicyclists, including unsafe bicycle/pedestrian or bicycle/motor vehicle conflicts;
- ▶ adversely affect existing pedestrian facilities or result in unsafe conditions for pedestrians, including unsafe pedestrian/bicycle or pedestrian/motor vehicle conflicts; or
- ▶ generate anticipated parking demand exceeding the available or planned parking supply for typical-day conditions (however, the impact would not be significant if the project is consistent with the parking requirements stipulated in the City Code).

## ANSWERS TO CHECKLIST QUESTIONS

### a) Increase in Vehicle Trips or Traffic Congestion

A *Traffic Impact Analysis* for the project was completed by Kimley-Horn and Associates. (Appendix B). The purpose of this analysis is to identify potential environmental impacts to transportation facilities.

The following facilities are included in this traffic impact analysis:

*Intersections*

1. C Street at 12th Street
2. C Street at 14th Street
3. C Street at 16th Street
4. D Street at 10th Street
5. D Street at 11th Street
6. D Street at 12th Street
7. E Street at 10th Street
8. E Street at 11th Street
9. E Street at 12th Street
10. G Street at 7th Street
11. G Street at 10th Street
12. I Street at 5th Street
13. I Street at 9th Street
14. I Street at 10th Street
15. J Street at 3rd Street
16. J Street at 9th Street
17. J Street at 10th Street

*Freeway Mainline Segments*

1. I-5 between Capitol Avenue and J Street

*Freeway Merge and Diverge Areas*

1. I Street On-Ramp to Northbound I-5
2. I Street On-Ramp to Southbound I-5
3. Southbound I-5 to J Street Off-Ramp
4. Northbound I-5 to J Street Off-Ramp

*Freeway Off-Ramp Queuing*

1. I-5 Northbound J Street Off-Ramp
2. I-5 Southbound J Street Off-Ramp

A Level of Service (LOS) analysis was conducted for the above facilities for both weekday AM and PM peak-hours for the following scenarios:

- A. Existing Conditions
- B. Baseline Conditions
- C. Baseline plus Proposed Project Conditions
- D. Cumulative (2030) Conditions
- E. Cumulative (2030) plus Proposed Project

The number of trips anticipated to be generated by the proposed project was derived using data included in the *Trip Generation, 7th Edition*, and *Trip Generation Manual, 2nd Edition*, both published by the Institute of Transportation Engineers (ITE). The proposed project is estimated to generate 4,465 total new daily trips with 145 new trips occurring during the AM peak-hour and 366 new trips occurring during the PM peak-hour.

The trip generation was adjusted to account for internal site trips, pass-by trips, and alternate mode trips. The internal reduction factor accounts for the interaction of the proposed residential and commercial use within the project site. These trips would not be expected to use the surrounding roadway network to access other parts of the site. The percentage reduction for internal trips was calculated for daily and PM peak hour trips in accordance with procedures outlined in *Trip Generation Handbook, 2nd Edition*, published by ITE. The pass-by reduction accounts for drivers on the network that access the site's commercial uses but are presumed to already be on the roadway network for some other purpose. The national average (per ITE's *Trip Generation Handbook*) for this reduction is

34 percent for that specific land use. Since the site is not along an arterial facility, a more conservative pass-by rate of 20 percent is assumed. The alternate mode reduction accounts for the proximity of transit to the site and other trips that would be expected from other "non-single occupant" vehicles. Regional Transit operates bus lines on F Street, 7<sup>th</sup> Street, and 12<sup>th</sup> Street, and the Alkalai Flat Light Rail station is located one block east of the site on 12<sup>th</sup> Street. Alternate mode trips (transit, walk, bike, and pedestrian trips) can also be expected to access the site from the surrounding neighborhood.

Traffic associated with the proposed project was added to the Baseline traffic volumes to establish the Baseline plus Proposed Project traffic conditions and the following impacts were identified:

#### Intersections

##### *C Street at 16th Street*

The addition of traffic associated with the proposed project would cause this intersection, which operates below the City's LOS C threshold without the proposed project during the PM peak-hour, to experience an increase in delay greater than 5 seconds. ***This is a significant impact.***

***Mitigation:*** The significant impact at this intersection during the PM peak-hour can be mitigated with the implementation of signal coordination and with optimized signal timings. Although the traffic signals located in the downtown grid are currently pre-timed, the City is planning to upgrade the controllers to allow traffic signal coordination capabilities. In addition, the applicant shall also pay toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along the corridor. This mitigation measure reduces the average delay to be within 5 seconds of the average delay under Baseline Conditions. Therefore, ***this impact is less than significant***.

##### *J Street at 3rd Street*

The addition of traffic associated with the proposed project would cause this intersection, to change from LOS C to LOS D during the PM peak-hour. ***This is a significant impact.***

***Mitigation:*** The significant impact at this intersection during the PM peak-hour can be mitigated with the implementation of signal coordination and with optimized signal timings. Although the traffic signals located in the downtown grid are currently pre-timed, the City is planning to upgrade the controllers to allow traffic signal coordination capabilities. In addition, the applicant shall also pay a fair share to recover the costs to the City of Sacramento Traffic Operations Center for the re-timing and monitoring of the signal to improve vehicle progression along downtown. This mitigation measure results in a LOS C. Therefore, ***this impact is less than significant.***

#### Freeway Mainline

The freeway mainline section studied for this project is not expected to operate at LOS F without the project and the project does not cause the mainline to operate at LOS F. As a result, the impacts to the freeway main line is ***less than significant.***

#### Freeway Merge/Diverge

With the project, the freeway merge/diverge areas are expected to freeway main line is expected to operate at LOS C to LOS F during the AM and PM peak-hours, with and without the project. However, the project does not cause the merger or diverge areas to operate at a LOS less than the freeway mainline. As a result, this impact is ***less than significant.***

No mitigation is required. However, it should be noted that the City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under

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

### Freeway Off-Ramp Queuing

None of the study off-ramps experience queuing that exceeds the available storage capacity with or without the proposed project. As such, the proposed project's impacts to freeway off-ramps are considered to be **less than significant**.

## **Cumulative (2030) plus Proposed Project Conditions**

### Intersections

#### *C Street at 12th Street*

The addition of traffic associated with the proposed project would cause this intersection, which operates below the City's LOS C threshold without the proposed projects during the PM peak-hour, to experience an increase in delay greater than 5 seconds. ***This is a significant impact.***

Mitigation: The significant impact at this intersection during the PM peak-hour can be mitigated with the implementation of signal coordination and with optimized signal timings. Although the traffic signals located in the downtown grid are currently pre-timed, the City is planning to upgrade the controllers to allow traffic signal coordination capabilities. In addition, the applicant shall also pay toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along the corridor. This mitigation measure results in a LOS E, which is improved from without proposed project conditions. Therefore, ***this impact is less than significant.***

#### *J Street at 3rd Street*

The addition of traffic associated with the proposed project would cause this intersection, which operates below the City's LOS C threshold without the proposed project during the PM peak-hour, to experience an increase in delay greater than 5 seconds. ***This is a significant impact.***

Mitigation: The significant impact at this intersection during the PM peak-hour can be mitigated with the implementation of signal coordination and with optimized signal timings. Although the traffic signals located in the downtown grid are currently pre-timed, the City is planning to upgrade the controllers to allow traffic signal coordination capabilities. In addition, the applicant shall also pay toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along the corridor. This mitigation measure results in a LOS E, this is improved from without proposed project conditions. Therefore, ***this impact is less than significant.***

#### *J Street at 9th Street*

The addition of traffic associated with the proposed project would cause this intersection, which operates below the City's LOS C threshold without the proposed project during the PM peak-hour, to experience an increase in delay greater than 5 seconds. ***This is a significant impact.***

Mitigation: The significant impact at this intersection during the PM peak-hour can be mitigated with the implementation of signal coordination and with optimized signal timings. Although the traffic signals located in the downtown grid are currently pre-timed, the City is planning to upgrade the controllers to allow traffic signal coordination capabilities. In addition, the applicant shall also pay toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along the corridor. This mitigation measure results in a LOS E, which is improved from without proposed project conditions. Therefore, ***this impact is less than significant.***

#### Freeway Mainline

The freeway main line is expected to operate at LOS C to LOS F during the AM and PM peak-hours, with and without the project. During peak hours, the project would add up to 36 AM and up to 57 PM peak-hour vehicle trips to the freeway mainline segments. The increase in freeway trips due to the proposed project will account for approximately 0.5% of the total peak-hour trips on the freeway during the AM and PM peak-hours. This is considered to be a nominal increase in freeway volume and is not expected to result in a change in freeway operating conditions. As a result, this impact is **less than significant**.

#### Freeway Merge/ Diverge areas

With the project, the freeway merge/diverge areas are expected to freeway main line is expected to operate at LOS C to LOS F during the AM and PM peak-hours, with and without the project. The project does not cause the merger or diverge areas to operate at a LOS less than the freeway mainline. As a result, this impact is **less than significant**.

#### Freeway Off-Ramp Queuing

The proposed project does not cause queuing on any study off-ramps that is not anticipated to experience queuing in excess of available storage without the project to exceed the available storage capacity. Furthermore, project results in a decrease in vehicle queues on the northbound I-5 off-ramp at J Street during the AM peak hour, which is expected to exceed the available storage length under Cumulative conditions without the project. As such, the proposed project's impacts to freeway off-ramps are considered to be **less than significant**.

#### **b) Safety Hazards**

The project area is served by a fully developed roadway system of arterial and local streets. Existing roadway, pedestrian, and public-transit infrastructure would remain in place and as currently designed. The project design would most likely not substantially change the existing movement of persons and traffic through the project area. This impact is considered **less than significant**.

#### **c) Emergency Access**

The proposed project will be designed and constructed consistent with all applicable City requirements, which include providing access to the project site for emergency personnel. Project design would be reviewed by the Sacramento Fire Department (SFD) and Sacramento Police Department (SPD) to determine whether the project would provide adequate emergency access. Therefore, this impact is considered **less than significant**.

#### **d) Parking Capacity**

The project requires entitlements to deviate from the standard parking requirements. The site has designated parking spaces for the residential units in the ground floor of the loft buildings. The onsite surface parking spaces will be shared for the office, commercial, artisan spaces, and residential guests. These parking figures do not include street parking. Angled street parking is currently being considered for D, 10<sup>th</sup>, and 11<sup>th</sup> Streets in front of this site. The nature of the shared spaces and the adjacent on-street parking would provide adequate parking and not result in insufficient parking capacity on-site or off-site. Therefore, this impact is considered **less than significant**.

#### **e) Hazards or Barriers for Pedestrians or Bicyclists**

The site plan features numerous pedestrian access points and pedestrian access features. In addition, there are numerous opportunities for pedestrians to access the site from surrounding streets and from other parts of the site. In general, the significant pedestrian/vehicle conflict points will be located at the site driveways. At these locations, pedestrians cross the driveways on the public sidewalk. Such

crossings are within the range of driver and pedestrian expectation. As a result, significant conflicts between vehicles and pedestrians is not expected. The project will also comply with the *Central City Urban Design Guidelines* and other City development standards and regulations that would hazards or barriers for pedestrian or bicycle access. Therefore, this impact is considered **less than significant**.

