Exhibit A

CEQA Findings of Fact and Statement of Overriding Considerations for the Airport South Industrial Project

Description of the Project

The Airport South Industrial Project (proposed project) would include the development of an industrial park within an approximately 353.5-acre portion of the project site, located immediately south of Bayou Way. The industrial park would allow for construction of up to 5,204,500 square feet (sf) of industrial uses on approximately 235.6 acres, as well as approximately 98,200 sf of retail/highway commercial uses, including approximately 73,400 sf of hotel/hospitality, on approximately 13.4 acres. Each industrial building would include driveways and associated parking areas to accommodate vehicles and/or trailers, as well as stormwater retention/detention areas to capture stormwater runoff from the newly constructed impervious surfaces and to provide for existing stormwater storage. The project site also includes several nonparticipating parcels, comprised of approximately 83 acres, and would result in first tier entitlements for future industrial uses of approximately 1,404,800 sf. Finally, the project site includes 37.9 acres of California Department of Transportation (Caltrans) Interstate 5 (I-5) fee title right-of-way (ROW), which would not be developed as part of the proposed project. (DEIR, p. 3-4 to 3-5)

The project site is located within the Natomas area of unincorporated Sacramento County (County), and is currently situated adjacent to, but outside of, the City of Sacramento's (City) Sphere of Influence (SOI). In addition, the project site is located outside of the Sacramento Area Sewer District (SacSewer) SOI. Prior to the commencement of construction, the proposed project would require approval by Sacramento Local Agency Formation Commission (LAFCo) of a SOI Amendment to amend the City's SOI and SacSewer's SOI to include the project site. Following the project site's inclusion within the City's SOI, the project site would be eligible for annexation into the City limits. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act (see Government Code section 56375), Prezoning from Agricultural 80 (AG-80) to Industrial Planned Unit Development (M-1-PUD), 13.4 acres of the site to Highway Commercial PUD (HC-PUD), and 83 acres of the site to Industrial (M-1) would be applied to the annexation area prior to LAFCo's consideration of the annexation. While the entire 474.4-acre project site is proposed for annexation into the City limits, only a 353.5-acre portion of the project site is currently proposed for development as part of requested entitlements. (DEIR, p. 1-3 to 1-4, p. 3-1)

Project Location

The project site consists of approximately 474.4 acres in Sacramento County, located southeast of the intersection of I-5 and Power Line Road in Sacramento County, California. The site is identified by Sacramento County Assessor's Parcel Numbers (APNs) 225-0020-010, -016, -017, -021, -022, -023, -024, -026, -027, -030, -032, -033, -034, and -035, as well as 225-0030-023, -024, -045, and -048. The project site currently

consists of agricultural land and a paved road, Bayou Way, in the northern portion of the site, and is bound by I-5 to the north, the City's boundary to the east, the West Drainage Canal to the south, and Power Line Road to the west. The project site is currently located within the County, adjacent to and west of the City's existing SOI. (DEIR, p. 1-3, p. 3-1 and 3-5)

Surrounding land uses include a Life Storage facility and the Westlake single-family residential subdivision to the east; the West Drainage Canal, vacant agricultural land, open space land, and the Paso Verde K-8 School to the south; undeveloped agricultural land to the west; the Sacramento International Airport to the northwest, across I-5; and the Metro Air Park, Amazon SMF-1 Fulfillment Center, and the under-construction Northlake (Greenbriar) subdivision to the north, across I-5. Regional access to the project site is provided from State Route (SR) 70/99 and I-5. Local access to the project site is provided by Metro Air Parkway. (DEIR, p. 3-1 and 3-9)

Project Site

The project site currently consists of agricultural land. The site was historically used as hay fields, with intermittent rice fields from 1937 until at least 2020. Unnamed drainage canals run roughly north-south in both the western and eastern portions of the site. Numerous unimproved dirt roads provide access to the interior of the project site, which is subdivided into multiple agricultural plots. Within the northern portion of the site, Bayou Way, a paved road consisting of two vehicle lanes, meanders in a west-to-east direction through the site. The County's General Plan designates the site as Agricultural Cropland and the site is zoned AG-80 (DEIR, p. 3-1)

The project is located in two Special Flood Hazard Areas (SFHA), designated as A99 and A zones on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). The project site lies within a local 100-year floodplain based on basin-wide modeling prepared by RD 1000. As such, the project site, in the current undeveloped state, provides storage of floodwaters during the 100-year storm. (DEIR, p. 3-10)

Project Characteristics

The proposed project would include the development of an industrial park within an approximately 353.5-acre portion of the project site, located immediately south of Bayou Way. The industrial park would allow for construction of up to 5,204,500 sf of industrial uses on approximately 235.6 acres, as well as approximately 98,200 sf of retail/highway commercial uses, including approximately 73,400 sf of hotel/hospitality, on approximately 13.4 acres. The project site also includes several nonparticipating parcels, comprised of approximately 83 acres, and would result in first tier entitlements for future industrial uses of approximately 1,404,800 sf. Finally, the project site includes 37.9 acres of Caltrans I-5 fee title ROW, which would not be developed as part of the proposed project. (DEIR, p. 3-1, 3-4 to 3.5, 3.8)

Parcels 1 through 4, all planned for industrial use, generally surround the proposed retail/highway commercial uses. Parcel 5, the remaining proposed industrial use, would be located in the northeast corner of the site. Each industrial building would include driveways and associated parking areas to accommodate vehicles and/or trailers, as well as stormwater retention/detention areas to capture stormwater runoff from the newly constructed impervious surfaces and to provide mitigation for existing stormwater storage.

Parcels 6A through 6C and 7A through 7C are proposed retail/highway commercial uses generally situated south of the intersection of I-5 and Metro Air Parkway. All six retail/highway commercial lots would be clustered south of the intersection of I-5 and Metro Air Parkway, near the center of the project site.

Nonparticipating parcels which would receive first-tier entitlements for future industrial uses include six existing parcels controlled by separate owners, which are summarized as follows:

- Parcel 8: 64.3 acres (Cayocca);
- Parcel 9: 6.5 acres (Campbell);
- Parcel 10: 4.6 acres (Isgur Trust); and
- Parcel 11: 0.7-acre (Patel). (DEIR, p. 3.8)

In addition, the nonparticipating parcels include 6.9 acres of Caltrans Remnant ROW. The Caltrans Remnant ROW has been included as developable because it may be a candidate for future private acquisition. The parcels would receive General Plan and Prezoning designations as part of the City process. Any development proposed for these sites would require additional entitlement requests and review pursuant to CEQA. (DEIR, p. 3.8)

Access to the project site would be provided from the north by Metro Air Parkway, which would connect to the proposed Airport South Industrial Drive. The proposed project would include abandonment of the existing South Bayou Way within the proposed project limits, and replacement with a new internal roadway system. Concurrent with abandonment, an access easement would be dedicated over the eastern segment of South Bayou Way (from a proposed cul-de-sac to the new round-a-bout) to serve future industrial Parcels 9-11, and the Caltrans Remnant. (DEIR, p. 3.9)

The project site does not currently include utilities infrastructure; however, the proposed project would include water, sanitary sewer, and stormwater improvements, which would connect to existing infrastructure in the proposed project vicinity. Additionally, the proposed project would include an on-site storm drain system composed of post construction stormwater quality measures such as Low Impact Development (LID) components, dedication of landscaping areas, and six on-site detention basins.

The proposed project would require construction of an off-site force main to convey wastewater generated from the proposed uses to the 48-inch SacSewer North Natomas interceptor line in East Commerce Way. The off-site force main would extend from the

northeast corner of the site and proceed off-site towards the south within Bayou Way and El Centro Road. At the El Centro Road/Del Paso Road intersection, the off-site force main would connect to the North Natomas interceptor line through one of three of the following options:

- Option 1: From the El Centro Road/Del Paso Road intersection, Option 1 would include installation of the force main within a City highway buffer parallel with the westerly side of I-5. About 0.5-mile south of Del Paso Road, the Option 1 alignment would cross under I-5 within City ROW and then discharge into the North Natomas interceptor line within East Commerce Way.
- Option 2: From the El Centro Road/Del Paso Road intersection, Option 2 would route the force main north of the I-5 on/off ramps, cross under I-5, and then proceed within Del Paso Road towards East Commerce Way.
- Option 3: From the El Centro Road/Del Paso Road intersection, Option 3 would route the force main south of the I-5 on/off ramps, cross under I-5, and then proceed eastward towards East Commerce Way. (DEIR, p. 3-12)

Discretionary Actions

Sacramento LAFCo and the City of Sacramento have discretionary authority and are each a lead agency for their respective components of the proposed project. The proposed project requires approval of the following by Sacramento LAFCo:

- SOI Amendment to include the project site within the City of Sacramento SOI and the SacSewer SOI; and
- Annexation of the project site into the Sacramento City limits and SacSewer service area and associated detachment from various service providers, such as the Natomas Fire Protection District, Sacramento County Water Agency Zone 13, and County Service Area (CSA) 1. (DEIR, p. 1-3 to 1-4)

The proposed project requires approval of the following by the City of Sacramento:

- General Plan Amendment (GPA) of the City of Sacramento 2040 General Plan to include the boundaries of the industrial park footprint and nonparticipating parcels (total of 414.3 acres – not including roadways) as Employment – Mixed Use;
- Prezoning of 317.9 acres (not including roadways) of the project site to Industrial M-1-PUD, 13.4 acres (not including roadways) of the site to HC-PUD, and 83 acres of the site to M-1;
- PUD (Planned Unit Development) (Schematic Plan and PUD Guidelines)
- Tentative Master Parcel Map;
- Development Agreement;
- Public Facilities Finance Plan; and
- Property Tax Exchange Agreement (between the City and the County of Sacramento). (DEIR, p. 1-3 to 1-4)

SOI Amendment and Annexation

The project site is currently situated adjacent, but outside, of the City of Sacramento's SOI. Prior to the commencement of construction, the proposed project would require approval by LAFCo of a SOI Amendment to amend the City's SOI and SacSewer's SOI to include the project site. A Targeted Municipal Services Review is required, and has been prepared, to support modification of the City's SOI to be coterminous with the boundaries of the project site, as well as annex the project site into the City of Sacramento and SacSewer service area. (DEIR, p. 3-5)

General Plan Amendment and Prezoning

As part of Annexation of the project site into the City limits, the proposed project would require a GPA of the City's existing General Plan policy area to include the boundaries of the industrial park footprint and nonparticipating parcels as Employment - Mixed Use. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act (see Government Code section 56375), City of Sacramento zoning designations would be applied to the industrial park footprint and nonparticipating parcels through Prezoning. The industrial park portion of the project site would be Prezoned to include 317.9 acres of M-1-PUD zoning and 13.4 acres HC-PUD zoning. The nonparticipating parcels would be Prezoned to include 83 acres of M-1. The proposed project includes the adoption of PUD Guidelines related to the proposed M-1-PUD and HC-PUD zoning. The PUD Guidelines include regulations and standards for permitted/prohibited uses, site design, building design, landscaping/visual screening, signage, and lighting. (DEIR, p. 3-5 to 3-7)

Tentative Master Parcel Map

As established in Section 17.863.02 of the Municipal Code, the purpose and intent of a Tentative Master Parcel Map is to allow subdivision of land to correspond to General Plan and applicable community plan land use designations and infrastructure elements without allowing the creation of individual residential lots. For nonresidential property, while the master parcel map process may create parcels which may or may not be subdivided further, no building may be undertaken on any master parcel unless and until all other required discretionary entitlements have been lawfully obtained, as required by applicable land use and development regulations. According to Section 17.836.030 of the City's Municipal Code, before land may be divided by a Master Parcel Map, a Tentative Master Parcel Map must be submitted. The proposed project includes a Tentative Master Parcel Map that divides the project site into 18 parcels for the proposed Industrial Park development and four nonparticipating parcels. (DEIR, p. 3-7)

Development Agreement

As defined in Section 18.16.020 of the City's Municipal Code, the Development Agreement would allow the City and the applicant to enter into an agreement to assure the City that the proposed project would be completed in compliance with the plans submitted by the applicant and assure the applicant of vested rights to develop the project.