#### **f) Adopted Policies Supporting Alternative Transportation**

The proposed project is anticipated to result in the addition of residents, employees, and patrons to the site, some of whom would travel by transit. More specifically, as shown in Table 1, the proposed project is anticipated to generate 7 AM peak-hour trips and 18 PM peak-hour transit trips. Of the four bus routes in the vicinity of the proposed project, the bus route with the least available capacity is Route 29, which has a current ridership of up to 39 riders per peak-hour and a capacity of 68 riders<sup>10</sup>. Since this bus route has the adequate available capacity to serve all of the anticipated project transit trips during both AM and PM Peakhours, the proposed project is not expected to generate transit ridership that would cause any bus route to exceed its capacity.

The RT Blue Line, which has a maximum capacity of 144 occupants per car, and operates four trains at 15 minute headways during the peak-hours, with each train having four cars. Additionally, the Gold Line, which has a maximum capacity of 199 occupants per car, also operates four trains at 15 minute headways during the peak-hours, with each train having four cars. Based on ridership data received from Sacramento Regional Transit<sup>10</sup>, the maximum peak-hour ridership per car for the Blue and Gold Lines are 70 and 100, respectively. Therefore, both of these trains currently have excess capacity that would have the ability to serve the anticipated transit trips generated by the proposed project. As such, the proposed project's impacts to transit facilities are considered to be **less than significant**.

#### **g) Airborne, or Air Traffic Impacts**

The proposed project would not be developed adjacent to an existing airport or in an airport land use plan area. In addition, the project is not located adjacent to waterborne transportation routes. The project is located adjacent to a railway but does not include any modifications or impediments such as a crossing. The project would not have the potential to affect air traffic patterns and would not affect rail or waterborne transportation. Therefore, a **less-than-significant** impact.

### **MITIGATION MEASURES**

**T1:** Prior to the approval of plans or building permits, the project proponent shall pay a fair share contribution for the City of Sacramento Traffic Operations Center to monitor and re-time the traffic signals at the intersections listed below to optimize flow through the intersection, when needed.

1. C Street at 12th Street
2. C Street at 16th Street
3. J Street at 3rd Street
4. J Street at 9th Street

### **FINDINGS**

The proposed project is expected to generate 4,465 new daily trips, including 145 AM peak-hour trips and 366 PM peak-hour trips. The proposed project does not result in any impacts that cannot be mitigated to be less than significant. The proposed project is not anticipated to adversely affect pedestrian, bicycle, or transit facilities in the vicinity of the project site. The peak-hour traffic signal warrant is not satisfied for any unsignalized study intersections under any of the analysis scenarios. Locations of proposed driveways are not expected to significantly affect intersection operations.

## Issue 7: Biological Resources

| Biological Resources<br>Would the proposal result in impacts to:  | Potentially Significant Impact | Less than Significant With Mitigation | Less than Significant Impact |
|---|--------------------------------|---------------------------------------|------------------------------|
| a) Endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals and birds)? |                                |                                       | X                            |
| b) Locally designated species (e.g., heritage or City street trees)?  |                                |                                       | X                            |
| c) Wetland habitat (e.g., marsh, riparian and vernal pool)?   |                                |                                       | X                            |

### ENVIRONMENTAL SETTING

The project site is located in a densely developed area of the Central City. There are no wetlands, water features, landscaping, or other features of the project site that could provide habitat for special status species listed by the State or federal governments. There are a large number of trees of various types and sizes adjacent to, and on, the project site which have the potential to be considered a heritage tree as defined by the City.

Special-status species include plants and animals that are legally protected or otherwise considered sensitive by federal, state, or local resource conservation agencies and organizations. A review of the California Natural Diversity Database (CNDDDB) for the U.S. Geological Survey Sacramento East and Sacramento West Quadrangles documented many special-status plant and animal species in the vicinity of the project area. However, all of these species are restricted to natural habitats (i.e., wetlands, riparian areas), and based on a review of aerial photography, no suitable habitat for these species is present in the project area.

The City's Heritage Tree Ordinance (Chapter 12.64 of the City Municipal Code) provides for the protection of significant specimen trees existing in the city. The intent of protecting heritage trees is to promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise, and provide shade to reduce energy consumption.

The City's ordinance protects the following:

- ▶ any tree of good quality in terms of health and vigor of growth with a trunk circumference of 100 inches or more, measured 4½ feet above ground level;
- ▶ any native oak, buckeye, or sycamore tree having a circumference of 36 inches or greater;
- ▶ any tree having a circumference of 36 inches or greater in a riparian zone where the riparian zone is measured from the centerline of the watercourse to 30 feet beyond the high-water line; or
- ▶ any tree, grove of trees, or woodland trees designated by resolution of the City Council to be of special historical or environmental value or of significant community benefit.

To provide protection for heritage trees, the City's ordinance requires a permit for any activity that would harm, destroy, kill, or remove any protected tree. In addition to removal, grading (i.e., cut, fill) and trenching within the dripline are subject to permit approval, as well as pruning of any tree segment greater than 12 inches in circumference or the placement of any chemical or other deleterious

substance by spray or otherwise on any heritage tree. The protected zone is a circle equal to the largest radius of a protected tree's dripline, which is the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

According to the City's ordinance, regulated activities that could adversely affect the health of a protected tree (e.g., removal, pruning, grading, irrigating, and trenching) may not be performed by any person unless the property owner is granted a permit by the City's Director of Parks and Recreation. Specific to tree removal, the Director of Parks and Recreation cannot act on a tree removal application until a publicly noticed hearing has been held on the issue and the applicant has been given an opportunity to be heard. The decision of the Director of Parks and Recreation may be to grant, grant with conditions, or deny any permit applied for tree removal.

The project site includes three heritage trees. The project site also includes numerous street trees which are not identified as heritage trees. The City has a Street Tree Ordinance (Chapter 12.56 of the City Municipal Code) that applies to non-heritage street trees on the project site. This City ordinance prohibits tree removal, trimming, pruning, cutting, or otherwise performing any maintenance on any city street tree without first obtaining a permit from the director of the City Department of Parks and Recreation. The director may impose conditions on any permit granted under the ordinance for the removal of a city street tree, including replacing the tree.

Sensitive habitats are those of special concern to resource agencies or afforded specific consideration through CEQA, Section 1602 of the California Fish and Game Code, and/or Section 404 of the federal Clean Water Act. The project area and surrounding areas are urban. Based on review of aerial photos, no areas of natural habitat are present on the project site. The only vegetation present comprises ornamental trees, some native trees (protected by local ordinance), shrubs, and lawns.

## STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact would be significant if implementation of the proposed project would:

- ▶ create a potential health hazard, or use, production, or disposal of materials that would pose a hazard to plant or animal populations in the area affected;
- ▶ result in substantial degradation of the quality of the environment, reduction of the habitat, or reduction of population below self-sustaining levels of threatened or endangered species of plant or animal;
- ▶ affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands); or
- ▶ violate the Heritage Tree Ordinance (City Code 12.64.040).

## ANSWERS TO CHECKLIST QUESTIONS

### a) Impacts on Special-Status Species and Habitats

Special-status species include plants and animals that are legally protected or otherwise considered sensitive by federal, state, or local resource conservation agencies and organizations. A review of the CNDDDB for the U.S. Geological Survey Sacramento East and Sacramento West Quadrangles documented many special-status plant and animal species in the vicinity of the project area. However, all of these species are restricted to natural habitats (i.e., wetlands, riparian areas), and based on a review of aerial photography, no suitable habitat for these species is present in the project area. Therefore, no special-status species are expected to occur in the project area. The proposed project would have a **less-than-significant** impact on special-status species.

## b) Heritage Trees

Implementation of the proposed project could impact heritage trees and/or city street trees. Therefore, this issue is considered **potentially significant**. The mitigation measures identified below would reduce the impact to **less-than-significant**.

## c) Wetland Habitat

There are no wetland habitats on the proposed project site; therefore, the proposed project would result in a **less-than-significant** impact.

## MITIGATION MEASURES

Any phase of the project in an area containing a Heritage Tree shall be forwarded to the City Arborist for review and comment prior to commencement of construction activities. The plans shall be forwarded to the City Arborist early enough in the design process to assure that suggested changes can be incorporated into the final design. Suggested changes could include recommendations regarding permanent structures in relation to the driplines of heritage trees, pruning recommendations, treatment of soil within and around the dripline of heritage trees, etc

## FINDINGS

The proposed project could not result in a **significant** impact on special status species and heritage trees. The project will have a **less-than-significant** impact on wetland.

## Issue 8: Energy

| Energy<br>Would the proposal result in impacts to:   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with Mitigation<br>Incorporated | Less Than<br>Significant Impact |
|--|--------------------------------------|---|---------------------------------|
| a) Power or natural gas?   |                                      |   | X                               |
| b) Use non-renewable resources in a wasteful and inefficient manner?   |                                      |   | X                               |
| c) Substantial increase in demand of existing sources of energy or require the development of new sources of energy? |                                      |   | X                               |

## ENVIRONMENTAL SETTING

Gas service is supplied to the City of Sacramento and the project site by Pacific Gas and Electric (PG&E). PG&E gas transmission pipelines are concentrated north of the City of Sacramento. Distribution pipelines are located throughout the City, usually underground along City and County public utility easements (PUEs).

Electricity is supplied to the City of Sacramento and the project site by the Sacramento Municipal Utility District (SMUD). SMUD operates a variety of hydroelectric, photovoltaic, geothermal, and co-generation power plants. SMUD also purchases power from PG&E and the Western Area Power Administration. Major electrical transmission lines are located in the northeastern portion of the City of Sacramento.

## Standards of Significance

For purposes of this environmental document, an impact would be significant if implementation of the proposed project would:

- ▶ require PG&E to secure a new gas source beyond its current supplies, or
- ▶ result in the need for SMUD to secure a new electrical source (e.g., hydroelectric and geothermal plants).

## ANSWERS TO CHECKLIST QUESTIONS

### a, c) Impacts on Power, Natural Gas, Energy Demand, or Sources

The project would increase the number of residents living, and commercial businesses operating on, the project site, which would in turn increase demand for power and natural gas. However, the increased demand for natural gas and power is not anticipated to require SMUD or PG&E to secure any new sources beyond their supplies. The increased demand would not be substantial, and SMUD and PG&E provide electrical power and natural gas on an as-needed basis. Because it is assumed that the project would not substantially increase the demand for existing energy sources and would not create the need for development of new sources of energy and because PG&E and SMUD provide service on an as-needed basis, this impact is considered ***less than significant***.

### b) Use of Nonrenewable Energy

Development of the project site would require the use of nonrenewable energy resources for construction of the project, its ongoing operations and maintenance, by residents, and occupants of commercial space. The use of energy would occur for lighting, space conditioning, appliances, equipment and machinery, and travel by residents and commercial occupants of the project. Besides the direct consumption of energy mentioned above, construction projects also consume indirect energy. For example, indirect energy is consumed through construction related services that use raw materials/natural resources to manufacture the construction materials.

The City of Sacramento has adopted an energy conservation review checklist and development guidelines for all projects and site plan reviews. The intent of the guidelines is to encourage consideration of energy conservation measures in the preliminary development stages so that project related energy consumption is minimized. In addition to the checklist, Plan Review of the energy facilities for development occurs during the design review stage of the planning process. The proposed project is also required to meet State Building Energy Efficient Standards (Title 24) and will have energy conservation measures built into the project. Therefore, the physical environmental impact of increased electrical and natural gas demand by the proposed project is considered ***less than significant***.

## MITIGATION MEASURES

No mitigation measures are required.

## FINDINGS

The proposed project will have a ***less than significant*** impact on power and natural gas sources, and non-renewable energy use.

## Issue 9: Hazards and Hazardous Materials

| Hazards and Hazardous Materials<br>Which the proposal involves   | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>with<br>mitigation | Less than<br>Significant<br>Impact |
|--|--------------------------------------|--|------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? |                                      |  | X                                  |
| b) Possible interference with an emergency evacuation plan?  |                                      |  | X                                  |
| c) The creation of any health hazard or potential health hazard?   |                                      |  | X                                  |
| d) Exposure of people to existing sources of potential health hazards?   |                                      |  | X                                  |
| e) Increased fire hazard in areas with flammable brush, grass, or trees?   |                                      |  | X                                  |

### ENVIRONMENTAL SETTING

Many properties in the project area and the vicinity have a history of urban uses, including some that use, handle, and/or store hazardous materials. A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. Federal and state laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event such materials are accidentally released, to prevent or to mitigate injury to the public and the environment.

Asbestos and lead-based paint are hazardous materials of potential concern because of their carcinogenic (i.e., cancer-causing) and adverse developmental properties. Asbestos is classified as a known human carcinogen by federal, state, and local agencies, and was identified as a toxic air contaminant in 1986 by the California Air Resources Board. The use of asbestos in housing materials (e.g., ceiling joints, insulation) was banned in 1977. Lead was used in paint to improve its durability and was commonly used in homes and commercial buildings before 1950. The concentrations of lead allowed in household paint were reduced in 1950, and in 1978 the U.S. Consumer Product Safety Commission lowered the legal maximum lead content in most kinds of paint to trace concentrations (i.e., less than 0.06%).

The countywide *Area Plan for Emergency Response to Hazardous Materials Incidents in Sacramento County* applies to the project site. In addition, the County Sheriff coordinates emergency response through the Emergency Operations Unit.

### STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact is considered significant if implementation of the proposed project would expose people (e.g., residents, pedestrians, construction workers) to any of the following:

- ▶ existing contaminated soil during construction activities,
- ▶ asbestos-containing materials, or
- ▶ existing contaminated groundwater during dewatering activities.

## ANSWERS TO CHECKLIST QUESTIONS

### a, c) Accidental Explosion or Release of Hazardous Substances; Creation of a Health Hazard

The proposed project would not involve activities such as industrial or manufacturing uses that could generate significant emissions of hazardous substances. The project could involve the use and storage of small quantities of hazardous materials, such as pesticides, fertilizers, gasoline, and cleaning materials. The routine transport, use, and disposal of such materials would be limited and would not be expected to present a health risk when the materials are handled according to the manufacturers' instructions. Construction activities could also involve the transport, use, and disposal of hazardous materials. Federal, state, and local regulations control every aspect of the transport, use, and storage of hazardous materials. These regulations are designed to avoid significant hazards to the public and environment. Only small quantities of hazardous materials are expected to be used on-site, and the proposed project, including construction activities, would be required to comply with all applicable existing regulations concerning hazardous materials. As stated previously, the environmental risk management database review did not identify the project site as containing listed hazardous materials sites (EPA 2008). Therefore, implementation of the proposed project would not disturb any existing hazardous materials on the project site. Therefore, this issue represents a **less-than-significant** impact.

### b) Interference with an Emergency Evacuation Plan

The countywide *Area Plan for Emergency Response to Hazardous Materials Incidents in Sacramento County* applies to the project site. In addition, the County Sheriff coordinates emergency response through the Emergency Operations Unit. The proposed project would be required to comply with these plans. Therefore, this impact is considered **less than significant**.

### d) Exposure of People to Potential Health Hazards

A *Combined Phase I and Limited Phase 2 Environmental Site Assessment (ESA)* (e.g., search of lists of hazardous materials sites pursuant to Government Code Section 65962.5, reconnaissance-level field survey, historic research of past uses of the project area and surface testing) was prepared by Wallace Kuhl & Associates (Appendix C), to determine if the project area contains listed hazardous materials/waste sites. Additionally, a review of an environmental risk management database report for the project area and a one-quarter-mile radius around the project site was completed. The reviewed information included federal, state, and local environmental databases on properties with known hazardous environmental conditions or properties that handle, transport, use, or store hazardous materials.

The environmental risk management database review identified several underground storage tanks (USTs) on the site. The environmental risk assessment identified 22 properties listed on agency databases within the vicinity (one-quarter mile) of the project site and provided the listed agency database, the status of the listed action, and the recommended course of action for additional investigation.

Investigation of the on-site USTs concluded that there are thirteen USTs on the site. Nine of these have been abandoned and require no further investigation or action. Other facilities requiring no further action include a paint booth, hydraulic lift, oil/water separator and a suspected mechanic's pit. The following is an excerpt from the ESA with regard to the other USTs:

Based on the findings and conclusions of this subsurface investigation it appears that the identified Phase I ESA RECs do not warrant additional investigation. However, 4 of the 13 identified USTs require proper abandonment. The following are recommendations for the USTs requiring proper abandonment:

- Tank D
  - Upon removal of the electrical equipment above the suspected location, remove the UST under SCEMD permit.
- Tank E
  - Upon removal of the existing building, remove the UST under SCEMD permit.
  - Additionally, remove the associated contaminated soil.
- Tank F
  - Upon removal of the existing building, remove the UST under SCEMD permit.
- Tank L
  - Once Tank L is no longer in use, remove under SCEMD permit.

The corrective actions above are under the oversight of Sacramento County Environmental Management Department (SCEMD). The imposition of permit conditions and related regulations would reduce potential impacts to **less-than-significant**.

#### e) Increased Fire Hazard

The project site is located in a developed area on flat terrain and is surrounded by urban uses. Municipal water pipelines and water hydrants are located throughout the project area. Therefore, development on the project site would not be subject to wildland fires (i.e., brush, grass, trees), and a **less-than-significant** impact would occur.

#### MITIGATION MEASURES

No mitigation measures are required.

#### FINDINGS

Impacts associated with releasing hazardous substances, creating a health hazard, interfering with an emergency evacuation plan, exposing people to a health hazard, or increasing fire hazards pose a **less-than-significant**.

#### Issue 10: Noise

| Noise<br>Would the proposal involve:                              | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation | Less Than<br>Significant<br>Impact |
|---|--------------------------------------|--|------------------------------------|
| a) Increases in existing noise levels?<br>Short-term<br>Long Term |                                      | X  |                                    |

| Noise<br>Would the proposal involve:                                     | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>With<br>Mitigation | Less than<br>Significant<br>Impact |
|--|--------------------------------------|--|------------------------------------|
| b) Exposure of people to severe noise levels?<br>Short-term<br>Long Term |                                      | X  |                                    |

## ENVIRONMENTAL SETTING

The site is located in an urbanized environment, which is subject to noise from traffic corridors, trucks, and other noise sources typical of a downtown environment. Surface traffic noise is the dominant noise source in this part of the City. Light rail trains also run north and south along 7th Street to the east, which may cause noise and vibration.

Ground vibration generated by construction equipment spreads through the ground and diminishes in strength with distance. The effects of ground vibration can vary from no perceptible effects at the lowest levels, to low rumbling sounds and detectable vibrations at moderate levels, to slight damage to nearby structures at the highest levels. At the highest levels of vibration, damage to structures is primarily architectural (e.g., loosening and cracking of plaster or stucco coatings) and rarely causes structural damage. For most structures, a peak particle velocity (ppv) threshold of 0.5 inch per second (in/sec) is sufficient to avoid structural damage, with the exception of fragile historic structures or ruins (Federal Transit Administration 1995).

The City's Noise Ordinance (Title 8, Chapter 8.68 of the Sacramento City Code) contains standards for permitted exterior and interior noise levels. The general standard for exterior noise is 55 dBA between 7 a.m. and 10 p.m. and 50 dBA between 10 p.m. and 7 a.m. The standard for interior noise is between 45 and 55 dBA between 10 p.m. and 7 a.m., depending on the duration of that noise.

## STANDARDS OF SIGNIFICANCE

Thresholds of significance are those established by the Title 24 standards and by the Noise Element of the City General Plan and the City Noise Ordinance. For purposes of this environmental document, an impact would be significant if implementation of the proposed project would result in any of the following:

- ▶ exterior noise levels on the project site that are above the upper value of the normally acceptable category for various land uses (SPGU DEIR AA-27) caused by noise level increases due to the project;
- ▶ residential interior noise levels of 45 decibels (dB) day-night noise level ( $L_{dn}$ ) or greater caused by project-related noise level increases;
- ▶ construction noise levels not in compliance with the City Noise Ordinance;
- ▶ exposure of occupied existing and project residential and commercial areas to vibration peak particle velocities greater than 0.5 in/sec caused by project construction;
- ▶ exposure of project residential and commercial areas to vibration peak particle velocities greater than 0.5 in/sec ppv caused by highway traffic and rail operations; or
- ▶ exposure of historic buildings and archaeological sites to vibration peak particle velocities greater than 0.25 in/sec ppv caused by project construction, highway traffic, and rail operations.

## ANSWERS TO CHECKLIST QUESTIONS

### a-b) Increases in Existing Noise Levels/ Exposure of People to Severe Noise Levels

Implementation of the proposed project would result in short-term and long-term increases in ambient noise levels. In the vicinity of the project site, the primary noise sensitive land uses include single family residences in the neighborhoods to the south of the project and senior housing to the east. A *Technical Noise Analysis* by J.C. Brennan & Associates, Inc. (Appendix D) was completed for the proposed project and the following discussion summarizes the conclusions.

Construction of the proposed project would temporarily increase noise levels during construction. Noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in typical construction would generate maximum noise levels ranging from 80 to 89 dB at a distance of 50 feet. Noise would also be generated during the construction phase by increased truck traffic on area roadways. A significant project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from construction sites. This noise increase would be of short duration, and would occur primarily during daytime hours.

The City of Sacramento Noise Ordinance (Section 8.68.080 of the City Municipal Code) exempts construction activities from the specified noise ordinance standards during the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday. Generally, if a construction project adheres to the construction times identified in the noise ordinance, construction noise is exempted. Although the City of Sacramento Municipal Code exempts construction activities from the noise standards specified in the Municipal Code, construction activities, such as the use of jackhammers and tractors, could expose occupants of nearby buildings to high levels of noise during the day. Mitigation measures listed below would minimize construction noise impacts.

Construction of the proposed project could result in temporarily vibration levels during construction. The primary construction activities associated with the project would occur when the infrastructure such as buildings and utilities are constructed. Some construction could occur during occupancy of existing and future residential units, however, it is expected that they would occur at considerable distances from existing occupied residences and would be removed from future on-site uses. It is not expected that vibration impacts would occur which would cause any structural damage.