Co-Lead Agencies

On July 30, 2021, the City and LAFCo entered into a Memorandum of Understanding (MOU) by which the two entities agreed to have a single Environmental Impact Report (EIR) prepared to evaluate the environmental consequences of the proposed project. Under this MOU, the City and LAFCo established themselves as co-lead agencies for the EIR and defined their respective roles and responsibilities relating to the oversight and management of the EIR to ensure that it would adequately address the environmental issues reviewed by both the City and LAFCo. (FEIR, p. 1-1)

The City is responsible for approving the proposed project and its associated entitlements, while LAFCo is responsible for approving the proposed SOI Amendment, including the approval of a SOI Amendment for SacSewer's service area; associated detachment from various service providers, such as the Natomas Fire Protection District, Sacramento County Water Agency Zone 13, and CSA 1; and annexations of the project site to the City. (DEIR, p. 1-4)

Findings Required Under CEQA

1. Procedural Findings

The City Council of the City of Sacramento finds as follows:

The EIR for the proposed project (SCH # 2022030181) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code section21000 *et seq*. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations section15000 *et seq*.), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation (NOP) of the Draft EIR (DEIR) was filed with the Office of Planning and Research and each responsible and trustee agency and each federal agency involved in approving or funding the proposed project on March 4, 2022, and was circulated for public comments from March 4, 2022 to April 4, 2022. The written comments received have been included in the EIR as Appendix A.

b. A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held by Sacramento LAFCo and the City of

Sacramento on March 16, 2022. The transcript of comments received have been included in the EIR as Appendix B.

c. A Notice of Completion (NOC) and copies of the DEIR were distributed to the Office of Planning and Research on May 31, 2024, to those public agencies that have jurisdiction by law with respect to the proposed project, or which exercise authority over resources that may be affected by the proposed project, or which exercise authority over resources that may be affected by the proposed project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

d. An official 45-day public comment period for the DEIR was established by the Office of Planning and Research. The public comment period began on May 31, 2024 and ended on July 17, 2024.

e. A Notice of Availability (NOA) of the DEIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on May 29, 2024. The NOA stated that the City of Sacramento and Sacramento LAFCo had completed the DEIR and that copies were available at the City of Sacramento, Community Development Office, 300 Richards Boulevard, Third Floor, Sacramento, California 95814, or, through City's Community Development Department, environmental documents webpage. The letter also indicated that the official 45-day public review period for the DEIR would end on July 17, 2024.

f. The NOA was posted in the office of the Sacramento City Clerk and Sacramento County Clerk.

g. Following closure of the public comment periods, all comments received on the DEIR during the comment periods, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the DEIR, to produce the Final EIR (FEIR).

LAFCo will prepare its own procedural findings of fact for its consideration of the SOI Amendment and Annexation. It should be noted that the Office of Planning and Research is now the Governor's Office of Land Use and Climate Innovation (LCI).

2. Record of Proceedings

For the purposes of CEQA, and the findings herein set forth, the administrative record for the proposed project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the City's decision on the proposed project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The NOP and all other public notices issued by the City in conjunction with the proposed project;

- The DEIR for the proposed project and all documents relied upon or incorporated by reference;

- All comments submitted by agencies or members of the public during the 45-day comment period on the DEIR;

- All comments and correspondence submitted to the City with respect to the proposed project, in addition to timely comments on the DEIR;

- The FEIR for the proposed project, including the Planning Commission staff report, minutes of the Planning Commission public hearing; Resolution of the Planning Commission relating to the EIR; City Council staff report; minutes of the City Council public hearing; comments received on the DEIR; the City's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;

- The mitigation monitoring and reporting program for the proposed project;

- All findings and resolutions adopted by the City in connection with the proposed project, and all documents cited or referred to therein;

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed project;

- All documents submitted to the City by other public agencies or members of the public in connection with the proposed project, up through the close of the public hearings on _____, and _____;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed project;

- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

- All resolutions adopted by the City regarding the proposed project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;

- The City of Sacramento General Plan, City of Sacramento, February, 2024, and all updates;

- The City of Sacramento General Plan EIR, January 2024, and all updates;

- The Sacramento County General Plan Update, Sacramento County, November 9, 2011, and all updates;

- Environmental Impact Report Sacramento County General Plan Update, Sacramento County, April, 2010 and all updates;

- Matters of common knowledge to the City, including, but not limited to federal, State, and local laws and regulations;

- Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento County General Plan Update, Sacramento County, April 2010 and all updates;

- Zoning Code of the City of Sacramento;

- Any documents expressly cited in these findings, in addition to those cited above; and

- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

3. Findings

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

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

environmental effects." (CEQA Guidelines, sections 15093, 15043, sub. (b); see also Public Resources Code, section 21081, sub. (b).)

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

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

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

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

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

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

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

1. *Air Quality Greenhouse Gas Emissions, and Energy*

Impact 4.3-1 **Conflict with or obstruct implementation of the applicable air quality plan during project construction.** During construction of the project, various types of equipment and vehicles would temporarily operate on the project site and in off-site improvement areas. Construction-related emissions would be generated from construction equipment, vegetation clearing and earth movement activities, construction workers' commute, and construction material hauling for the entire construction period. The aforementioned activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants. Project construction activities also represent sources of fugitive dust, which includes Particulate Matter (PM) emissions. As construction of the proposed project would generate emissions of criteria air pollutants, including reactive organic gases (ROG), oxides of nitrogen (NO_X), and PM_{10}, intermittently within the site and in the vicinity of the site, until all construction has been completed, construction is a potential concern, because the proposed project is located in a nonattainment area for ozone and PM. Construction activity related to implementation of the proposed project is required to comply with all Sacramento Metropolitan Air Quality Management District (SMAQMD) rules and regulations. Because the proposed project would result in construction-related NO_X emissions in excess of SMAQMD's thresholds of significance, the proposed project would be considered to conflict with or obstruct the implementation of applicable air quality plans during construction. Therefore, the impact would be considered ***significant***. (DEIR, p. 4.3-40 to 4.3-42)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.3-1(a) The following SMAQMD's Basic Construction Emissions Control Practices (BMPs) for dust control shall be included through a notation on all project grading plans prior to the issuance of grading permits, to the satisfaction of the City of Sacramento Community Development Department and SMAQMD.

- *Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads;*
- *Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered;*
- *Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited;*
- *Limit vehicle speeds on unpaved roads to 15 miles per hour (mph);*
- *All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
- *Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [CCR Title 13, Sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site;*
- *Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [CCR Title 13, Sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance_ cert1.html.; and*
- *Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.*

4.3-1(b) Prior to approval of any Improvement Plans, the project applicant shall provide proof of compliance with the following to the satisfaction of the City of Sacramento Community Development Department and SMAQMD:

The project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50

horsepower or more) to be used in the construction of all project components (i.e., construction of the industrial park, nonparticipating parcels, and off-site force main), including owned, leased, and subcontractor vehicles, shall be a combination of engine Tier 3 or Tier 4 off-road construction equipment, or hybrid, electric, or alternatively fueled equipment (or any combination of the above), sufficient to achieve a fleet-wide average reduction in construction-related NO_X emissions to below the applicable SMAQMD thresholds of significance (85 lbs/day). For instance, the emissions presented in Table 4.3-8 of the Draft EIR were achieved by requiring all equipment used during construction to be engine Tier 4.

In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.

Portable equipment over 50 horsepower must have either a valid SMAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Sacramento Community Development Department.

Table 4.3-8
Maximum Mitigated Construction-Related Emissions

Pollutant	Project Emissions	Construction Threshold	Exceeds Threshold?
Proposed Project			
NO_X	65.76 lbs/day	85 lbs/day	**NO**
ROG	62.3 lbs/day	-	**NO**
PM_{10}	67.11 lbs/day and 4.54 tons/yr	80 lbs/day and 14.6 tons/yr*	**NO**
$PM_{2.5}$	17.41 lbs/day and 1.25 tons/yr	82 lbs/day and 15 tons/yr*	**NO**
Full Buildout of the Annexation Area			
NO_X	75.98 lbs/day	85 lbs/day	**NO**
ROG	49.13 lbs/day	-	**NO**
PM_{10}	73.95 lbs/day and 5.42 tons/yr	80 lbs/day and 14.6 tons/yr*	**NO**
$PM_{2.5}$	11.21 lbs/day and 1.49 tons/yr	82 lbs/day and 15 tons/yr*	**NO**

* The above thresholds for PM only apply when all feasible BACT/BMPs are applied. If all feasible BACT/BMPs are not applied, then the applicable threshold of significance for PM is 0.

Source: CalEEMod, August 2024.

(FEIR, p. 3-3 to 3-4, 3-7)

Finding: Implementation of Mitigation Measure 4.3-1(a) would ensure compliance with SMAQMD Rule 403. In addition, implementation of Mitigation Measure 4.3-1(b) would require the use of a combination of engine Tier 3 or Tier 4 off-road construction equipment, or hybrid, electric, or alternatively fueled equipment (or any combination of the above), during construction of the proposed project, including the industrial park, nonparticipating parcels, and off-site force main, to reduce the project's construction-related NO_X emissions to below to applicable SMAQMD threshold of significance. For example, the emissions presented in Table 4.3-8 assume the use of all Tier 4 final equipment. As shown in the table, use of all Tier 4 final equipment would reduce NO_X emissions to below the applicable threshold of significance construction of the project components. Therefore, implementation of Mitigation Measures 4.3-1(a) and 4.3-1(b) would reduce the potential construction-related impact to a ***less-than-significant*** level. (DEIR, p. 4.3-42)

Impact 4.3-3 Expose sensitive receptors to substantial pollutant concentrations. Operations of the proposed industrial park would not be anticipated to result in the production of substantial concentrations of localized carbon monoxide (CO) or criteria pollutants. In addition, the proposed project would not be anticipated to result in the production of substantial concentrations of toxic air contaminants (TACs), including diesel particulate matter (DPM). However, Parcel 8, the 64.3-acre nonparticipating parcel owned by Cayocca, is located adjacent to the existing neighborhood to the east of the project site. Therefore, the potential exists for a future distribution center to be developed on Parcel 8 within 1,000 feet of the existing sensitive receptors. As a result, future development of Parcel 8 could expose sensitive receptors to excess concentrations of DPM. Therefore, the proposed project could result in the exposure of sensitive receptors to substantial pollutant concentrations, and a ***significant*** impact could occur. (DEIR, p. 4.3-56)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Nonparticipating Parcels

4.3-3 If Parcel 8 (the 64.3-acre nonparticipating parcel owned by Cayocca) is proposed to be developed with a distribution center (i.e., an industrial warehouse that accommodates more than 100 heavy-duty trucks per day, more than 40 trucks with operating transport refrigeration units [TRUs] per day, or where TRU unit operations exceed 300 hours per week) within 1,000 feet of a sensitive receptor, prior to the issuance of any building permit, a Health Risk Assessment (HRA) shall be conducted to calculate the cancer risk associated with on-site truck diesel particulate matter (DPM) emissions.

The HRA shall be prepared in accordance with SMAQMD guidelines, as well as the guidelines identified in the California Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments. If health risks associated with Parcel 8 are determined to exceed the applicable SMAQMD thresholds, a qualified air quality consultant shall identify measures sufficient to reduce the project's health risks to below the SMAQMD's thresholds of significance. Reduction measures may include, but are not limited to, relocation of loading docks to further than 1,000 feet from sensitive receptors, electrification of the heavy-duty truck fleet, and/or other options as they become available. Conformance with the foregoing requirement, including implementation of identified reduction measures, shall be confirmed through review and approval of the HRA by the City of Sacramento Community Development Department.