To assess noise impacts due to project-related traffic increases on the local roadway network, traffic noise levels are predicted at a representative distance for both existing and future, project and no project conditions. To describe existing and projected noise levels due to traffic, the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. The model is based upon the Calven reference noise factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly  $L_{eq}$  values for free-flowing traffic conditions. To predict traffic noise levels in terms of  $L_{dn}$ , it is necessary to adjust the input volume to account for the day/night distribution of traffic. Traffic volumes for baseline and cumulative conditions and scenarios are contained in the Transportation Section of this document. The p.m. peak hour traffic volumes were compiled into segment volumes and converted into daily traffic volumes using a factor of 10. Truck usage and vehicle speeds on the local area roadways were estimated from field observations.

Based upon the analysis, in only one case does the project result in an increase in overall traffic noise levels of 4 dB  $L_{dn}$ . The instance where this occurs is along C Street between 11<sup>th</sup> and 12<sup>th</sup> Street. This occurs when comparing the Baseline vs the Baseline Plus Project scenarios. Further analysis indicates that all buildings are located outside of the 60 dB  $L_{dn}$  noise contour for that section of roadway. Therefore, there would not be an exceedance of the City of Sacramento exterior noise level criteria.

The City of Sacramento General Plan Noise Element specifies an acceptable exterior noise level of 60 dB L<sub>dn</sub> for exterior areas of residential uses, including common use areas, and 70 dB L<sub>dn</sub> for parks. Outdoor areas for the residential portions of the project would include common use areas such as swimming pools, picnic areas and/or play areas, in addition to individual patios and backyards. To determine the future traffic noise levels on the project site predicted cumulative traffic data was used. The proposed residential uses are not predicted to be exposed to exterior noise levels exceeding the City of Sacramento 60 dB L<sub>dn</sub> exterior noise level standard for the adjacent transportation noise sources.

The proposed project could expose new noise sensitive uses to exterior noise levels in excess of the City of Sacramento transportation noise level standards. The City of Sacramento General Plan Noise Element specifies an acceptable exterior noise level of 60 dB L<sub>dn</sub> for exterior areas of residential uses, including common use areas, and 70 dB L<sub>dn</sub> for parks. Outdoor areas for the residential portions of the project would include common use areas such as swimming pools, picnic areas and/or play areas, in addition to individual patios and backyards.

To determine the future UPRR operations noise levels on the project site the railroad noise measurement data collected on the project site was used. The distance to the 60 dB L<sub>dn</sub> railroad noise contour is 169 feet from the railroad track centerline. The nearest residential façade which would contain an outdoor activity area such as a patio or balcony is the proposed "Rail Yard" Loft Units, which is approximately 250 feet from the railroad track centerline. Therefore, the residential uses would be located outside of the UPRR railroad operations 60 dB L<sub>dn</sub> contour.

The proposed project could expose new residential uses to interior noise levels in excess of the City of Sacramento railroad interior maximum noise level standards of 50 dBA in bedrooms, and 55 dBA in other habitable rooms. The City of Sacramento General Plan Noise Element specifies an acceptable interior maximum noise level of 50 dBA in bedrooms and 55 dBA in other habitable rooms of residential uses exposed to railroad noise.

The maximum measured noise level due to railroad operations was 89 dBA at a distance of 60 feet from the railroad track centerline. The nearest residential façade is the proposed "Rail Yard" Loft Units, which is approximately 250 feet from the railroad track centerline. Therefore, the residential facades are expected to be exposed to exterior maximum noise levels of 77 dBA. Assuming an exterior to interior noise level reduction of 25 dBA, a portion of the Rail Yard Loft Units would be exposed to interior maximum noise levels of 52 dBA. Therefore, a portion of the western façade of the Rail yard Loft Units will require mitigation to reduce the interior noise levels to less than 50 dBA L<sub>max</sub> in bedroom areas.

To determine the existing vibration levels on the project site due to train passbys, vibration measurements at the project boundary closest to the railroad tracks were conducted on February 8, 2008. The results of the measurements indicated that the peak particle velocity (PPV) vibration levels on the ground ranged between 0.047 and 0.066 (inches/second). Vibration levels of 0.1 inches per second in PPV is the threshold where people become annoyed, but there is below the threshold of any structural damage. Therefore, the new uses are not expected to be exposed to structural vibration which would be in excess of normally acceptable criteria for vibration levels.

The proposed project could expose new noise sensitive uses to exterior noise levels in excess of the City of Sacramento non-transportation noise level standards. The City of Sacramento Noise Ordinance specifies an acceptable exterior noise level of 55 dB L<sub>50</sub> and 75 dB L<sub>max</sub> for daytime (7 am to 10 pm) noise generated by stationary uses. The standard is applied at residential property lines. Based upon noise measurements conducted of the Burnett & Sons dust collector, the predicted noise levels at the project property line (40 feet from the dust collector) is 81 dB L<sub>50</sub>. However, the residential portions of the site nearest the dust collector (Mill Lofts, and Rail Yard Lofts) will have separate parcels and therefore, the dust collector noise levels could be applied at the nearest residential facades. The

predictions of the dust collector noise levels also include an analysis of expected shielding of the dust collector from the proposed Artisan Building.

The predicted noise levels associated with the Burnett & Sons dust collector range between 81 dB and 54 dB L50 at the nearest building facades. Since the Artisan Building is not a noise-sensitive use, the noise level performance criteria contained in the noise ordinance are specific to residential uses, they would not apply at the Artisan Building.

Therefore, with the implementation of the mitigation below, increases in existing noise levels would result in a **less-than-significant impact**. Impacts related to exposure of people to severe noise levels would be **less-than-significant** with the implementation of the mitigation below.

#### MITIGATION MEASURES

**N1:** 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 intakes and exhaust ports on power construction equipment.

**N2:** As a means of achieving an additional 2 dBA of exterior to interior noise level reduction, it is recommended windows of bedrooms along the north façade of the Rail Yard Lofts are fitted with windows which have an outdoor-indoor transmission loss (OITC) of 30 dBA. In addition, the windows of bedrooms along the west façade extending from the northern edge of the building to a plane which is even with the KCRA building shall be fitted with windows which have an OITC of 30 dBA.

#### FINDINGS

The proposed project could result in a **potentially significant** increase in existing noise levels and could expose future residents and adjacent sensitive receptors to severe noise levels during construction. These impacts would be reduced to **less-than-significant** with adherence to City of Sacramento Noise Ordinance and implementation of the identified mitigation.

#### Issue 11: Public Services

| Public Services<br>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact |
|--|--------------------------------|---------------------------------------|------------------------------|
| a) Fire protection?  |                                |                                       | X                            |
| b) Police protection?  |                                |                                       | X                            |
| c) Schools?  |                                |                                       | X                            |
| d) Other governmental services?  |                                |                                       | X                            |

## **ENVIRONMENTAL SETTING**

### **Fire Protection**

Twenty-three fire stations are strategically located throughout the city to provide assistance to area residents (Duesett, pers. comm., 2008). Each fire station operates within a specific district that comprises the immediate geographical area around the station. The following fire stations are located within the vicinity of the project site:

- ▶ Station No. 1, 624 Q Street
- ▶ Station No. 2, 1229 I Street
- ▶ Station No. 5, 731 Broadway (at Eighth Street)

Station No. 2 would provide first-responder service to the project site.

### **Police Protection**

The project site is in the jurisdiction of SPD's North Area, and police services would be provided by the William J. Kinney Police Facility.

### **Schools**

The Sacramento City Unified School District (SCUSD) provides educational services to the city of Sacramento, including the project site. SCUSD has grown from 50,513 students in 1993–1994 to 51,420 students in 2004–2005, an increase of approximately 3%. The district includes 63 elementary schools (grades K–6), nine middle schools (grades 7–8), and 12 high schools (grades 9–12) (California Department of Education 2005). On a district level, SCUSD defines a school as overcrowded when its enrollment reaches 90% of its capacity; most schools in the district are operating at or near capacity, and many schools use temporary relocatable classrooms to expand capacity (City of Sacramento 2005a). By 2010, the district estimates enrollment to reach approximately 55,799 students (SCUSD 2002).

### **Other Governmental Services**

Other relevant governmental services include recreational facilities serving area. These facilities are discussed in Section 15, "Recreation," of this checklist.

## **STANDARDS OF SIGNIFICANCE**

For purposes of this analysis, an impact would be considered significant if implementation of the proposed project would result in the need for new or altered services related to fire protection, police protection, school facilities, roadway maintenance, or other governmental services.

## **ANSWERS TO CHECKLIST QUESTIONS**

### **a-b) Police and Fire Protection**

The proposed project would intensify existing residential and commercial uses on the project site and in the project area, which could create an additional demand for police and fire protection services. However, project developers would be required to pay development impact fees, which would include fees that support fire protection services, personnel, and resources to serve the project site. In addition, proposed buildings would be required to install fire sprinkler systems as required by the City's Building Code.

Development impact fees would be paid for needed improvements to fire service facilities and services, and building code requirements would ensure the installation of fire protection and suppression features, development on the project site is considered to have a ***less than significant*** impact on fire services.

#### **b) Police Protection**

Although the project site would not be located close to a police station, police emergency-response times would not be expected to increase because emergency response often originates from squad cars on patrol beats rather than from the station itself. In addition, the California Highway Patrol and SPD share a concurrent jurisdictional relationship within the area surrounding the project site.

The proposed project would intensify existing residential and commercial uses on the project site and in the project area, which could create an additional demand for police services. However, the project site is already developed and served by SPD. The proposed project would generate only a minor additional demand for police services and levels of service provided by these departments would be adequate to serve the project site, the potential for increased police protection services is considered ***less than significant***.

#### **c) Schools**

The proposed project would include a residential component and thus would generate a direct demand for school services and facilities from SCUSD. This demand could manifest itself as an incremental increase in demand for existing school services and facilities, or as a demand for new or altered school services and facilities if existing capacity is not sufficient.

The Central City Community Plan (CCCP) identifies the need for a joint-use urban school or enhancement of existing schools to serve downtown Sacramento residents. Along with this, the CCCP includes a policy that encourages the City of Sacramento and the school district to collaborate in creating a joint-use urban school or enhancing existing schools to serve downtown residents (Open Space and Community Facilities, Policy b.1).

To ensure adequate funding is available for new school facilities that would be necessary to serve downtown Sacramento, the City requires developers pay school impact fees prior to issuance of building permits (City of Sacramento 2008). Payment of these required school impact fees would ensure adequate funding is made available to school districts to pay for construction and operation of new school facilities as needed to serve development, including the proposed project. In addition, the California Legislature has declared that the school impact fee is deemed to be full and adequate mitigation under CEQA (Government Code Section 65996). Therefore, this impact is considered ***less than significant***.

#### **d) Other Governmental Services**

Other relevant governmental services include recreational facilities serving the capitol area. These facilities are discussed in checklist item 15, "Recreation," of this checklist.

### **MITIGATION MEASURES**

No mitigation measures are required.