Finding: Implementation of the above mitigation measure would require the preparation of an HRA before development on Parcel 8, which is within 1,000 feet of sensitive receptors. In addition, Mitigation Measure 4.3-3 requires that measures be identified and implemented to reduce any identified health risks to below SMAQMD's thresholds of significance prior to future development of Parcel 8. Therefore, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.3-56)

Impact 4.3-7 **Generation of Greenhouse Gas (GHG) emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.** The proposed project would generally comply with the applicable suggested project attributes included in the 2022 Scoping Plan. However, the maximum annual construction-related GHG emissions would be above the SMAQMD threshold of 1,100 million tons of carbon dioxide equivalent per year ($MTCO_2e$/yr) under Proposed Project Scenario and Full Buildout of the Annexation Area Scenario during construction. Thus, the proposed project could be considered to generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Consequently, the project could result in a ***cumulatively considerable*** incremental contribution to GHG emissions or climate change. (DEIR, p. 4.3-64 to 4.3-72)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Construction

4.3-7(a) Prior to the initiation of construction of the industrial park, the project applicant shall demonstrate that construction-related GHG

emissions would be reduced to 935 $MTCO_2e$/yr and shall submit proof to the City of Sacramento Community Development Department. In addition, prior to the initiation of construction of the nonparticipating parcels, the future applicant of all future development proposals on such parcels shall demonstrate that construction-related GHG emissions would be reduced to 165 $MTCO_2e$/yr and shall submit proof to the City of Sacramento Community Development Department.

Construction-related GHG emissions can be reduced through several options. The SMAQMD recommends the following options for reducing greenhouse gas emission from construction projects:

- *Modify the construction schedule to reduce the intensity of construction to lower emissions;*
- *Ensure that phases of development do not overlap;*
- *Use of renewable diesel for construction fuel rather than diesel;*
- *Improve fuel efficiency from construction equipment by:*
    - *Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes (five-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site; and*
    - *Using equipment with new technologies (repowered engines, electric drive trains).*
- *Perform on-site emission reductions such as implementing on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines) or real, quantifiable, permanent, verifiable, and enforceable on-site emission reductions;*
- *Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;*
- *Use a CARB-approved low carbon fuel for construction equipment; (NO_X emissions from the use of low carbon fuel must be reviewed and increases mitigated.)*
- *Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;*
- *Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;*
- *Recycle or salvage non-hazardous construction and*

demolition debris (goal of at least 75 percent by weight);

- *Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program;*
- *Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option;*
- *Produce concrete on-site if determined to be less emissive than transporting ready mix;*
- *Use SmartWay certified trucks for deliveries and equipment transport; and*
- *Develop a plan to efficiently use water for adequate dust control.*

The project applicant may elect to implement any combination of the foregoing measures to reduce construction-related GHG emissions. All GHG emissions reductions must be quantified. Compliance with the aforementioned measures shall be ensured by the City of Sacramento Community Development Department.

If the quantified reduction measures do not reduce construction-related GHG emissions to below 935 $MTCO_2e/yr$ for the industrial park and 165, $MTCO_2e/yr$ for the nonparticipating parcels, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and SMAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2045. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Sacramento and/or the SMAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by SMAQMD.

Operations

4.3-7(b) Prior to the approval of any building permits, the applicant shall implement the following measures:

1. *The proposed project shall be designed such that all project components, with the exception of the on-site restaurant kitchens, are built all-electric. The kitchens shall include pre-wiring to allow for the future retrofit of all natural gas appliances with all-electric appliances. If the kitchens are electrically powered and do not use natural gas, further mitigation is not required; and*
2. *If natural gas is installed in the kitchens, the applicant shall reduce GHG emissions associated with on-site restaurant kitchens at a rate of 158.77 $MTCO_2e/yr$ through any combination of the following on-site mitigation options:*

    - *Requiring on-site renewable energy generation in excess of Code requirements.*
    - *Increasing the number of EV charging stations.*
    - *Constructing on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects).*
    - *Implementing a Transportation Demand Management Program.*
    - *Should new and quantifiable GHG emission reduction technology become available, the applicant may otherwise achieve the required GHG emissions reduction through other means, subject to review and approval by the City of Sacramento and the SMAQMD.*

The project applicant may elect to implement any combination of the foregoing measures to reduce operational GHG emissions. All GHG emissions reductions must be quantified.

If it is determined that the above on-site mitigation options are not sufficient to achieve the required GHG reduction, subject to the discretion of the City of Sacramento and the SMAQMD, off-site carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and SMAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2045. Such credits shall be based on

CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Sacramento and/or the SMAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by SMAQMD.

Compliance with the aforementioned measures shall be ensured by the City of Sacramento Community Development Department.

4.3-7(c) Consistent with SMAQMD's GHG BMP-2, prior to the approval of project improvement plans, the applicant shall indicate that EV Ready parking spaces shall be installed throughout the project site at the ratio with which the current CalGreen Tier 2 standards require EV Capable spaces. Compliance with this measure shall be ensured by the City of Sacramento Community Development Department.

4.3-7(d) Implement Mitigation Measure 4.12-3.

Finding: Through compliance with the foregoing mitigation measures, the proposed project would be required to comply with the SMAQMD threshold for Operational GHG Emissions, the City of Sacramento Climate Action and Adaptation Plan (CAAP), and the 2022 Scoping Plan. Therefore, the proposed project would not result in the generation of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and impacts related to such would be reduced to a ***less-than-significant*** level.

2. *Biological Resources*

Impact 4.4-1 Impacts to special-status plant species, either directly (e.g., threaten to eliminate a plant community) or through substantial habitat modifications. The project site, historically used as hay fields and potentially planted intermittently with rice from 1937 to 2020, currently consists of fallow agricultural land and is devoid of structures. Unnamed drainage canals proceed through the site generally in a north-to-south direction in both the site's western and eastern portions. Because the footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats, the

potential for impacts to special-status plant species from developing either project component would be similar.

Given enough time, the possibility of special-status plants becoming established in areas where suitable habitat exists cannot be ruled out. As such, special-status plant species could occur within the on-site grasses and canals of the industrial park footprint and nonparticipating parcels prior to future commencement of construction. Thus, without a preconstruction survey to confirm the presence or absence of the special-status plant species, buildout of the project site could potentially impact protected plant species. Based on the above, development of the proposed industrial park and nonparticipating parcels could result in impacts to special-status plant species, either directly or through substantial habitat modifications, and a ***significant*** impact could occur. (DEIR, p. 4.4-42 to 4.4-43)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-1(a) Prior to the issuance of any grading permit and commencement of ground-disturbing activities associated with development of the industrial park footprint and nonparticipating parcels, the following Natomas Basin Habitat Conservation Plan (HCP) Take Avoidance, Minimization, and Mitigation Measures shall be implemented, as applicable:

Natomas Basin HCP Section V.A.1:

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

The results of the pre-construction surveys along with recommended take minimization measures shall be documented in a report and shall be submitted to the City, USFWS, CDFG and the Natomas Basin Conservancy. Based upon the survey results, the City will identify applicable take avoidance and other site-specific

Conservation Measures, consistent with the Natomas Basin HCP, required to be carried out on the site. The approved pre-construction survey documents and list of Conservation Measures will be submitted by the developer to the City to demonstrate compliance with the Natomas Basin HCP.

Natomas Basin HCP Section V.A.5.o:

If Sanford's arrowhead plants are identified through a pre-construction survey, the City shall provide notice to USFWS, CDFG and the California Native Plant Society. Under such circumstances, the development proponent shall allow the transplantation of plants prior to site disturbance.

Natomas Basin HCP Section V.A.5.p:

Prior to issuance of a grading permit, the City shall require a pre-construction survey. If such survey determines Boggs Lake hedge-hyssop, Sacramento orcutt grass, Slender orcutt grass, Colusa grass, or legenere are present, the City shall require the developer to consult with USFWS to determine appropriate measures to avoid and minimize loss of individuals.

4.4-1(b) With respect to special-status plant species not covered under the Natomas Basin HCP, prior to the commencement of construction activities associated with the nonparticipating parcels, a qualified biologist shall conduct preconstruction protocol-level surveys for special-status plants with potential to occur on-site. The surveys may be conducted concurrently with the preconstruction surveys set forth by Mitigation Measure 4.4-1(a). The results of the surveys shall be submitted for review and approval to the City of Sacramento Community Development Department and shall be valid for two years. If special-status plant species are not found, further mitigation shall not be required.

If any special-status plants are located during the foregoing surveys, the appropriate agency (i.e., CDFW and/or USFWS, depending on the species) shall be consulted to develop appropriate mitigation for the proposed project for expected impacts. If special-status plants would be impacted, as determined by the qualified biologist, a mitigation plan shall be developed in coordination with the appropriate agency and submitted for review and approval to the City of Sacramento Community Development Department. Mitigation shall include that if special-status perennial species are found in areas proposed for disturbance, the plants shall be dug up and transplanted into a suitable avoided area on-site prior to construction.

If the plant found is an annual, then mitigation shall consist of collecting seed-bearing soil and spreading it into a suitable location.

Finding: Although only a portion of the industrial park footprint and nonparticipating parcels are within the Natomas Basin Habitat Conservation Plan (HCP) permit area, the Take Avoidance, Minimization, and Mitigation Measures set forth by the Natomas Basin HCP would be applied to all project construction activities to address potential impacts to special-status plant species with potential to occur on-site, including those not covered under the Natomas Basin HCP. Compliance with Mitigation Measure 4.4-1(a) and 4.4-1(b) would require the proposed project to conduct pre-construction surveys to assess for the presence of special-status plant species, and would require the developer to consult with the appropriate agency to develop appropriate mitigation to avoid and minimize impacts to special-status plants identified on the project site. Thus, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-43 to 4.4-45)

Impact 4.4-3 **Have a substantial adverse effect, either directly or through habitat modifications, on giant garter snake.** Giant garter snake is a Covered Species under the Natomas Basin HCP. The Biological Resources Assessment (BRA) prepared for the proposed project found that habitat in the project site is unlikely to support a permanent giant garter snake population, as suitable burrows do not occur within the site and the project site is subject to ongoing high levels of vegetation management. For instance, much of the on-site canal banks are vertical and undercut with few visible burrows suitable for the species. Additionally, the tops of the canal banks are highly compacted and show evidence of repeated mowing and grading along many reaches. Furthermore, burrows capable of supporting overwintering giant garter snake were not observed during the April 2022 survey.

Nevertheless, the on-site habitat, while marginal, still provides connectivity to occupied sites to the north and south of the site within the American Basin. Though not ideal for giant garter snake, the canals within the project site could support transient individuals on a temporary basis. As such, in the event the species is present in the upland areas adjacent to the on-site canals, construction activities associated with the proposed industrial park and future development of the nonparticipating parcels could directly impact giant garter snake. Thus, development of the proposed industrial park and future buildout of the nonparticipating parcels could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (giant garter snake) identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS), and a ***significant*** impact could occur. (DEIR, p. 4.4-46 to 4.4-47)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-3(a) Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall ensure that the following Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures have been implemented:

Natomas Basin HCP Section V.A.5.a:

1. *Within the Natomas Basin, all construction activity involving disturbance of habitat, such as site preparation and initial grading, is restricted to the period between May 1 and September 30. This is the active period for the giant garter snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger.*
2. *Pre-construction surveys for giant garter snake, as well as other NBHCP Covered Species, must be completed for all development projects by a qualified biologist approved by USFWS. If any giant garter snake habitat is found within a specific site, the following additional measures shall be implemented to minimize disturbance of habitat and harassment of giant garter snake, unless such project is specifically exempted by USFWS.*
3. *Between April 15 and September 30, all irrigation ditches, canals, or other aquatic habitat should be completely dewatered, with no puddled water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. Make sure dewatered habitat does not continue to support giant garter snake prey, which could detain or attract snakes into the area. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary. This measure removes aquatic habitat component and allows giant garter snake to leave on their own.*
4. *For sites that contain giant garter snake habitat, no more than 24-hours prior to start of construction activities (site preparation and/or grading), the project area shall be surveyed for the presence of giant garter snake. If construction activities stop on the project site for a period of two weeks or more, a new giant garter snake survey shall be completed no more than 24-hours prior to the re-start of construction activities.*
5. *Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project as*

Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.

6. *Construction personnel completing site preparation and grading operations shall receive USFWS approved environmental awareness training. This training instructs workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an on-site biological monitor shall be designated.*
7. *If a live giant garter snake is found during construction activities, immediately notify the USFWS and the project's biological monitor. The biological monitor, or his/her assignee, shall do the following:*

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

8. *Upon locating dead, injured or sick threatened or endangered wildlife species, the project applicant must notify within 1 working day the Service's Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.*
9. *Fill or construction debris may be used by giant garter snake as an over-wintering site. Therefore, upon completion of construction activities remove any temporary fill and/or construction debris from the site. If this material is situated near undisturbed giant garter snake habitat and it is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snake are not using it as hibernaculae.*
10. *No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be placed on a project site when working within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir*

matting, tactified hydroseeding compounds, or other material approved by the Wildlife Agencies.