### **FINDINGS**

Police/fire personnel, schools, libraries and parks provide a wide range of services that are affected by population increases. The proposed project would not result in significant population increases, and

there will be no measurable increase in demand for these services or new facilities. Impacts on public services would be **less than significant**.

## Issue 12: Utilities and Service Systems

| Would the project result in the need for new systems or supplies and, if so, would it adversely impact the existing utility systems by increasing demand? | Potentially Significant Impact | Less than Significant With Mitigation | Less than Significant Impact |
|---|--------------------------------|---------------------------------------|------------------------------|
| a) Communication systems?   |                                |                                       | X                            |
| b) Local or regional water supplies?  |                                |                                       | X                            |
| c) Local or regional water treatment or distribution facilities?  |                                |                                       | X                            |
| d) Sewer or septic tanks?   |                                |                                       | X                            |
| e) Storm water drainage?  |                                |                                       | X                            |
| f) Solid waste disposal?  |                                |                                       | X                            |

## ENVIRONMENTAL SETTING

### Local and Regional Water Supply and Treatment

The City currently provides domestic water service from a combination of surface water and groundwater sources—the American River, Sacramento River, and groundwater wells—to nearly 132,000 customers within its service area (City of Sacramento 2005a). Water from the American River and Sacramento River is diverted by two water treatment plants: the Sacramento River Water Treatment Plant (SRWTP), located at the southern end of Bercut Drive approximately 1-1/2 miles north of the project site, and the Fairbairn Water Treatment Plant (FWTP), located at the northeast corner of State University Drive South and College Town Drive approximately 6 miles southeast of the project site (City of Sacramento 2005b). Water diverted from the Sacramento and American Rivers is treated, stored in storage reservoirs, and pumped to customers via a conveyance network.

The FWTP and SRWTP divert water from the American River and Sacramento River, respectively. In 2003, the City finished an expansion of the SRWTP, increasing its capacity from 110 million gallons per day (mgd) to 160 mgd. The expansion also included construction of a new intake structure on the Sacramento River. An expansion of the FWTP was completed in 2005, increasing the capacity of the FWTP from 90 mgd to 200 mgd. In 2002–2003, the FWTP treated an average of 59.2 mgd of water and the SRWTP treated an average of approximately 56.8 mgd (City of Sacramento 2005b).

The City holds five water rights permits: one for diversion of Sacramento River water and four for diversion of American River water. The City also holds a permanent water right settlement contract with the U.S. Bureau of Reclamation. Under this agreement, the U.S. Bureau of Reclamation agreed to operate its Folsom and Shasta facilities to provide a reliable water supply to the City's downstream diversion intakes, and the City agreed to limit total diversions under its Sacramento and American River water right permits to 326,000 acre-feet per year (afy) (City of Sacramento 2005a). During extremely dry years, the Water Forum Agreement limits annual withdrawal from the American River to 50,000 afy; however, there are no diversion limitations on the Sacramento River. Therefore, entitled American River water may be diverted at the SRWTP below the confluence of the American and Sacramento Rivers, and water supplies are identical for normal years and dry years (City of Sacramento 2006). The City currently (for the year 2005) has a water demand of 148,898 afy and a surplus of deliverable water supply of 56,102 afy during normal years.

The City maintains 34 wells for potable and nonpotable use that can supply up to 30 mgd and produce up to 33,600 afy. Historical average annual groundwater use for the period 1997–1998 through 2003–2004 was 20,454 afy. Although the City focuses on developing surface water as its primary source of water supply, the groundwater well system allows flexibility by providing additional water supplies when there are low river flows (City of Sacramento 2005a).

The City operates 10 storage reservoirs, each with a capacity of 3 million gallons except Florin Reservoir, which has a capacity of 15 million gallons, for a system-wide 42 million gallons of storage. In addition to the reservoirs, the water treatment plants together maintain an on-site storage of more than 43 million gallons. The stored water is used to meet the city's water demand for fire flows, emergencies, and peak hours. The City's current storage capacity is adequate to meet the city's flow demands during emergency events, even under full buildout conditions (City of Sacramento 2005a).

### **Sewer and Stormwater Drainage**

The downtown City of Sacramento Area is served by the Combined Sewer System (CSS) and is conveyed to the Sacramento Regional Wastewater Treatment Plant (SRWTP) located south of the City. The SRWTP currently has a permitted treatment capacity of 181 mgd of average dry-weather flow and currently treats average dry-weather flows of 165 mgd. The SRWTP is a secondary treatment facility (City of Sacramento 2006).

### **Solid Waste Disposal**

Solid-waste materials collected by the Solid Waste Division of the City Department of Utilities are sorted at the Sacramento Recycling and Transfer Station, with the remaining refuse taken to Lockwood Landfill in Lockwood, Nevada. Because the Solid Waste Division does not use a specific calculation to determine the volume of solid waste that would be generated by development projects, calculations from the California Integrated Waste Management Board (CIWMB) are used. CIWMB provides an average per-capita disposal rate for Sacramento County of 0.36 ton per year per residence (CIWMB 2007a).

Related to commercial land uses, CIWMB identifies a solid-waste generation rate ranging from 0.01 pound per square foot per day (lb/sq ft/day) for offices to 0.046 lb/sq ft/day for commercial retail and 0.013 lb/sq ft/day for commercial land uses (CIWMB 2007b).

The Sacramento Recycling and Transfer Station is limited to accepting 2,000 tons of solid waste per day under its solid waste facilities permit; currently the transfer station accepts approximately 1,100 tons per day (City of Sacramento 2005a). The remaining life expectancy of Lockwood Landfill is currently estimated to be 90 years (City of Sacramento 2005a).

### **STANDARDS OF SIGNIFICANCE**

For purposes of this environmental document, an impact would be significant if implementation of the proposed project would:

- ▶ result in a detriment to microwave, radar, or radio transmissions;
- ▶ create an increase in water demand that would exceed the water supply or treatment capacity;
- ▶ substantially degrade water quality;
- ▶ exceed the capabilities of landfills used by the City, or
- ▶ generate stormwater that would exceed the capacity of the stormwater system.

## ANSWERS TO CHECKLIST QUESTIONS

### a) Communication Systems

Many federal, state, and local government agencies, use radio and microwave repeaters mounted on building rooftops. Most radar energy is receivable within a certain arc, or range, from the sending point to the receiving point. Obstacles such as tall buildings sometimes block communications within this range. Some systems require a clear line of sight for dependable communications, and any obstacle located between the sending point and the receiving point, including buildings, could block communications or create a blind spot in the communications system.

The Sacramento City Fire Code requires that a building be tested for radio coverage, and must include a radio antenna to transmit radio signals within the building if necessary. In addition, the project site is not located within the path of Public Safety Microwave Network transmissions. Impacts related to communication systems are therefore considered to be **less than significant** and will not be analyzed in the EIR.

### b, c) Local and Regional Water Supply and Treatment

Sacramento serves all proposed developments within city limits that are consistent with the City's General Plan, allowing the City to plan for adequate water supply and treatment capacity. The City's water rights to the American and Sacramento Rivers may be a limiting factor in accommodating future development beyond the year 2035, but treatment capacity is currently the primary factor in determining the City's ability to serve new development. New water supply system infrastructure would be coordinated with development as it occurs. The proposed project would be required to contribute towards its share of expanding the water treatment facility through appropriate fees to accommodate increases in flow through the system.

~~The project site is currently served by a system of looped water mains surrounding the site. A 24-inch riveted steel water transmission main crosses the project site in the north-south direction, paralleling the existing sewer main. Relocation of this main through the site is not anticipated with the proposed development of the site. There are 10-inch mains located in Fifth and P Streets, an 8-inch main in 7th Street north of the O/P Alley, and a 10-inch main south of the O/P Alley. This main may be required to be replaced with a 12-inch main with the development if the project fire flow requirements are not able to be met with the existing system. The proposed development of the project site is anticipated to require the replacement of the existing on-site (private) water and fire systems.~~

Impacts related to domestic water supply and infrastructure needed to deliver water are considered to be **less than significant**.

### d) Sewer or Septic Tanks

The City of Sacramento's Combined Sewer System (CSS) is a stormwater and wastewater collection system designed to convey domestic sewage, commercial and industrial wastewater, and surface stormwater runoff in a single pipeline. The proposed project could have an impact on the CSS that currently occasionally encounters failure. The City is implementing a long-term control plan for the CSS which included system improvements. The applicant will be required as a condition of approval, to contribute appropriate CSS developments fees for the CSS capacity and system improvements.

The City requires that existing and proposed sewer flow calculations be submitted to the Department of Utilities. Any necessary sanitary sewer lines and connections must be designed and constructed to the standards set forth in the City of Sacramento Sewer Design Standard. New wastewater collection system infrastructure would be coordinated with development as it occurs. The proposed project would be required to contribute towards its share of expanding wastewater collection and treatment capacity

at the SRWTP through appropriate fees. Impacts related to wastewater collection and treatment are considered to be **less than significant**.

#### e) Stormwater Drainage

The project area was previously developed and the change in the amount of impervious surface would be minor. Since the project would not significantly increase the amount of impervious surface, it is anticipated that storm runoff would not increase and there would be no substantial effect on the CSS. The project applicants would be required to contribute CSS development fees to ensure that the CSS is not impacted.

#### f) Solid Waste Disposal

The City of Sacramento, Department of Public Works, Solid Waste Division collects the solid waste in the project vicinity and takes it to the Sacramento Recycling and Transfer Station, located at Fruitridge Boulevard and Florin Perkins Road. BLT Enterprises of Sacramento Inc. sorts the waste for recyclables and hauls the remainder to the Lockwood Landfill, in Nevada.

State Assembly Bill 939 (AB 939) required all cities to develop a source reduction and recycling program to achieve a 25 percent reduction of solid waste by 1995 and a 50 percent reduction by the year 2000. To comply with the AB 939 requirements, the City of Sacramento amended its comprehensive Zoning Ordinance to include a Recycling and Solid Waste Disposal Regulations section. Chapter 17.72, Recycling and Solid Waste Disposal Regulations, calls for all commercial, office, industrial, public/quasi-public, and five-unit or more multiple family residential developments to create a recycling program which includes a flow chart depicting the routing of recycled materials and a site plan specifying the designing components and storage locations associated with recycling efforts. Therefore, the proposed project would result in a **less than significant solid waste impact**.

#### MITIGATION MEASURES

No mitigation measures are required.

#### FINDINGS

Impacts associated with communication systems, regional water supply and treatment, sewer or septic tanks, and solid waste disposal would be **less than significant**.

#### Issue 13: Aesthetics, Light, and Glare.

| Aesthetics, Light, and Glare:<br>Would the proposal: | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation | Less Than<br>Significant<br>Impact |
|--|--------------------------------------|--|------------------------------------|
| a) Affect a scenic vista or adopted view corridor?   |                                      |  | X                                  |
| b) Have a demonstrable negative aesthetic effect?    |                                      |  | X                                  |
| c) Create light or glare?                            |                                      | -  | X                                  |

## ENVIRONMENTAL SETTING

The project area is developed with existing urban uses and is surrounded by urban development. High-density residential land uses, office buildings, and commercial/retail businesses exist within the project area. The surrounding areas include offices to the north, west, and east and multifamily residences to the south. The project area does not contain scenic resources, is not located in an area designated as a scenic resource or scenic vista, and is not visible from a state-designated scenic highway. Furthermore, the project area is not located on elevated terrain.

The project area is visible from the immediate surrounding area as well as two local highways, I-5 and U.S. Highway 50 (U.S. 50). However, views from I-5 near the project site are limited because the portion of I-5 closest to the project site is located below grade. Views are most prominent from bridges associated with the interchange of I-5 and U.S. 50.

## STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact would be considered significant if implementation of the proposed project would cast glare in such a way as to cause public hazard or annoyance for a sustained period of time, or cast light onto oncoming traffic or residential uses.

### a) Scenic Vistas or View Corridors

The project area is developed with existing urban uses and is surrounded by urban development. The project area does not contain scenic resources, is not located in an area designated as a scenic resource or scenic vista, and is not visible from a state-designated scenic highway. Furthermore, the project area is not located on elevated terrain, which would make it more visible from surrounding areas. As a result, development of the project buildings would not diminish long-range, scenic views. Therefore, a **less-than-significant** impact would occur.

### b) Aesthetic Effects

Under the proposed project, the project site would remain in urban use, but it could be redeveloped with a variety of new urban uses, including multifamily residential and commercial/retail uses that would serve the local community and contribute to the overall vitality of the project area.

Development of the project site would change the appearance of the area as seen from nearby areas, but the project area is urban and is surrounded by existing urban development; therefore, redevelopment of the project site to higher density residential and retail/commercial uses as part of the proposed project would not degrade the existing visual character or quality of the area and its surroundings.

The project's design would have to undergo design review and comply with design policies in accordance with the City's Central City Design Guidelines, which are intended to maintain a high level of quality and attractive appearance for development projects in downtown Sacramento and to ensure that new development and redevelopment keeps with the city's character. Therefore, the proposed project would result in **less than significant** impact on the existing visual character of the project area and its surroundings.

### c) Light or Glare

Implementing the proposed project would involve installing new lighting fixtures that could increase the amount of nighttime lighting in the project area. The City's Central City Design Guidelines include specific lighting guidelines for commercial, office, and multifamily residential development within the city, to reduce light and glare impacts. Implementation of City design standards would be required as part of the proposed project, which would avoid the creation of new sources of substantial light or glare

associated with the proposed project. Therefore, the proposed project would result in a **less than significant** light and glare impact.

#### MITIGATION MEASURES

No mitigation measures are required.

#### FINDINGS

Impacts associated with aesthetics, light and glare, views and vistas would be **less than significant**.

### Issue 14: Cultural Resources

| Cultural Resources<br>Would the proposal:  | Potential Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact |
|--|------------------------------|---------------------------------------|------------------------------|
| a) Disturb paleontological resources?  |                              |                                       | X                            |
| b) Disturb archaeological resources?   |                              | X                                     |                              |
| c) Affect historical resources?  |                              |                                       | X                            |
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? |                              |                                       | X                            |
| e) Restrict existing religious or sacred uses within the potential impact area?                    |                              |                                       | X                            |

#### ENVIRONMENTAL SETTING

##### Paleontological Resources

The project site is underlain by the Urban Land soil type as defined by NRCS (2008). The definition provided by NRCS for the Urban Land soil type identifies the soil as material located under impervious surfaces that may have been altered during construction. Geologic mapping in the project area indicates that the proposed project would be located entirely within Holocene (11,000 years Before Present and younger) basin deposits (Wagner et al. 1987). By definition, an object must be more than 11,000 years old in order to be considered a fossil.

##### Archaeological, Historical, and Cultural Resources and Values

CEQA broadly defines what can constitute a cultural resource. Such resources can include traces of prehistoric habitation and activities, historic-era sites and materials, and places used for traditional Native American observances or places with special cultural significance. In general, any trace of human activity more than 50 years in age must be treated as a potential "historical" resource (a cultural resource that is eligible for listing on the California Register of Historical Resources [CRHR]) under CEQA. However, since many projects occur over a period of years from planning to implementation, 45 years is the study threshold. Therefore, this analysis identifies traces of human activity that are already 45 years of age or older or will be 45 years of age or older at project completion. In addition, the State CEQA Guidelines require consideration of unique archaeological sites (Section 15064.5). If an archaeological site does not meet the criteria for inclusion in the CRHR but does meet the definition of a unique archaeological resource as outlined in the California Public Resources Code (Section 21083.2), it may be treated as a historical resource.

The project site is the site of the former Crystal Creamery, a notable long-time Sacramento business located in the Alkali Flat neighborhood. Crystal Cream & Butter Company was founded by George Knox and his wife Caroline in 1901. They were churning butter and cranking out ice cream in the rear of the Hensler Grocery in the 700 block of K Street. In 1904 the operation was moved to its own storefront at 1320-22 J Street, the site of today's Convention Center. The creamery continued to grow and eventually moved to a 40' x 80' brick building on the project site at 1013 D Street in 1912.

Buried archaeological deposits may exist on the project site and could be encountered during ground-disturbing activities (e.g., grading). Further, California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. As specified in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the Public Resources Code, procedures to protect and respectfully treat these resources must be implemented.

## STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact would be considered significant if implementation of the proposed project would:

- ▶ cause a substantial change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines, or
- ▶ directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## ANSWERS TO CHECKLIST QUESTIONS

### a) Paleontological Resources

Although a formal document search and analysis of the project site and project area for known paleontological resources had not been completed at the time this initial study was prepared, the project site could contain potential paleontological resources. Geologic mapping in the project area indicates that the project site is located entirely within Holocene (11,000 years Before Present and younger) basin deposits (Wagner et al. 1987). Because, by definition, an object must be more than 11,000 years old in order to be considered a fossil, construction-related activities in these deposits would not have an impact on paleontological resources. Therefore, the proposed project would result in **less-than-significant** impact.

### b,d) Archaeological and Cultural Resources and Values

Buried prehistoric and historic-era archaeological deposits may exist on the project site and could be encountered during ground-disturbing activities (e.g., grading). Recent projects in the downtown Sacramento area have also demonstrated that such deposits may include prehistoric human interments.

Construction of the proposed project could result in the inadvertent discovery of undocumented archaeological materials or human remains and the disturbance or destruction of a known historical or archaeological resource. Therefore the project could result in **potentially significant** cultural resource impacts. Implementation of the mitigation measures identified below would reduce the impacts to **less-than-significant**.

### c) Historical Resources

A *Historical Resource Inventory and Evaluation Report* was prepared by Historic Environment Consultants (Appendix E) for the project site to identify potential historical resources prior to consideration of approving the demolition permit. There were three historic properties on the former

Crystal Creamery site: the Wells Fargo Express Co. former stable; the former Globe Mills grain warehouse; and, the Shrout Garage building at 406 11<sup>th</sup> Street.

The historical report concluded that none of the structures on the site met the criteria for listing in the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP), even when considering the ages of structures on the site. Therefore, the project site does not contain any historical resources and implementation of the proposed project would not affect any historical resources. Therefore, this impact is considered to be **less than significant**.

The project site is in the Alkali Flat neighborhood which is the oldest remaining residential area in Sacramento and there are two Historic Districts listed in the National Register of Historic Places, the California Register of Historical Resources, and the Sacramento Register in the immediate vicinity of the Project area. The Historical Resource Inventory and Evaluation Report included the following recommendations (not required mitigations) with regard to these resources:

1. Development on the portions of the Project site that face the Alkali Flat North Historic District along 11<sup>th</sup> Street should be compatible with the nearby District image in terms of scale and articulation. Character-defining features of the Historic District should be acknowledged such as yards or gardens, streets, street furnishings, open spaces, building design and building materials, and their character not diminished by the design of the new construction directly across the street. The settings of the Alkali Flat North Historic District and the nearby Alkali Flat Central Historic District should be respected by visual additions to their vicinity.

2. Development design diagonally opposite the northeast and northwest portions of the Alkali Flat Central Historic District should acknowledge the scale and character of the District along E Street from 9<sup>th</sup> to 10<sup>th</sup> Street and 10<sup>th</sup> Street to the alley, and the northwest portion of the block of 11<sup>th</sup> to 12<sup>th</sup> Street and the alley between E and F Streets. The essentially intact block along E Street from 9<sup>th</sup> to 10<sup>th</sup> Street is an important streetscape and contributes to the Historic District as does houses on the southeast corner of 11<sup>th</sup> and E Streets. The new construction diagonal to these blockfaces should acknowledge the importance of its setting in its design, in terms of scale and character, and avoid diminishing character-defining features of the District.

#### e) Religious or Sacred Sites

The project site, as well as the project vicinity, is currently developed with urban uses. There are no known religious or sacred uses within or in the immediate vicinity of the project area. Therefore, the proposed project would have a **less-than-significant** impact on these resources.

#### MITIGATION MEASURES

**CR1:** The project applicant shall hire a professional archeologist to perform archaeological monitoring during ground-disturbing construction activities for the duration of the project.

If any subsurface archeological or historical features or deposits are discovered during construction, all work within 50 meters of the resources shall be halted. Archeological test excavations shall be conducted to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

**CR2:** If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code

of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

**CR3:** If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

## FINDINGS

The proposed project could result in a **potentially significant** impact for discovery of undocumented archaeological resources or human remains which can be mitigated to **less-than-significant**. The project would result in a **less-than-significant** impact for historic resources, paleontological resources, or religious or sacred sites.

## Issue 15: Recreation

| Recreation<br>Would the proposal:   | Potentially<br>Significant<br>Impact | Less than<br>Significant<br>With Mitigation | Less than<br>Significant<br>Impact |
|---|--------------------------------------|---|------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? |                                      |   | X                                  |
| b) Affect existing recreational opportunities?  |                                      |   | X                                  |

## ENVIRONMENTAL SETTING

Recreational facilities in the vicinity of the project site include: Zapata Park, a 1.37 acre park that contains picnic facilities, shade structure, basketball court and a play area located at 905 E Street and Johnson Park that contains a picnic area and community garden at 515 11<sup>th</sup> Street. In addition, the project site is within a mile of the Sacramento River Parkway.

## STANDARDS OF SIGNIFICANCE

For purposes of this environmental document, an impact would be considered significant if implementation of the proposed project would:

- ▶ cause or accelerate substantial physical deterioration of existing area parks or recreational facilities, or
- ▶ create a need for construction or expansion of recreational facilities beyond what was anticipated in the general plan or community plan.

## ANSWERS TO CHECKLIST QUESTIONS

### a, b) Demand for Recreational Facilities and Impacts on Recreational Opportunities

The City's park dedication service level goal is to require five acres of parkland dedication for every 1,000 population. This goal has been translated into the City's Quimby Ordinance to apply different factors to the calculation, dependent upon the type of housing to be provided. In some instances, particularly in infill situations like this project, the requirement is relaxed to require less parkland dedication, with the remainder to be made up by the payment of dedication in-lieu fees. The proposed park/open space area in the form of plaza space in the development may qualify towards the provision of parkland dedication. Payment of the required fees and provision of acceptable parkland as part of the project would result in a **less-than-significant** impact on the demand for recreational facilities.