4.4-3(b) To address potential impacts to giant garter snake on-site, but outside of the Natomas Basin HCP permit area, the project applicant shall retain a qualified biologist to conduct pre-construction surveys for giant garter snake prior to the issuance of any grading permit and commencement of project-related ground-disturbing activities outside of the Natomas Basin HCP Permit Area. If giant garter snake habitat is not identified on-site and giant garter snakes are not detected, the project may commence as scheduled. If giant garter snake habitat is found and/or giant garter snake individuals are detected, in areas outside of the Natomas Basin HCP Permit Area that would be impacted by the project, the project applicant shall either:

(1) Provide on- and or off-site preservation of giant garter snake habitat at a ratio determined by USFWS and CDFW, and as subject to regulatory permitting requirements of the CDFW, USACE, and or RWQCB, as prescribed by Mitigation Measures 4.4-10(a) through 4.4-10(c) and 4.4-11(a) through 4.4-11(d), as applicable. Applicant purchase of conservation easements or fee title of lands shall be acceptable if approved by the applicable permit-issuing regulatory agency. Final mitigation requirements shall be determined by the permit-issuing regulatory agency. If a Section 7 or Section 10 ESA Consultation is required by USFWS, then any mitigation measures prescribed by USFWS shall also be required to mitigate project impacts to giant garter snake. If a Section 2080.1 ESA Consistency Determination is required from CDFW, any mitigation measures prescribed by CDFW shall also be required to mitigate project impacts to giant garter snake.

OR

(2) Should a portion of the City's surplus HCP coverage be made available to the proposed project, the project applicant for development projects less than 50-acres in size shall pay the Natomas Basin HCP mitigation fees for land acquisition, enhancement, and management and monitoring activities. (FEIR, p. 3-10 to 3-12)

Finding: Implementation of Mitigation Measure 4.4-3 would require the proposed project to comply with the Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures which apply to the giant garter snake. Project-specific mitigations included in Mitigation Measure 4.4-3 include, but are not limited to, restriction of habitat-

disturbing activities to the active period for giant garter snake, pre-construction surveys of the project site and surrounding sensitive habitat for giant garter snake, dewatering of aquatic habitat 15 days prior to excavation or filling, removal of temporary fill and construction debris, design guidelines for erosion control matting, and protocols for the discovery of live or dead individual giant garter snakes during construction. Compliance with Mitigation Measure 4.4-3 would assist giant garter snake to migrate out of the proposed project area before project implementation and minimize the risk of impacts to giant garter snake through minimization of their presence on the project site, and avoidance of any individual snakes that could be present. Thus, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-47 to 4.4-49)

Impact 4.4-4 **Have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle.** Northwestern pond turtle is a Covered Species under the Natomas Basin HCP. As the footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats, the potential for impacts to the species from developing either project component would be similar. With respect to on-site upland areas that could support northwestern pond turtle, the top of the canal banks within the project site are highly compacted and show evidence of repeated mowing and grading along several reaches. Such conditions limit the potential for the species to occur within areas upland of the on-site canals. In addition, adjacent upland habitats are marginal, as much of the canal banks are vertical and undercut. Nevertheless, northwestern pond turtle was observed within the project site during three field surveys conducted as part of the BRA, specifically in Canal-2 and Canal-3. Given the BRA's confirmation of northwestern pond turtle in the project site, the potential for the species to be present within the uplands adjacent to the canals cannot be entirely ruled out. In the event the species is present, construction activities associated with the proposed industrial park and future development of the nonparticipating parcels could directly impact northwestern pond turtle. Therefore, development of the proposed industrial park and future buildout of the nonparticipating parcels could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (northwestern pond turtle) identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, a ***significant*** impact could occur. (DEIR, p. 4.4-49)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-4(a) Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall ensure that the following Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measure has been implemented:

Natomas Basin HCP Section V.A.5.j:

1. *Take of the northwestern pond turtle as a result of habitat destruction during construction activities, including the removal of irrigation ditches and drains, and during ditch and drain maintenance, will be minimized by the dewatering requirement described above for giant garter snake (see Section 5.a.(3)).*

4.4-4(b) Implement Mitigation Measure 4.4-1(a).

Finding: Implementation of Mitigation Measures 4.4-4(a) and 4.4-4(b) would require the proposed project to comply with the Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures which apply to the northwestern pond turtle. Project-specific mitigations included in Mitigation Measure 4.4-4(a) and 4.4-4(b) include but are not limited to pre-construction surveys of the project site and surrounding sensitive habitat for northwestern pond turtle and dewatering of aquatic habitat prior to excavation or filling. Compliance with Mitigation Measure 4.4-4(a) and 4.4-4(b) would assist northwestern pond turtle to migrate out of the proposed project area before project implementation and minimize the risk of impacts to northwestern pond turtle through minimization of their presence on the project site. Thus, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-43 to 4.4-44, and 4.4-50)

Impact 4.4-5 Have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk. Swainson's hawk is a Covered Species under the Natomas Basin HCP. As the footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats, the potential for impacts to the species from developing either project component would be similar. Swainson's hawk was observed during the April and May 2022 surveys. Although nesting activity was not detected during these surveys, in the event the species is nesting within the project site, which contains limited nesting habitat, the proposed project could directly affect the success of nesting hawks through destruction of pre-existing nests, active nests, and young or visual and/or audible disturbance from construction activities. Furthermore, the BRA found that high-quality foraging habitat occurs on-site, which would be converted to industrial uses as part of the proposed project. As such, the project would result in potential impacts related to the loss of Swainson's hawk foraging habitat. Development of the proposed industrial park and future buildout of the nonparticipating parcels could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (Swainson's hawk) identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, a ***significant*** impact could occur. (DEIR, p. 4.4-50 to 4.4-51)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-5(a) Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall ensure that the following Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measure has been implemented:

Natomas Basin HCP Section V.A.5.b:

Measures to Reduce Nest Disturbance

1. *Prior to the commencement of development activities, a pre-construction survey shall be completed to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites occur on or within ½ mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the Service and CDFG, using experienced Swainson's hawk surveyors.*
2. *If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within ½ mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4 mile of existing urban development, the no new disturbance zone can be limited to the ¼ mile versus ½ mile. Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within ½ mile of an active nest are not restricted.*
3. *Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.*
4. *If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until the California Department of Fish and*

Game has concurred that the young have fledged and are no longer dependent upon the nest tree.

5. *If construction or other project related activities which may cause nest abandonment or forced fledgling are proposed within the ¼ mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.*

4.4-5(b) To address potential impacts to Swainson's hawk foraging habitat that occurs on-site, but outside of the Natomas Basin HCP permit area, the project applicant shall preserve Swainson's hawk foraging habitat off-site at a 1:1 ratio, which shall consist of a minimum 0.5:1 ratio habitat preservation off-site plus 0.5:1 ratio as prescribed by Mitigation Measure 4.2-1. The preserved habitat shall be provided through applicant purchase of conservation easements or fee title of lands with suitable Swainson's hawk foraging habitat as approved by CDFW (consistent with CDFW guidelines). Additionally, prior to the issuance of any grading permit and commencement of project-related ground-disturbing activities outside of the Natomas Basin HCP permit area the project applicant shall consult with CDFW for a Section 2081 Incidental Take Permit, or demonstrate to the City that none was required by CDFW.

OR

Should a portion of the City's surplus HCP coverage be made available to the proposed project, the project applicant shall pay the Natomas Basin HCP mitigation fees for land acquisition, enhancement, and management and monitoring activities for development projects less than 50-acres in size; otherwise off-site land dedication and payment of NBHCP fees are required for projects greater than 50-acres in size. (FEIR, p. 3-12)

Finding: In addition, to address potential impacts to Swainson's hawk foraging habit that occurs within on-site areas outside of the Natomas Basin HCP permit area, the project applicant would implement Mitigation Measure 4.4-5(b), which would require the applicant to preserve Swainson's hawk foraging habitat off-site at a 1:1 ratio through applicant purchase of conservation easements or fee title of lands with suitable Swainson's hawk foraging habitat as approved by CDFW. Additionally, prior to the issuance of any grading permit and commencement of project-related ground-disturbing activities outside of the Natomas Basin HCP permit area the project applicant shall consult with CDFW for a Section 2081 Incidental Take Permit, or demonstrate to the City that none was required by CDFW. Preservation of foraging habitat for Swainson's hawk would additionally address potential impacts to the foraging habitat of other protected species that have potential to occur within Swainson's hawk foraging habitat

(i.e., burrowing owl and other birds and raptors protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFGC)). Compliance with Mitigation Measure 4.4-5(b), would preserve foraging habitat for Swainson's hawk and other migratory bird and raptor species, thus reducing the impact to a ***less-than-significant*** level. (DEIR, p. 4.4-51 to 4.4-52; FEIR, p. 3-12)

Impact 4.4-6 **Have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl.** Burrowing owl is a Covered Species under the Natomas Basin HCP. As the footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats, the potential for impacts to the species from developing either project component would be similar. Pursuant to the BRA, most regional records for burrowing owl within the greater project vicinity are east of SR 99. However, recent California Natural Diversity Database (CNDDB) records document occurrences of the species at the Sacramento International Airport to the northwest of the project site. As such, burrowing owl could potentially occur over a wide range within the project vicinity during migration and winter in appropriate open habitats and disturbed areas.

Although suitable burrows and ground-squirrels were not observed during the field surveys conducted for the BRA, the project site contains some open disturbed areas, primarily in the construction staging area along the south side of Bayou Way and west of Metro Air Parkway, which provide marginal habitat for burrowing owl. In addition, in the event that ground squirrels move into the property from adjacent undeveloped land and establish burrows prior to project construction activities, burrowing owl could use burrows within the site. Based on the above, development of the proposed industrial park and future buildout of the nonparticipating parcels could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (burrowing owl) identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, a ***significant*** impact could occur. (DEIR, p. 4.4-53 to 4.4-54)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-6 Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall ensure that the following Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measure has been implemented:

Natomas Basin HCP Section V.A.5.h:

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

Relocation options may include passive relocation to another area of the site not subject to disturbance through one way doors on burrow openings, or construction of artificial burrows in accordance with the CDFG's October 17, 1995, Staff Report on Burrowing Owls Mitigation (see Appendix D).

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

Finding: Implementation of Mitigation Measure 4.4-6 would require the proposed project to comply with the Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures which apply to burrowing owls. Project-specific mitigations included in Mitigation Measure 4.4-6 include but are not limited to pre-construction surveys of the project site and surrounding sensitive habitat for burrowing owls, avoidance of burrows during burrowing owl nesting season, protocols requiring potential burrowing owl relocation or implementation of buffer zones under consultation with the appropriate agency if nest sites are found, and development of suitable habitat on reserves where avoidance of burrowing owl habitat is not possible. Compliance with Mitigation Measure 4.4-6 would require the project developer to avoid burrowing owls identified in the proposed project area during project implementation, thus minimizing the risk of impacts to burrowing owl. Therefore, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-54 to 4.4-55)

Impact 4.4-8 **Have a substantial adverse effect, either directly or through habitat modifications, on loggerhead shrike.** Loggerhead shrike is a Covered Species under the Natomas Basin HCP. As the footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats, the potential for impacts to the species from developing either project component would be similar. Although the nearest documented CNDDB occurrences of loggerhead shrike are more than 50 miles from the project site, the BRA found that the species is underreported in the CNDDB, as loggerhead shrike occurs sparingly in the Natomas Basin. Although the species is unlikely to be present on-site due to the lack of scrubby habitat to accommodate the species, the BRA determined that the possibility of active loggerhead shrike nests occurring on-site could not be ruled out. In addition, the BRA found that the proposed project could potentially impact the species through the loss of suitable foraging habitat within the site. As such, the project could result in a ***significant*** impact to loggerhead shrike. (DEIR, p. 4.4-57)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-8 Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall ensure that the following Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measure has been implemented:

Natomas Basin HCP Section V.A.5.g:

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

Finding: Implementation of Mitigation Measure 4.4-8 would require the proposed project to comply with the Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures which apply to loggerhead shrike. Project-specific mitigations included in Mitigation Measure 4.4-8 include but are not limited to pre-construction surveys of the project site for loggerhead shrike and implementation of buffer zones if nest sites are found. Compliance with Mitigation Measure 4.4-8 would require the project developer to avoid loggerhead shrike nesting sites identified in the proposed project area during project implementation. Thus, the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-58)

Impact 4.4-9 Have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, white-tailed kite, song sparrow, and other nesting birds and raptors protected under the MBTA and CFGC. The footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats. As such, the potential for impacts to northern harrier, white-tailed kite, song sparrow "Modesto" population, and other nesting birds and raptors protected under the MBTA and CFGC that could occur from developing either project component would be similar. The vegetation communities within the project site and proposed off-site areas provide suitable nesting habitat to accommodate songbirds and raptors that are not covered under the Natomas Basin HCP, but which are, nevertheless, protected under the MBTA and CFGC.