Implementation of the proposed project would increase the number of residents and workers in the project area. As a result, daytime use of nearby parks by residents and employees associated with redevelopment of the project site could result in an incremental increase in the use of existing park facilities. These residents and employees would likely use local parks and recreational facilities in the community. Construction at, or expansion of, existing parks and recreational facilities would not be necessary as a result of this incremental increase in use of parks and recreational facilities. Although the local increase in residents and employees would contribute to routine wear and tear on these park facilities, the project applicant would be required to pay City park-development fees, and ongoing maintenance of parks is funded through bonds, grants, and visitor fees collected from museums and concessions. The project would result in **less-than-significant** impact on recreational opportunities.

### MITIGATION MEASURES

No mitigation measures are required.

### FINDINGS

Impacts associated with recreation would be **less-than-significant**.

### Mandatory Findings of Significance

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact |
|--|--------------------------------|--|------------------------------|
| <b>Mandatory Findings of Significance</b>  |                                |  |                              |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |                                |  |                              |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?  |                                |  |                              |

|   |  |  |  |
|---|--|--|--|
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)? |  |  |  |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Disturb paleontological resources?  |  |  |  |

## ANSWERS TO CHECKLIST QUESTIONS

A. As discussed in the Biological Resources section, mitigation measures have been included to ensure the project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. As discussed in the Cultural Resources section, there are no historically significant buildings or items on the site. Mitigation measures have been included in the case that previously unidentified cultural or historical resources are uncovered during construction.

B. As discussed in the preceding section, the project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.

C. When impacts are considered along with, or in combination with other impacts, the project-related impacts are less-than-significant. The proposed project will not add substantially to any cumulative effects. Project related impacts would be mitigated to a less-than-significant level; therefore cumulative effects are not considered a significant impact.

D. The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly with the implementation of mitigation measure for potential air quality and noise impacts. The site is not known to contain any hazards. However, construction activities could reveal previously unknown hazards. The proposed project is required to comply with all applicable laws concerning hazardous materials. As discussed in the Cultural Resources section, there are no known paleontological resources on the site. Mitigation measures concerning how to handle paleontological resources were included in the case previously unidentified resources are uncovered during construction activities.

## SECTION IV—ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this project.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality                         |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology / Soils                     |
| <input type="checkbox"/> Hazards & Hazardous Materials   | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning                 |
| <input type="checkbox"/> Mineral Resources               | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population / Housing                |
| <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> None With Mitigation                |

## SECTION V—DETERMINATION

On the basis of the initial evaluation:

I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the project specific mitigation measures described in Section III have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature

September 16, 2008 Revised October 20, 2008

Date

Lezley Buford

Printed Name

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## SECTION VI—REFERENCES CITED

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**SACRAMENTO AREA  
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September 29, 2008  
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Ellie Buford  
City of Sacramento Development Services  
300 Richards Blvd.  
Sacramento, CA 95811

**Application: Notice of Availability/Intent to Approve – Draft Mitigated  
Negative Declaration for the Creamery Project (P07-123)**

Dear Ms. Buford:

Both the Sacramento Area Sewer District (District) and the Sacramento Regional County Sanitation District (SRCSD) reviewed the Notice of Availability/Intent to Approve a Draft Mitigated Negative Declaration for the subject project.

It is noted that the proposed project will consist of a total of 272 high-density residential dwelling units and 101,180 square feet of retail space on 8.2 developed acres. The project site is located in the Alkali and Mansion Flats neighborhood in the City of Sacramento. The proposed project is generally bounded by the Union Pacific Railroad (UPRR) line to the north, E Street to the south, 10<sup>th</sup> Street to the west and 11<sup>th</sup> Street to the East.

The comments sent in a letter dated July 2, 2008, are still valid and are repeated below for your convenience.

The subject property is outside the boundary of the District but within the Urban Service Boundary and SRCSD shown on the Sacramento County General Plan. City Utilities Department approval will be required for sewage service.

If you have any questions regarding these comments, please call Amandeep Singh at 876-6296 or myself at 876-6094.

Sincerely,



Salam A. Khan, P.E.  
Sacramento Area Sewer District  
Development Services

SK/CJ:clm  
cc: File  
SRCSD Development Services

Buford092908.ltr

**Board of Directors  
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Tel 916.876.6000  
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October 2, 2008

SENT VIA E-MAIL

Ms. Ellie Buford  
City of Sacramento, Development Services Department  
300 Richards Boulevard  
Sacramento, CA 95811

**Draft Mitigated Negative Declaration for the Creamery Project (P07-123)  
(SMAQMD# SAC200701180)**

Dear Ms. Buford:

Thank you for providing the Draft Mitigated Negative Declaration (MND) for the Creamery project to the Sacramento Metropolitan Air Quality Management District (SMAQMD) for review. Overall, the SMAQMD believes the project is a good example of high-density, mixed-use infill and appreciates the early submittal of an Air Quality Mitigation Plan (AQMP) which the SMAQMD endorsed on September 16, 2008.

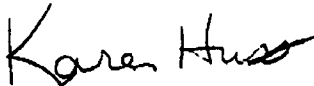
With that in mind, SMAQMD staff offers the following comments:

1. Since the project is mixed use, the SMAQMD's screening tables are not sufficient to determine the air quality significance of the project. An URBEMIS analysis needs to be performed. If the construction impacts are found to be significant, the SMAQMD recommends the City include standard construction mitigation. The mitigation language can be found on the SMAQMD's CEQA webpage.
2. The MND did not discuss climate change. The SMAQMD recommends the City include a discussion on climate change impacts (as requested in the SMAQMD's NOP letter). The URBEMIS analysis will assist by providing project CO<sub>2</sub> emissions. The City should acknowledge the expected CO<sub>2</sub> emission reductions as a result of the AQMP developed for the project.
3. Due to the project's proximity to an active railway line, future residents of the project will be exposed to diesel particulate (DPM) emissions from locomotives, which pose an elevated cancer risk. The SMAQMD strongly recommends the City include mitigation for DPM in the MND. If possible, the project site design should locate residential land uses furthest away from the railway line (parking lots and commercial properties could be moved closer to the railway line). Additionally, the project proponent should commit to planting redwood and/or deodar cedar trees along the northern and western project boundaries to help filter DPM, and include passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1mph), in heating and cooling systems installed in the buildings.

*Ms. Ellie Buford*  
*The Creamery Project MND*  
*October 2, 2008*  
*Page 2*

Please contact Joseph Hurley at 916-874-2694 or [jhurley@airquality.org](mailto:jhurley@airquality.org) or me at 916-874-4881 or [khuss@airquality.org](mailto:khuss@airquality.org) if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Karen Huss". The signature is written in a cursive style with a large, stylized "K" and a long, sweeping underline.

Karen Huss  
Associate Air Quality Planner/Analyst

Cc: Mr. Larry Robinson, SMAQMD

The 12<sup>th</sup> Street Collaborative for Montessori Education, LLC

(916) 444-7786

414 - 12<sup>th</sup> Street

Fax (916) 444-7987

Sacramento, CA 95814

E-mail: foundcen@aol.com

# SACRAMENTO MONTESSORI SCHOOL

October 16, 2008

CITY OF SACRAMENTO  
DOWNTOWN PERMIT  
CENTER

OCT 17 2008

**RECEIVED**

Ellie Buford  
City of Sacramento, Development Services Department  
Environmental Planning Services  
300 Richards Boulevard  
Sacramento, CA 95811

*Subject: Comments on the Draft Mitigated Negative Declaration for the Creamery Project,  
P07-123*

Dear Ms. Buford:

First, on behalf of the parents and faculty of Sacramento Montessori School, we would like to thank you for providing us with 60 CDs of the various documents comprising the Draft Mitigated Negative Declaration for the Creamery Project. Your assistance in this regard was invaluable, and we would like to underscore our appreciation of your efforts, including having the CDs delivered to our campus.

Secondly, what follows are our comments regarding the Draft Mitigated Negative Declaration for the proposed Creamery Project. These comments are based on the analysis undertaken by Sacramento Montessori School, located to the east of the easternmost boundary of the proposed Creamery Project, i.e., 11<sup>th</sup> Street between D and C Streets.

Sacramento Montessori School serves infants, toddlers, and children to entry into the first grade. The School was developed originally in 1989 by the developer of the then U.S. Bank Plaza building in response to concerns about the impact of that development on the demand for childcare in Downtown Sacramento. The historic Marie B. Hastings building at 1123 D Street was rehabilitated in 1990 to house the Sacramento Montessori School, and the School began providing services this same year. The Marie B. Hastings building is on the National Register of Historic Places (NRHP) and is known as the third oldest building in Sacramento.

In 1995, with the development of the Wells Fargo Bank building in Downtown Sacramento, the School's Infant-Toddler facility at 1111 D Street was built to meet the additional childcare demands in Downtown.

The Sacramento Montessori School's current enrollment, including full- and part-week attending children, is slightly more than 100 children.

### Our Understanding of the Proposed Creamery Project's Development

We understand that, in addition to the proposed South Park development between D and E and 10<sup>th</sup> and 11<sup>th</sup> Streets, the proposed **Creamery Project will consist of:**

- Two proposed office buildings
- The proposed office building that fronts 11<sup>th</sup> Street at the alley between D and C Streets is 49 feet in height with mechanicals included. This is the alley used by most families when picking up or dropping off their children.
- Next to this proposed office building would be a "parking court" for 175 vehicles.
- Immediately behind this parking area would be the proposed Mills Lofts; the Mills Lofts would be four stories in height and higher with roof-top placed mechanicals.
- The South Park located on the parcel bounded by D and E and 10<sup>th</sup> and 11<sup>th</sup> Streets
- 276 housing units

### **Our Concerns about the Development**

Our concerns about the proposed Creamery Project fall in major areas, including, but not limited to:

- Lack of consideration of Sacramento Montessori School's Marie B. Hastings historic building
- Location of the three-story office building on 11<sup>th</sup> Street across from the alley used by the School's families
- Traffic circulation, sensitive receptors, and air emissions
- Parking

### Marie B. Hastings Historic Building

No mention was made in the Initial Study of the Marie B. Hastings building. Yet, this three-story brick building was constructed in 1873 and is on the National Register of Historic Places (NRHP). Reference in the environmental documents is made to the Alkali Flat North Historic District along 11<sup>th</sup> Street, particularly the *south* corner of 11<sup>th</sup> and D Streets, but no mention is made of the area north, where Sacramento Montessori School is situated. The Initial Study indicates that:

Development on the portions of the Project site that face the Alkali Flat North Historic District along 11<sup>th</sup> Street should be compatible with the nearby District image in terms of scale and articulation. Character-defining features of the Historic District should be acknowledged such as yards or gardens, street furnishings, open spaces, building design and building materials, and their character not diminished by the design of the new construction directly across the street. The settings of the Alkali Flat North Historic District and the nearby Alkali Flat Central Historic District should be respected by visual additions to their vicinity (p. 52).

We understand that one of the proposed three-story office buildings faces 11<sup>th</sup> Street between D and C Streets on the proposed driveway directly across the street from the existing alley (between D and C Streets). It is also our understanding that this office building will be 40 feet in height. **However, when the roof-top mechanicals are added, the proposed building's height increases to 49 feet.**

Directly across the street from this proposed office building is an early 1900's Victorian structure. About half-way down the alley is Sacramento Montessori School. It is our opinion that this proposed office building is not friendly to its existing neighbors and indeed diminishes their character because of its height.

- **We have concerns that the location of this proposed office building will impact the character of existing structures because of its height.**
- **We have strong concerns about the massing of the two proposed office buildings, particularly the proposed building that will face 11<sup>th</sup> Street, and the potential impacts of this massing on our neighborhood.**
- **We strongly recommend that a significant off-set of the 49-foot high structure so that it does not overwhelm its neighbors and/or substantial setback of the office building to minimize impacts. Ideally, this office building and its accompanying parking lot would be moved more to the west toward the KCRA complex which is commercial and would provide more significant offset from D Street and the railroad tracks behind it.**

The scale of the South Park development, located between D and E Streets and 11<sup>th</sup> and 10<sup>th</sup> Streets, suggests compatibility with "...the nearby District image in terms of scale and articulation".

- **The proposed three-story office building that faces 11<sup>th</sup> Street between D and C Streets will have potential impacts to the historic assets in the neighborhood.**
- **We believe that the proposed 49-foot high office building, located where currently planned, obstructs the neighborhood's scenic view corridor and blocks views of the Marie B. Hastings building.**
- **Its height is also a visual obstruction for those at Sacramento Montessori School and violates their aesthetic sense of scale.**

#### Traffic Circulation, Air Emissions, and Sensitive Receptors

**Traffic circulation** through the alley at the rear of Sacramento Montessori School to 12<sup>th</sup> Street, i.e., between C and D Streets and 11<sup>th</sup> and 12<sup>th</sup> Streets, is **already a serious concern to faculty and staff at Sacramento Montessori School and parents of children attending the School.** On days when large-scale garbage trucks block one side of the alley and/or Capitol Ice Cream Company is accepting deliveries vis-à-vis large-scale delivery trucks (three days per week on average), vehicle traffic in the alley comes to a halt, causing vehicles to queue with engines running. **Traffic queuing, and resultant increased automobile emissions, has a negative impact on air quality through increased emissions of carbon monoxide (CO), particular matter (PM), and ozone (O<sub>3</sub>).**

Additionally, "cut-through traffic" is a major concern. **The proposed project design with the 49-foot high office building and its driveway directly across the street from the existing alley behind the School will create significant impacts to traffic entering and exiting the Sacramento Montessori School complex.** As you may expect, safety of the children attending Sacramento Montessori School is an extremely important issue, along with the safety of our staff and parents of children attending our school. Traffic and safety are likely to be impacted by vehicles exiting 12<sup>th</sup> Street, cutting through the alley behind the School, and entering the office building's driveway. Vehicles exiting the driveway and cutting through the alley to access 12<sup>th</sup> Street are also likely to impact traffic and safety. In both cases, the traffic issues which Sacramento Montessori School currently faces are further negatively impacted by the proposed project and not addressed in the proposed Creamery Project's environmental documents.

- **We find no review of the impact of traffic, traffic queuing, air emissions, and other air quality issues resulting from increased traffic volume as a result of the proposed project to the seniors who now or will reside in the Globe Mills complex.**
- **We believe that the impact of these issues both to children *and* seniors should be addressed.**

We reviewed the Traffic Impact Analysis made available for public comment and **found no mention of impacts to Sacramento Montessori School or traffic circulation in and around the School.** We believe this to be a serious oversight for the reasons given above and because, without consideration of the School and increased traffic through the alley as a result of the office building and parking lot locations, the "less than significant impact" finding is indeed suspect. We are also concerned that we could find no reference in the Initial Study or in the companion Negative Declaration documents to suggest that the alley behind the School was taken into account in conjunction with the parking lot and the office building fronting 11<sup>th</sup> Street between D and C Streets. In the Traffic Impact Analysis, there is mention of the 11<sup>th</sup> Street driveway (across from the alley), but the description given of this driveway is simply that it is a:

...southerly driveway north of D Street: The driveway appears to be located across 11<sup>th</sup> Street from the existing alley and is *not located near an existing intersection.* As such, the driveway is not expected to affect traffic operations at the intersections." (Traffic Impact Analysis, p. 37, emphasis added).

There is no mention about how the manner in which traffic will operate at the proposed driveway/alley entrance which suggests that there is no activity there now. Obviously, this is not the case.

Pointed out in the Initial Study is "one important reason for air quality regulations and standards", i.e., "...the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed 'sensitive receptors'". Sensitive receptors refers to specific population groups – children and the elderly, among others – and land uses where they would be located for long periods. Schools, playgrounds, and child care centers are among the commonly identified sensitive land uses.

The children attending Sacramento Montessori School are all under the age of six years with about half of them under the age of two years. These children spend, on average, nine to ten hours each day at our School. Decreasing air quality through increased vehicle emissions is simply not acceptable to these sensitive receptors.

In addition, it should be noted that **asthma rates in Sacramento County are among the highest in the nation.**

If traffic from the proposed office building and/or the proposed parking lot is permitted through the alley, it will likely result in impacts to health and safety as well as to traffic and circulation because children are often walked through the alley when leaving the School. We would hope that the City planners and the developer will help to protect the air and walkways for our young children.

**We would recommend that, if the proposed office building and its adjacent parking lot cannot be redesigned with offsets and/or setbacks or moved closer to the commercial KCRA TY property, the proposed building be moved to D Street at 10<sup>th</sup>.**

#### Parking in the Alkali Flat Neighborhood along its Northern Borders

Contrary to a statement in the Initial Study, there are a significant number of *unmetered parking* spaces in the Alkali Flat neighborhood, particularly along its northern border. There are unmetered parking spaces along D Street between 11<sup>th</sup> and 10<sup>th</sup> Streets and along C Street from 11<sup>th</sup> to 15<sup>th</sup> Street. (14<sup>th</sup> and 15<sup>th</sup> Streets are in the Mansion Flat neighborhood, not Alkali Flat). Staff at Sacramento Montessori School observed that many of those parking along these streets are employees of the City, County, State, and Federal Governments who can park at no cost for up to ten hours in some cases. We believe that this fact should be noted and its impact taken into account when parking strategies are formulated for the new development, which, in and of itself, will increase the demand for parking spaces in the area.

#### Need for Child Care in Downtown Sacramento

The proposed Creamery Project environmental compliance documents do not address social impacts associated with either current or projected child care demand as a result of the proposed Project. However, the need and demand for child care in Downtown Sacramento is critical.

In the fall of 2005, a collaborative comprised of the Sacramento Local Child Care & Development Planning Council, the Sacramento County Office of Education (SCOE), First 5 Sacramento, and Child Action, Inc., received a Constructing Connections grant from the Low Income Investment Fund (LISF). Sacramento County became one of ten counties participating in a statewide grant program. One of the findings of this group is that:

The inclusion of child care in planning and development in Sacramento, regional, county and city government general and transportation plans, and zoning that *incorporates child care services in residential and commercial zones* is critical if the expanding child care needs of Sacramento County are to be met. (Sacramento Local Child Care and Development Planning Council's Child Care Plan, "Promoting Excellence in Child Care, Sacramento Child Care Plan 2007-2012" (p. 25, emphasis added).

Another finding is that:

Early care and education services must be convenient and accessible to families throughout the county regardless of income or needs (ibid).

There are approximately 154,296 children ages 0-13 with parents in the labor force in Sacramento County and 54,761 licensed child care slots. Essentially, licensed child care is available for *only 35 percent of the children with parents in the labor force* Countywide. (California Child Care Portfolio, published by the California Child Care Resource and Referral Network, 2005). The greatest demand for care is for infants, followed by toddlers and preschool-aged children.

At the present time, Sacramento Montessori School's Wait List for infants and toddlers stretches into August 2009 with babies not yet born constituting about one-half of our Wait List. Its Wait List for those 2.5 years and older is also significant. The School does not anticipate having any vacancies in Infant, Toddler, or its Children's House (for those 2.5 years and older) until the summer of 2009.

This situation is typical of child care facilities in the Downtown area. Downtown Sacramento is impacted by the number of workers who commute to and from their homes to work. While the number of Downtown residents is increasing as a result of new housing starts, the greatest demand for child care continues to be from State of California, City of Sacramento, and County of Sacramento workers who tend to live outside of Sacramento's Central City but commute to work.

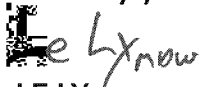
The proposed Creamery Project intends to offer approximately 276 housing units. To anticipate that at least ten percent of those occupying these units will need child care is conservative. We recommend that child care be included in the proposed Creamery Project, and Sacramento Montessori School is willing to help in this regard.

### **Our Support of the Creamery Project**

We believe that the proposed Creamery Project is a viable project for the Alkali Flat community and Sacramento Montessori School in particular. However, we are asking the City of Sacramento and project proponents to seriously consider the issues we have raised, including impacts associated with the view shed of the School, location of the office buildings, traffic circulation, health and safety, and social resources. We are certain that representatives from Sacramento Montessori School and parents of children attending our School would be interested in working with the developer and architect to ensure that the proposed Creamery Project minimizes impacts to environmental resources, is consistent with the historic assets to the north on 11<sup>th</sup> Street, does not diminish the visual character of the area, and is enhanced by the proposed project.

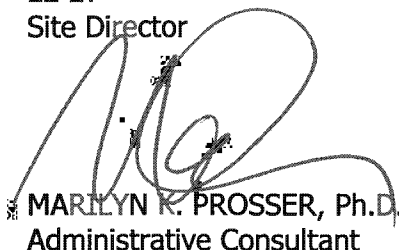
Please let us know if you have any questions.

Sincerely yours,



LE LY

Site Director



MARILYN K. PROSSER, Ph.D.  
Administrative Consultant

September 16, 2008

Craig Anderson  
Sierra Research  
1801 J Street  
Sacramento, CA 95811

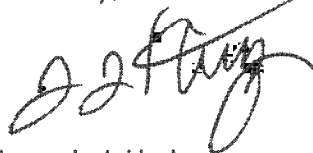
Dear Mr. Anderson,

Thank you for submitting the Air Quality Mitigation Plan for The Creamery project to the Sacramento Metropolitan Air Quality Management District (District) for review.

The District endorses the Air Quality Mitigation Plan (AQMP) for The Creamery project, received on September 9, 2008. The District anticipates that implementation of the Mitigation Measures described in the plan will lead to a 24.65 percent or greater reduction in operational emissions from the project. This AQMP is consistent with the District's Recommended Guidance for Land Use Emission Reductions and demonstrates that the project proponent has implemented all feasible mitigation for the operational emissions associated with the project. The Air District strongly encourages the project proponent to include the AQMP in the project's environmental document.

Please do not hesitate to contact me at (916) 874-2694 or [jhurley@airquality.org](mailto:jhurley@airquality.org) if you have any questions.

Sincerely,



Joseph J. Hurley  
Assistant Air Quality Planner/Analyst

C: Larry Robinson, Sacramento Metropolitan Air Quality Management District

Enc: Updated SMAQMD Rules and Regulations Statement