Northern harrier was observed foraging on and flying over the project site during two of the five surveys conducted as part of the BRA. If northern harrier nest sites are present on the project site during construction, the proposed project could directly affect the success of nesting northern harrier through destruction of active nests and young or through visual and/or audible disturbance from construction activities. The project could also potentially impact species through the loss of suitable foraging habitat.

With respect to song sparrow, although the on-site habitat to support nesting activities for song sparrow is limited, in the event the species is present within the project site, the BRA found that the proposed project could directly affect the success of nesting song sparrow through destruction of active nests and young or visual and/or audible disturbance from construction activities.

Similar to potential impacts to northern harrier, white-tailed kite, and song sparrow, most native songbirds and raptors have baseline protections under the CFGC and guidelines for protections under the federal MBTA. Each prohibits the intentional killing, collecting, or trapping of covered species, including their active nests (those with eggs or young). Given the presence of various trees within the project site which provide suitable nesting habitat to native songbirds and raptors, the proposed project could result in potential impacts to other species protected under the CFGC and MBTA.

Based on the above, the project could have a substantial adverse effect during project construction, either directly or through habitat modifications, on nesting songbirds and raptor species protected under the MBTA and CFGC. Thus, a ***significant*** impact could occur. (DEIR, p. 4.4-58 to 4.4-60)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-9(a) ***Raptors****: If ground disturbance or other construction activities are proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors protected under the California Fish and Game Code (CFGC) and Migratory Bird Treaty Act (MBTA) shall be conducted by a qualified biologist within seven days prior to the beginning of construction activities in order to identify active nests. The survey shall be conducted within the proposed construction area and all accessible areas within 0.5-mile. A report summarizing the results of the survey shall be submitted for review and approval to the City of Sacramento Community Development Department. If active nests are not found*

during the focused survey(s), additional mitigation shall not be required. For any period of project inactivity of more than seven days, the qualified biologist shall conduct a field check of the previously surveyed area before construction activities recommence to confirm nesting raptors have not entered during the interim.

If active raptor nests are found within 0.5-mile of a construction area, construction shall not commence within 0.5-mile of the nest until a qualified biologist determines that the young have fledged, or the biologist has determined that the nesting attempt has failed. If construction activities within 0.5-mile of the nest are necessary, the qualified biologist shall be consulted to determine if the nest buffer can be reduced. The applicant and qualified biologist shall jointly determine the nest avoidance buffer, and what (if any) nest monitoring is necessary.

If an active raptor nest is found within the project area prior to construction and is in a tree that is proposed for removal, then the project applicant shall implement additional mitigation recommended by a qualified biologist based on CDFW guidelines and obtain any required permits from CDFW.

4.4-9(b) ***Songbirds****: If ground disturbance or other construction activities are proposed during the nesting season (February 1 to August 31), a focused survey for birds protected under the MBTA shall be conducted by a qualified biologist within seven days prior to the beginning of construction activities in order to identify active nests. The survey shall be conducted within the proposed construction area and all accessible areas within 500 feet. A report summarizing the results of the survey shall be submitted for review and approval to the City of Sacramento Community Development Department. If active nests are not found during the focused survey(s), additional mitigation shall not be required. For any period of project inactivity of more than seven days, the qualified biologist shall conduct a field check of the previously surveyed area before construction activities recommence to confirm nesting songbirds have not entered during the interim.*

If active special-status species nests/nesting colonies are located during the survey, the project applicant shall work with a qualified biologist to determine a suitable avoidance buffer and the extent and duration of nest monitoring needed. The perimeter of the protected area shall be indicated by bright orange temporary fencing and signage. Construction activities and/or personnel shall not enter the protected area, except with approval of the biologist. If trees containing nests or burrows must be removed as a result of

project implementation, removal shall be completed during the nonbreeding season (late September to January 31).

If active songbird nests are found, a qualified biologist shall establish a 100-foot non-disturbance buffer. The non-disturbance buffers may be reduced based on consultation and approval by the City of Sacramento Community Development Department. The perimeter of the protected area shall be indicated by bright orange temporary fencing. Construction activities or personnel shall not enter the protected area, except with approval of the biologist. If trees containing nests must be removed as a result of project implementation, removal shall be completed during the nonbreeding season (late September to January 31) or after the adults and young are not dependent on the nest site, as determined by a qualified biologist.

Finding: Although the site contains habitat and foraging area where northern harrier, white-tailed kite, song sparrow "Modesto" population, and other nesting birds and raptors protected under the MBTA and CFGC, are likely to occur, the project includes a Wildlife Hazard Management Plan to prevent aviation hazards from occurring to protected avian species during operation. In addition, Mitigation Measures 4.4-9(a) and 4.4-9(b) require pre-construction surveys and implementation of avoidance protocols if presence of protected avian species occurs. The surveys and avoidance protocols outlined in Mitigation Measures 4.4-9(a) and 4.4-9(b) would require the proposed project to avoid individual northern harrier, white-tailed kite, song sparrow "Modesto" population, other nesting birds and raptors protected under the MBTA and CFGC, and their nesting sites during project construction, thus reducing potential impacts to the abovementioned avian species. Therefore, a ***less-than-significant*** impact would occur. (DEIR, p. 4.4-58 to 4.4-60)

Impact 4.4-10 **Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.** Construction of the proposed industrial park would result in direct impacts to 0.37-acre of Goodding's willow – red willow riparian woodland and forest, 0.07-acre of valley oak riparian forest woodland, and 0.02-acre of California bulrush marsh. A portion of the 0.75-acre of valley oak riparian forest woodland identified within the project site occurs within the nonparticipating parcels. The aforementioned vegetation communities are designated by the CDFW and California Native Plant Society (CNPS) as Sensitive Natural Communities. As such, future buildout of the proposed project, including nonparticipating parcels, with industrial uses could result in impacts to a Sensitive Natural Community.

To address the potential impact to the aforementioned vegetation communities, the project would require notification of CDFW,

pursuant to the provisions set forth by CFGC section 1600, et seq. If CDFW determines that the proposed activity would substantially affect fish and wildlife resources, a Lake or Streambed Alteration Agreement (LSAA) containing measures to protect affected fish and wildlife resources would be required, in accordance with CFGC section 1600. The LSAA would be comprised of the final mitigation measure(s) and condition(s) mutually agreed upon by CDFW and the City. CDFW may choose to address potential temporary impacts to Sensitive Natural Communities through the LSAA process. Additionally, projects that require a LSAA often additionally require a permit from the USACE under section 404 of the Clean Water Act (CWA). In such instances, the conditions of the section 404 permit and the LSAA may overlap. Without compliance with the LSAA and/or section 404 permit, a ***significant*** impact could occur. (DEIR, p. 4.4-62)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park

4.4-10(a) Prior to the commencement of ground-disturbing activities, the project applicant shall notify CDFW, pursuant to CFGC Section 1600. The notification shall include a description of all of the activities associated with the proposed industrial park, not just those associated with the drainages and/or riparian vegetation. Impacts shall be outlined in the notification and are expected to be in substantial conformance with the impacts to biological resources outlined in the Biological Resources Assessment prepared for the Airport South Industrial Project by Bargas Environmental Consulting. Impacts for each activity shall be broken down by temporary and permanent impacts. A description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent impact. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided, as well as a description of stormwater treatment methods. Minimization and avoidance measures shall be proposed, as appropriate, and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater Best Management Practices (BMPs). Impacts to jurisdictional aquatic resources located on-site within the Natomas Basin HCP permit area shall be mitigated by fee payment to the Natomas Basin Conservancy per the Natomas Basin HCP. Jurisdictional aquatic resources impacted outside of the Natomas Basin HCP permit area shall provide mitigation at a ratio deemed

acceptable by the applicable permit-issuing regulatory agency. Mitigation for impacts to Goodding's willow – red willow riparian woodland and forest, valley oak riparian forest woodland, and California bulrush marsh may include restoration or enhancement of resources on- or off-site, or any other method acceptable to CDFW. Mitigation shall not result in a net loss of a Sensitive Natural Community.

If CDFW determines through the course of the CFGC Section 1600 notification process that the project does not require a Lake or Streambed Alteration Agreement (LSAA) to address potential impacts to Goodding's willow – red willow riparian woodland and forest, valley oak riparian forest woodland, and California bulrush marsh, further mitigation regarding the aforementioned vegetation communities shall not be required. Written verification of the applicant's compliance with the Section 1600 LSAA process shall be submitted to the City of Sacramento Community Development Department.

Nonparticipating Parcels

4.4-10(b) As part of any application associated with development of the nonparticipating parcels, the applicant shall ensure that a qualified biologist has reviewed areas proposed for disturbance to identify vegetation communities that occur in the development footprint and confirm the presence and acreages of Sensitive Natural Communities. If a Sensitive Natural Community would not be impacted, further mitigation shall not be required. The qualified biologist shall detail any recommendations to avoid impacts to identified Sensitive Natural Communities in a report, which shall be submitted for review and approval to the City of Sacramento Community Development Department.

4.4-10(c) If a Sensitive Natural Community or potentially jurisdictional aquatic resource is identified in a nonparticipating parcel for which a development application has been submitted, the applicant shall implement Mitigation Measure 4.4-10(a).

Finding: Pursuant to CFGC section 1600, Mitigation Measure 4.4-10(a) would require the proposed project to notify CDFW of all of the activities associated with the proposed industrial park, associated impacts as outlined by the BRA prepared for the proposed project, and the proposed mitigation and minimization measures which would be applied. Proposed mitigation measured can include but are not limited to preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater Best Management Practices (BMPs). Mitigation for impacts to Goodding's willow – red willow riparian woodland and forest, valley oak riparian forest woodland,

and California bulrush marsh may include restoration or enhancement of resources on- or off-site, or any other method acceptable to CDFW. Overall, the proposed mitigation measures shall not result in any net loss of sensitive habitats and impacts of on-site aquatic resources shall require payment of fees to the Natomas Basin conservancy. In addition, Mitigation Measure 4.4-10(b) and 4.4-10(c) would require compliance with a review of vegetation communities that occur within the nonparticipating parcels prior to their development, and implementation of Mitigation Measure 4.4-10(a) if sensitive plant communities of aquatic habitats are identified on the non-participating parcels. Compliance with Mitigation Measure 4.4-10(a), 4.4-10(b), and 4.4-10(c) would require the proposed project to identify and avoid Sensitive Natural Communities, or provide mitigation and minimization measures where impacts cannot be avoided, thereby reducing possible impacts to a Sensitive Natural Community caused by future buildout of the proposed project, including non-participating parcels. Thus the impact would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.4-62)

Impact 4.4-11 **Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.** Pursuant to the BRA, a total of 1.501 acres of tributary waters and 0.58-acre of other waters potentially subject to USACE jurisdiction occur within the grading limits of the proposed industrial park. In addition, the features are potential tributary waters and other waters of the State, subject to Central Valley RWQCB jurisdiction, as well as aquatic/riparian habitat, subject to requirements set forth by CWA section 401 and CFGC section 1600, respectively.

The proposed project would result in disturbance to a portion of the on-site tributary waters and other waters during construction of a bridge and culvert across Canal 2, to the west of the Lot D detention/retention basin. In addition, construction of the proposed commercial lots (Parcels 6A through 6C and 7A through 7C) would result in disturbances to Ditch 1 and Ditch 2. For potential impacts to State- or federally protected wetlands, the proposed project would require a CWA section 404 permit from the USACE and a section 401 permit from the RWQCB and would be subject to all the conditions set forth therein. The project would also be subject to the regulations set forth under CFGC section 1600, et seq., discussed above under Impact 4.4-10. Without compliance with the above, development of the proposed industrial park could result in a ***significant*** impact related to federally or State-protected wetlands. (DEIR, p. 4.4-64 to 4.4-65)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park

4.4-11(a) Prior to the issuance of grading permits, the project applicant shall submit the Aquatic Resources Delineation (ARD) prepared for the proposed project by Bargas Environmental Consulting to the U.S. Army Corps of Engineers (USACE) for a Preliminary Jurisdictional Determination and obtain authorization for the fill of jurisdictional waters of the U.S. through the Clean Water Act (CWA) Section 404 permitting process. Timing for compliance with the specific conditions of the Section 404 permit shall be pursuant to the conditions specified by USACE as part of permit issuance. Proof of compliance with the requirements established herein shall be submitted for review and approval to the City of Sacramento Community Development Department.

4.4-11(b) Prior to construction in any areas containing wetlands or waters of the U.S. and/or State, the project applicant shall obtain a water quality certification pursuant to Section 401 of the CWA. Any measures required as part of the issuance of the water quality certification shall be implemented.

4.4-11(c) Prior to construction in any areas containing wetlands or waters of the U.S. and/or State, the project applicant shall file a report of waste discharge with the Central Valley Regional Water Quality Control Board (RWQCB) for activities affecting wetlands or waters of the State that are not also under USACE jurisdiction, if applicable.

4.4-11(d) Implement Mitigation Measure 4.4-10(a).

Nonparticipating Parcels

4.4-11(e) As part of any application associated with development of the nonparticipating parcels, the applicant shall ensure that a qualified biologist has conducted an Aquatic Resources Delineation (ARD) for areas proposed for disturbance to identify potential waters of the U.S. and/or State. The ARD shall be conducted in accordance with the minimum standards set forth by the USACE South Pacific Division and Sacramento District Regulatory Program, as well as the Corps of Engineers Wetlands Delineation Manual, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, and A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States or any manuals that supplement or replace these manuals.

If potential waters of the U.S. and/or State are not identified, further mitigation shall not be required. The ARD shall be submitted for review and approval to the City of Sacramento Community

Development Department and USACE Sacramento District Regulatory Division.

4.4-11(f) If waters of the U.S. and/or State are identified within areas proposed for disturbance, the project applicant shall implement Mitigation Measures 4.4-11(a) through 4.4-11(d), as applicable.

Finding: Implementation of the above mitigation measures would reduce the above potential impact to a ***less-than-significant*** level. Mitigation Measure 4.4-11(a) requires the project prepare and submit an ARD to identify aquatic resources that occur within the proposed project prior to their development, future buildout of the parcels could result in impacts to State- and/or federally protected wetlands. The rest of the aforementioned mitigation measures require compliance with the provisions of CWA sections 404 and 401, as well as CFGC section 1600, et seq., to prevent substantial adverse effect on riparian habitat identified in local or regional plans, policies, regulations or by the CDFW or USFWS potentially caused by the development of the proposed industrial park. Similarly, Mitigation Measure 4.4-11(e) requires the project prepare and submit an ARD to identify aquatic resources that occur within the non-participating parcels and Mitigation Measure 4.4-11(f) requires the implementation of Mitigation Measures 4.4-11(b) through 4.4-11(d) on the non-participating parcels if waters of the U.S or State are identified. (DEIR, p. 4.4-64 to 4.4-66)

Impact 4.4-12 **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.** The footprints of the proposed industrial park and nonparticipating parcels are contiguous and feature similar habitats. As such, the potential for impacts related to migratory wildlife corridors and wildlife nursery sites that could occur from developing either project component would be similar. Pursuant to the BRA, the overall project site largely does not function as a wildlife corridor to terrestrial wildlife, as the site is bounded by physical barriers. However, the canals within project site could support transient giant garter snake on a temporary basis. As such, in the event the species is present in the upland areas adjacent to the on-site canals, construction activities associated with the proposed industrial park and future development of the nonparticipating parcels could interfere substantially with the movement of giant garter snake through the site.

Based on the above, the proposed project would not impede the use of native wildlife nursery sites. However, the project could interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors. Therefore, a ***significant*** impact could occur. (DEIR, p. 4.4-66 to 4.4-67)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.4-12 Implement Mitigation Measure 4.4-3.

Finding: Through compliance with Mitigation Measure 4.4-3, the proposed project would be required to implement the provisions of the applicable Take Avoidance, Minimization, and Mitigation Measure set forth by the Natomas Basin HCP, which includes, but is not limited to, completion of preconstruction surveys for giant garter snake, additional site inspections for sites that contain the species, USFWS environmental awareness training, USFWS notification if a live giant garter snake is found, and prohibition of erosion control matting that could entangle snakes. Such measures would ensure that the mitigation would reduce the project's emergency access impacts to a ***less-than-significant*** level. (DEIR, p. 4.4-67)

Impact 4.4-13 **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.** the industrial park footprint portion of the project site contains 11 trees. In addition, a cluster of seven trees occurs along the southern boundary of Parcel 5, which is contiguous with Parcel 8, a nonparticipating parcel. As none of the trees are located in a City park, on real property the City owns in fee, or within a public ROW, none of the trees would qualify as a protected City Tree. However, the on-site trees could potentially qualify as a Private Protected Tree, which the City defines as a tree on private property that is designated by City Council resolution to have special historical value, special environmental value, or significant community benefit, as well a tree that has a diameter at standard height (DSH) of 24 inches or more and is located on private property that is undeveloped or does not include any single unit or duplex dwellings. Further analysis would be required to confirm if the on-site trees meet the definition of a Private Protected Tree, as established by Sacramento City Code Section 12.56.020. Based on the above, without compliance with requirements set forth by Sacramento City Code Chapter 12.56, development of the proposed industrial park could conflict with a local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance, and a significant impact could occur.

Various trees occur in and along the boundaries of the nonparticipating parcels that could be developed in the future with industrial uses. As such, prior to the development of the nonparticipating parcels, a tree survey would be required to be conducted in order to confirm the presence of trees that meet the definitions of a City Tree or Private Protected Tree, as established by Sacramento City Code Section 12.56.020. Any such trees within areas proposed for disturbance as part of development of the nonparticipating parcels would require a

Tree Permit from the City of Sacramento Community Development Department to address potential impacts to such trees. Future development projects would also be required to pay all applicable fees and comply with the provisions set forth therein by said permit, in accordance with Sacramento City Code Chapter 12.56. Without compliance with the above, development of the proposed industrial park could result in a ***significant*** impact related to conflict with ordinances protecting biological resources. (DEIR, p. 4.4-68 to 4.4-69)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park

4.4-13(a) Prior to the issuance of any grading permit and commencement of ground-disturbing activities, the project applicant shall hire a qualified arborist to evaluate all trees within areas proposed for disturbance to confirm if the trees meet the definition of a Private Protected Tree, as set forth by Sacramento City Code Section 12.56.020. Results of the tree survey shall be submitted for review and approval to the City of Sacramento Department of Public Works' Urban Forestry section. Should any on-site tree that would be potentially impacted by the proposed project be found to qualify as a Private Protected Tree, the project applicant shall obtain a Tree Permit from the City of Sacramento Community Development Department and comply with the permit requirements in effect at the time of project grading for removal, pruning, or soil disturbance within the canopy dripline of a Private Protected Tree.

Nonparticipating Parcels

4.4-13(b) As part of any application associated with development of the nonparticipating parcels, the applicant shall hire a qualified arborist to conduct a tree survey of areas proposed for disturbance to identify any trees that meet the definition of a Private Protected Tree, as established by Sacramento City Code Section 12.56.020. A report detailing the results of the survey shall be submitted for review and approval to the City of Sacramento Community Development Department. If protected trees are not identified, further mitigation shall not be required.

4.4-13(c) If protected trees are identified in areas proposed for disturbance of nonparticipating parcels, the applicant shall implement Mitigation Measure 4.4-13(a).

Finding: Mitigation Measures 4.4-13(a) and 4.4-13(b) would require that the proposed project would comply with the City requirement to obtain a Tree Permit to perform any activity, not including routine maintenance, that could adversely impact the health of a City Tree or Private Protected Tree in accordance with the requirements set forth in

Sacramento City Code Chapter 12.56, pay all applicable fees, and comply with the provisions set forth therein by said permit. This mitigation would reduce the proposed project's potential conflict with any local policies or ordinances protecting biological resources, including tree preservation policies or ordinances, to a ***less-than-significant*** level. (DEIR, p. 4.4-68 to 4.4-69)

Impact 4.4-15 **Cumulative loss of habitat for special-status species.** The project site is not currently within the City limits. Through approval of the proposed SOI Amendment and Annexation, the project site would be annexed into the City of Sacramento. As such, the City's 2040 General Plan Master EIR (MEIR) evaluation of potential impacts to biological resources did not include consideration of the project site. Development of the proposed industrial park and future development of the nonparticipating parcels could result in potential impacts to portions of the foregoing areas. As discussed throughout Chapter 4.4, Biological Resources, of the DEIR, the project site contains potential habitat for various special-status species.

With respect to potential impacts that could occur to special-status plant and wildlife species, mitigation measures would require implementation of applicable Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures for Covered Species to address potential impacts that could occur as a result of all project-associated construction activities, regardless of whether they occur within or outside of the Natomas Basin HCP permit area. Compliance with the aforementioned Take Avoidance, Minimization, and Mitigation Measures would reduce potential impacts to protected plant species, giant garter snake, northwestern pond turtle, Swainson's hawk, burrowing owl, and loggerhead shrike to a less-than-significant level.

For species not covered under the Natomas Basin HCP, such as northern harrier, white-tailed kite, song sparrow, and other nesting birds and raptors protected under the MBTA and CFGC, mitigation measures are also included to address potential impacts. Such measures necessitate preconstruction surveys to identify active nests and further provisions should active nests be on-site or in areas immediately adjacent to the site. In addition, in the event that a portion of the City's surplus HCP coverage acreage is not available to the project to address potential impacts to on-site foraging habitat outside of the Natomas Basin HCP permit area, Mitigation Measure 4.4-5(b) requires the project to preserve Swainson's hawk foraging habitat elsewhere, in accordance with applicable CDFW guidelines. Furthermore, potential impacts to riparian habitat or other Sensitive Natural Communities are addressed through mitigation requiring compliance with section 1600 of the CFGC. Finally, potential impacts to protected wetlands are addressed through mitigation requiring compliance with sections 404 and 401 of the CWA. Overall, with

incorporation of the mitigation measures set forth herein, potential impacts to biological resources that could occur as a result of the proposed project would all be reduced to a less-than-significant level.

With respect to potential impacts that could occur to biological resources as part of development of buildout of the General Plan policy area including the Northlake subdivision or areas within the unincorporated Sacramento County portions of the Natomas Basin, such as the Metro Air Park (which is subject to its own Metro Air Park HCP), the Upper Westside Specific Plan, the Grandpark Specific Plan, the Sacramento International Airport Master Plan, and the Elkhorn Boulevard Extension Project, such areas in the cumulative setting would be subject to applicable policies, regulations, and standards set forth at the federal, State, and local level, including preconstruction surveys, compliance with CFGC section 1600, and sections 404 and 401 of the CWA. Therefore, all potential impacts that could occur through development in the cumulative setting would be reduced through applicable regulatory requirements.

Based on the above, cumulative conditions may result in a significant cumulative impact related to the loss of special-status species habitat in the vicinity of the project. Although habitat impacts covered by the Natomas Basin HCP or Metro Air Park HCP are mitigated under the foregoing HCPs, and habitat impacts associated with buildout of the Northlake subdivision were separately addressed through project-specific mitigation measures, the City does not control mitigation for ongoing and future projects in unincorporated Sacramento County. Therefore, the overall habitat impact would be considered significant and the proposed project's contribution to the significant impact could be ***cumulatively considerable***. (DEIR, p. 4.4-78 to 4.4-82)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a *less than cumulatively considerable* level:

Industrial Park

4.4-15(a) Implement Mitigation Measures 4.4-1(a) and 4.4-1(b), 4.4-3, 4.4-4(a), 4.4-5(a) and 4.4-5(b), 4.4-6, 4.4-8, 4.4-9(a) and 4.4-9(b), 4.4-10(a), 4.4-11(a) through 4.4-11(c), and 4.4-13(a).

Nonparticipating Parcels

4.4-15(b) Implement Mitigation Measures 4.4-1(a) and 4.4-1(b), 4.4-3, 4.4-4(a), 4.4-5(a) and 4.4-5(b), 4.4-6, 4.4-8, 4.4-9(a) and 4.4-9(b), 4.4-10(b) and 4.4-10(c), 4.4-11(e) and 4.4-11(f), and 4.4-13(b) and 4.4-13(c).

Finding: As discussed throughout Chapter 4.4, Biological Resources, of the DEIR, development of the proposed project has the potential to impact special-status species

and their habitat, riparian habitat or other Sensitive Natural Communities, protected wetlands, and other biological resources. Implementation of appropriate mitigation measures would ensure that impacts to the foregoing areas would be reduced. For example, mitigation measures would require implementation of applicable Natomas Basin HCP Take Avoidance, Minimization, and Mitigation Measures for Covered Species to address potential impacts that could occur as a result of all project-associated construction activities, regardless of whether they occur within or outside of the Natomas Basin HCP permit area. Compliance with the aforementioned Take Avoidance, Minimization, and Mitigation Measures would reduce potential impacts to protected plant species, giant garter snake, northwestern pond turtle, Swainson's hawk, burrowing owl, and loggerhead shrike to a less-than-significant level.

For species not covered under the Natomas Basin HCP, such as northern harrier, white-tailed kite, song sparrow, and other nesting birds and raptors protected under the MBTA and CFGC, mitigation measures are also included to address potential impacts. Such measures necessitate preconstruction surveys to identify active nests and further provisions should active nests be on-site or in areas immediately adjacent to the site. In addition, in the event that a portion of the City's surplus HCP coverage acreage is not available to the project to address potential impacts to on-site foraging habitat outside of the Natomas Basin HCP permit area, Mitigation Measure 4.4-5(b) requires the project to preserve Swainson's hawk foraging habitat elsewhere, in accordance with applicable CDFW guidelines.

Furthermore, potential impacts to riparian habitat or other Sensitive Natural Communities are addressed through mitigation requiring compliance with section 1600 of the CFGC, and potential impacts to protected wetlands are addressed through mitigation requiring compliance with sections 404 and 401 of the CWA.

As discussed above, projects within the cumulative setting of the proposed project would be subject to applicable policies, regulations, and standards set forth at the federal, State, and local level, including preconstruction surveys, compliance with CFGC section 1600, and sections 404 and 401 of the CWA. Therefore, all potential impacts that could occur through development in the cumulative setting would be reduced through applicable regulatory requirements.

Overall, with incorporation of the mitigation measures set forth herein, potential impacts to biological resources that could occur as a result of the proposed project would all be reduced to a less-than-significant level. Thus, the mitigation would reduce the project's cumulative loss of habitat for special-status species impacts to a ***less-than-significant*** level. (DEIR, p. 4.4-81 to 4.4-82)

3. *Cultural Resources*

Impact 4.5-2 **Cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries.** As part of the Cultural

Resources Study prepared for the proposed project, Tom Origer & Associates conducted a pedestrian field survey of the project site, which did not reveal any evidence of archaeological resources. Given the project site's history of disturbance through agricultural use, the potential for buried archeological deposits to occur in the sediments underlying the project site is low. However, due to the likelihood of pre-contact archaeological sites to be located along waterways, the potential exists for previously unknown archaeological resources to exist in the project area. In addition, due to the off-site force main's location underground, the possibility of construction of the proposed off-site improvements encountering unknown archaeological resources cannot be entirely ruled out.

Furthermore, the project area is in the southwestern portion of the territory once occupied by the Penutian-speaking Nisenan. While field surveys conducted by Tom Origer & Associates did not detect human remains, cultural sites, or artifacts of ceremonial significance within the project site, the potential for human remains to be discovered during construction cannot be eliminated due to the known prehistoric occupation of the project area by Native American tribes.

Although archeological resources have not been identified on the project site and, due to past ground disturbance, are not anticipated to occur, the possibility exists that previously unknown resources could be discovered within the project site during construction activities, as well as along the proposed off-site force main alignment. Therefore, construction activities associated with buildout of the proposed project could uncover undocumented archaeological resources and/or human remains. As such, the proposed project could cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries, and a ***significant*** impact could occur. (DEIR, p. 4.5-15 to 4.5-16)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.5-2 The following requirements shall be included through a notation on all project grading plans prior to the issuance of grading permits, to the satisfaction of the City Engineer.

In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist,

shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- *If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.*
- *If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Sacramento and applicable landowner. The project applicant shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the applicant, through consultation, as appropriate, determines that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.*
- *If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Sacramento and the Sacramento County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate*

(Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Sacramento County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

Finding: Implementation of the foregoing mitigation measure would require protocols be followed in the event that subsurface deposits believed to be cultural or human in origin are discovered during construction of the proposed project. The protocols include implementation of a buffer area around any discoveries and consultation with a qualified professional archaeologist, the City of Sacramento and applicable landowner, Sacramento County Coroner, and/or MLD as applicable. In cases where a cultural resources is positively identified, appropriate treatment measures that preserve or restore the character and integrity of a find shall be implemented and/or work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. Thus, implementation of Mitigation Measure 4.5-2 would reduce this impact to a ***less-than-significant*** level. (DEIR, p. 4.5-15 to 4.5-18)

4. *Geology and Soils*

Impact 4.6-3 **Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code.** Due to the regional nature of geologic conditions, soil conditions would be the same for both the industrial park and nonparticipating parcels portions of the project site. Subsidence is the settlement of soils of very low density, generally from either oxidation of organic material, desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years, and is a common consequence of liquefaction. During the field exploration of the project site, undocumented fill was encountered at a depth of approximately four feet below ground surface. According to the Preliminary Geotechnical Exploration prepared for the proposed project, non-engineered fill can undergo excessive settlement, especially under new fill or building loads. ENGEO, Inc. provides the recommendation that the extent and depth of non-engineered fill on-site should be evaluated further, and that the undocumented fill should be removed and replaced with competent native soil. Without removal of the non-engineered fill,

the proposed project could be subject to subsidence/settlement.

Based on the liquefaction analysis prepared as part of the Preliminary Geotechnical Exploration, liquefiable soil was identified at 1-CPT1 at a depth of 25 to 30 feet below ground surface. However, according to ENGEO, Inc. a sufficiently thick non-liquefiable "capping" layer is present above the liquefiable soil that would prevent significant vertical settlement at the site. As such, the Preliminary Geotechnical Exploration determined that while liquefaction of the select subsurface soil layers is possible at the project site, the overall ground surface deformation, as a result of theoretical liquefaction-induced settlement, would not be considered severe. Nonetheless, the Preliminary Geotechnical Exploration concluded that the results of the liquefaction analysis are preliminary, and should be further evaluated with a design-level geotechnical exploration. Without confirmation from such a report, the potential exists for the proposed project to be exposed to substantial risks related to liquefaction.

Similarly, according to the Preliminary Geotechnical Exploration performed ENGEO, Inc., the project site contains soils made of clay with a high to very high expansion potential. Expansive soils have the potential to compromise the structural integrity of project features, which could be a significant impact. Damage due to volume changes associated with expansive soil can be reduced by capping the expansive soil with a blanket of low-expansive soil, using a rigid mat foundation that is designed to resist the settlement and heave of expansive soil, or by deepening footings to below the zone of significant moisture fluctuation. The Preliminary Geotechnical Exploration includes recommendations to reduce potential damage to the proposed project, such as underlying building pads that extend at least ten feet laterally beyond building areas with low-expansive fill or lime treatment, and designing other structural elements, such as pavements and flatwork, for highly expansive soil conditions. Without implementation of the aforementioned corrective actions, the proposed project would have the potential to be exposed to substantial risks related to expansive soils.

From a geotechnical standpoint, provided that the recommendations included in the Preliminary Geotechnical Exploration prepared for the proposed project are implemented into the project design and specifications, the geological and soil conditions on the site would be adequate to support development of the proposed project. However, conformance with such recommendations cannot be ensured, and, as a result, a ***significant*** impact could occur related to subsidence/settlement, liquefaction, and/or expansive soils. (DEIR, p. 4.6-14 to 4.6-16)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.6-3 Prior to issuance of grading permits, the grading plans shall incorporate the geotechnical recommendations specified in the Preliminary Geotechnical Exploration prepared for the proposed project, including, but not limited to, earthwork recommendations, foundation wall recommendations, pavement recommendations, exterior flatwork recommendations, and the preparation of a design-level geotechnical report. All grading and foundation plans for the development must be reviewed and approved by the City Engineer and Chief Building Official, or their representative(s), prior to issuance of grading and building permits in order to ensure that recommendations in the Preliminary Geotechnical Exploration are properly incorporated and utilized in the project design.

Finding: Mitigation Measure 4.6-3 requires that geotechnical recommendations from the Preliminary Geotechnical Exploration would be incorporated into the project design prior to issuance of grading permits, thereby ensuring that the geological and soil conditions on the site would be adequate to support development of the proposed project, thus reducing potential impacts to a ***less-than-significant*** level. (DEIR, p. 4.6-16 to 4.6-17)

Impact 4.6-4 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. According to the City's 2040 General Plan MEIR, although discoveries of paleontological resources have been made within the City in the past, the City is not considered sensitive for the presence of paleontological resources. In addition, the localities in which paleontological resources have been discovered within Sacramento County are not located in the project vicinity; the closest known paleontological resources found within the County were discovered at the former Arco Arena site, approximately two miles southeast of the project site. Therefore, the project site does not contain any known paleontological resources.

Although the proposed project would not have the potential to result in the destruction of unique geological features, previously unknown paleontological resources could exist within the project site and off-site improvement areas. Therefore, ground-disturbing activity, such as grading, trenching, or excavating associated with implementation of the proposed project, could have the potential to disturb or destroy unknown paleontological resources, and a ***significant*** impact could occur. (DEIR, p. 4.6-17 to 4.6-18)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.6-4 Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. The City of Sacramento Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the City of Sacramento Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred.

Finding: Implementation of Mitigation Measure 4.6-4 would require buffer areas around unique paleontological resources, should they be discovered, as well as notification of the find to the City of Sacramento Community Development Department, and assessment by an archaeologist, paleontologist, or historian to assess the findings and method of curation or protection of the resources. Implementation of such protocols would reduce the potential impact of direct or indirect destruction of unique paleontological resources or geologic features to a ***less-than-significant*** level. (DEIR, p. 4.6-18)

5. *Hazards and Hazardous Materials*

Impact 4.7-2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. The Phase I ESA prepared for the proposed project by Environmental Investigation Services, Inc. (EIS) included an analysis of potential Recognized Environmental Conditions (RECs) within the industrial park and nonparticipating parcels. The project site was historically used as hay fields, with possible intermittent rice fields from 1937 until at least 2020. Therefore, the potential exists for organochloride pesticides (OCPs) to be present in on-site soils. The Phase I ESA noted that residual agricultural chemicals typically are not present at concentrations that would influence off-site disposal of soil or pose a health risk to commercial site users when the land use is limited to rice fields and hay fields, and, thus, determined that the presence of OCPs would not be considered an REC. However, soil sampling has not been conducted on-site to determine whether residual OCPs are present within on-site soils. If such materials are present in on-site soils, a potential health hazard could occur during project construction.

While hazardous materials, as well as odors, surface staining, stressed vegetation, or other obvious evidence of the presence of hazardous

materials, were not observed in association with the on-site stockpiled soils, due to the lack of documentation associated with the source of the stockpiled soils, the potential exists that the soil stockpile may be contaminated, or hazardous materials may be present. As such, the Phase I ESA determined that the soil stockpiles on the project site represent a potential environmental concern, and recommended that the soil stockpile be sampled prior to any redevelopment of Parcel 1 and/or Parcel 6A, as the stockpiles are located in within the general vicinity of such parcels.

According to the Phase I ESA, buildings were located within the project site prior to 1937. Therefore, while the structures have been removed from the site, residual asbestos-containing building materials (ACBMs) and lead-based paint (LBP) may be present within the areas of former structures. The potential presence ACBMs and lead contamination is considered an REC. During demolition and ground-disturbing activities associated with the proposed project, construction workers could come into contact with, and be exposed to, ACBMs or LBP materials present in the on-site soils associated with the former structures. Additionally, workers could potentially be exposed to elevated concentrations of lead in the soil in the vicinity of the structures. Collection and disposal of ACBMs and lead materials, including LBP, by untrained personnel could cause asbestos and lead dust emissions to be transported off-site, resulting in the release of hazardous material into the environment.

Based on the above, development of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, particularly regarding contaminated soils associated with residual OCPs, the existing on-site soil stockpiles, and/or ACBM and LBP. Therefore, a ***significant*** impact could occur. (DEIR, p. 4.7-16 to 4.7-18)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park

4.7-2(a) Prior to approval of grading permits, a surficial soil sample laboratory analysis shall be conducted on the project site. Once the soils are collected, the soils shall be tested for OCPs, lead, and asbestos. If soil contaminates are not found, further action is not required; however, if OCPs, lead, or asbestos is found to be higher than the allowable thresholds, the assessment shall include the appropriate mitigation including, but not limited to, soil remediation to an acceptable total threshold limit concentration (TTLC) level per applicable State and federal regulations by excavation of the contaminated soil, and subsequent transportation and disposal off-

site at an appropriate Class I or Class II facility permitted by DTSC; or by properly capping the contaminated soil, in compliance with DTSC regulations (e.g., placing soils underneath project roadways, etc.). All recommended mitigation measures shall be implemented by the project applicant, subject to review and approval by the City of Sacramento Community Development Department.

4.7-2(b) Prior to approval of grading permits for Parcel 1 and/or Parcel 6A, samples of the soil stockpiles on-site shall be obtained for analysis of contaminants of concern and comparison with applicable regulatory screening levels (i.e., Environmental Screening Levels, California Human Health Screening Levels, Regional Screening Levels, etc.). If soil contaminates are not found, further action is not required. However, where the soil contaminant concentrations exceed the applicable regulatory screening levels, the impacted soil shall be excavated and disposed of off-site at a licensed landfill facility to the satisfaction of the City of Sacramento Community Development Department.

Finding: Mitigation Measures 4.7-2(a) and 4.7-2(b) would require the recommendations of the Phase I ESA be implemented by the proposed project, including testing for residual pesticides, lead, asbestos, and other contaminants of concern, and, if contaminants are discovered, that contaminated soils be properly excavated and disposed of, thus reducing the impact to a ***less-than-significant*** level. (DEIR, p. 4.7-17 to 4.7-18)

Impact 4.7-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area. The nearest public airport to the project site is the Sacramento International Airport, located approximately one mile to the northwest. As a result, the project site is located within the Airport Influence Area, which is addressed in the Airport Land Use Compatibility Plan (ALUCP). The ALUCP includes airspace protection compatibility policies, which seek to prevent creation of land use features that can pose hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident. The Sacramento International ALUCP does not support any land uses that could attract large numbers of birds, recognizing birds as a potential hazard to aircraft. In addition to damage resulting from high-speed collisions with birds, the ingestion of birds into aircraft engines is a hazard. Damage caused by birds and other wildlife is termed a “strike” or “strike hazard.”

Federal Aviation Administration (FAA) data indicates that aircrafts using the Sacramento International Airport have experienced a high incidence

of bird strikes compared to other airports nationwide. To reduce strike hazards, the ALUCP has placed restrictions on the land uses in the influence area of Sacramento International Airport. The ALUCP states that any uses that attract large flocks of birds shall not be permitted within the Airport Influence Area.

The proposed project is located within the 10,000-foot FAA Separation Area for Wildlife Attractants, as shown in Map 5 of the ALUCP. Therefore, the proposed project would be required to comply with ALUCP Policy 3.4.3, which would require that the proposed project document consideration of current FAA or other federal regulations and guidelines pertaining to hazardous wildlife attractants. Because the final design of the stormwater retention features has not yet been determined, the proposed project could introduce stormwater drainage features on the project site that could attract birds to the site. Thus, the proposed project has the potential to result in airspace safety hazards from birds. Based on the above, a ***significant*** impact could occur related to a safety hazard for people residing or working in the project area associated with the project being located within an airport land use plan or within two miles of a public airport or public use airport. (DEIR, p. 4.7-20 to 4.7-22)

Mitigation Measures: Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.7-5(a) To ensure that the final location and design of the detention basins are consistent with the recommendations of the Airport Land Use Commission (ALUC) regarding wildlife hazards to aviation, the project applicant shall prepare a design and management plan for this proposed drainage feature. This plan shall be prepared in coordination with the Sacramento International Airport Operations Manager before commencement of construction. The plan shall determine an appropriate size and location for the detention basins and incorporate specific design measures deemed sufficient by Sacramento County Airport System (SCAS) and the ALUC to minimize bird strikes and other wildlife-related airspace safety hazards in the vicinity of the project area. The plan shall include information sufficient to satisfy requirements for preparation of a Wildlife Hazard Management Plan and shall be prepared by a qualified wildlife hazard damage biologist. The project applicant shall submit a detailed design drawing of the proposed detention basins to SCAS for review.

To reduce bird attractants associated with the detention basins, the Wildlife Hazards Management Plan for the detention basins and surrounding landscape shall include the following:

- *Any vegetation planted in the vicinity of the detention basins shall consist of plant species that do not provide birds with opportunities for cover, nesting, perching, or feeding. A detailed design plan for landscaping surrounding the detention basins shall be submitted to SCAS for view;*
- *Signs shall be placed at regular intervals around the perimeter of the detention basins prohibiting the public from feeding any wildlife. The project applicant, and any subsequent property owner shall maintain such signs in good order and replace such signs as necessary. This responsibility shall transfer to the Property Management Association and shall be articulated in the covenants, conditions, and restrictions (CC&Rs);*
- *The CC&Rs shall specify that the project proponent and project applicant shall be responsible for ensuring trash receptacles with covers are provided and properly emptied on a regular basis and replaced as needed;*
- *Installation of structures near the detention basins that could serve as perches for gulls and other birds shall be minimized. The CC&Rs, or other mechanism, shall prohibit the future installation of such structures.*
- *The project applicant shall prohibit all activities and uses that could conflict with implementation of the wildlife hazard management program.*

An Adaptive Management Plan shall be prepared and incorporated into the Wildlife Hazard Management Plan. The Adaptive Management Plan shall provide for the long-term management of nuisance birds around the detention basins. The management plan shall involve monitoring and employment of various techniques for controlling birds using adaptive information and bird control products. The Property Management Association, or if none exists, the property owner shall be responsible for ensuring the implementation and continued enforcement of the Adaptive Management Plan and provision of adequate funding. This requirement shall be specified in the CC&Rs or other mechanism. The Adaptive Management Plan shall include the following components:

- *Bird control program that involves use of the most efficient and effective bird control techniques available that are practicable and compatible with surrounding land uses.,*
- *Monitoring program that involves patrolling of the detention basins and assessment of the effectiveness of bird control measures, the presence of potential bird attractants, and the need for modifying or increasing bird control measures,*

- *Funding mechanism such as use of an endowment fund or assessment district to fund the long-term monitoring and adaptive management program.*
- *Any use of the detention basins that conflicts with the wildlife control program shall be prohibited.*
- *The Adaptive Management Plan shall include the best available information on various bird control techniques, an explanation of the situations in which various techniques are best employed, and instructions for implementing such techniques. The entity responsible for implementing the management plan shall employ a qualified and experienced Wildlife Damage Biologist/Manager (Manager) who shall be responsible for determining which bird control techniques to implement based on information provided in the management plan and the best scientific and commercial information available. The Manager shall be trained in bird control techniques by the U.S. Department of Agriculture-Wildlife Services (USDA). The initial cost of such training shall be borne by the project applicant. The cost of subsequent training shall be borne by the Property Management Association. The Manager shall have the discretion to use new technologies or information regarding bird control provided they are practicable and within the management budget, and do not conflict with surrounding land uses or storm water control functions of the detention basins.*

The monitoring and maintenance portion of the Adaptive Management Plan shall include the following:

- *Patrol to ensure the detention basin areas are kept clean and free of refuse and other such material that may attract birds;*
- *Patrol to ensure the public is abiding by rules prohibiting feeding of birds;*
- *Control of vegetative growth around the detention basins to minimize any vegetation that would attract birds for purpose of cover, nesting, perching, or food;*
- *Remove all nesting material prior to completion of nest if any birds attempt to nest in areas surrounding the detention basins. All nest removal activities must comply with provisions of the Migratory Bird Treaty Act, the California Endangered Species Act, and the federal Endangered Species Act;*

- *Inspect the detention basin areas to determine whether additional measures are needed to reduce bird use of the detention basins; and*
- *Aggressively haze wildlife to discourage use of the basins.*

If monitoring efforts reveal that additional control efforts are necessary, the Bird Control Program Manager may implement one or more control techniques outlined in the Adaptive Management Plan, or other techniques based on best available scientific and commercial information. Bird control techniques currently being used at airports, on agricultural lands, and in other areas where birds pose a hazard or nuisance shall be described in the Adaptive Management Plan. The Bird Control Program Manager shall have discretion of using any one or more of the techniques based on the need, practicability, and land use compatibility. These techniques may include, but are not limited to, allowing grass to grow over 8 inches in height (currently being employed at some airports).

In addition to these control techniques, the Adaptive Management Plan shall outline an education program for the Property Management Association to implement ensuring that the public is aware of the importance of eliminating bird attractants from the area around the lake. The public shall be prohibitive from feeding birds around the detention basins and engaging in any other activities within the boundaries of the development project which may attract wildlife hazards to aircraft operations. The public shall be made aware of the purpose and importance of various bird control measures being implemented by the Bird Control Program Manager.

All activities and uses of the detention basins that may conflict with the wildlife control program shall be expressly prohibited.

If the SCAS determines that conditions in the Airport South Industrial Project Development are not consistent with the above listed Management Program, SCAS may take the following actions:

- *Notify the property owner that the wildlife control measures are out of compliance;*
- *County Airport System may, at its option, initiate control measures at the site, with the costs of such measures billed to the owner; and*
- *In the event of an immediate threat to aircraft safety, County Airport System personnel can take immediate action to remedy the air hazard emergency.*

To reduce attractants for Canada geese, American coots, or gulls associated with the detention basins and surrounding landscape the Management Plan shall include the following:

- *Signs shall be posted and identify that feeding birds is prohibited.*
- *Any nest building activity associated with birds shall be removed including all nesting materials.*
- *To prevent the establishment of resident populations of Canada geese on the project site, the Bird Control Program Manager shall take the following, but not limited to, actions:*
  - *Chase birds from site,*
  - *Use of noise generators (e.g., pyrotechnic devices, blank cartridges),*
  - *Use of visual devices (e.g., flags, scarecrows, water sprays)*
  - *Use of chase dogs,*
  - *Live trapping or netting, and/or*
  - *Use of chemical repellants.*

Finding: Mitigation Measure 4.7-5(a) would ensure that the final location and design of the detention basins are consistent with the recommendations of the ALUC regarding wildlife hazards to aviation, require the project applicant to prepare a design and management plan for the proposed drainage feature, and that the plan would be prepared in coordination with the Sacramento International Airport Operations Manager before the commencement of construction. Thus, Mitigation Measure 4.7-5(a) would ensure that design features would minimize bird strikes and other wildlife-related airspace safety hazards in the vicinity of the project area, thereby reducing potential impacts to a ***less-than-significant*** level. (DEIR, p. 4.7-22)

6. *Hydrology and Water Quality*

Impact 4.8-1 **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.** Construction of the proposed project would include grading, excavation, trenching for utilities, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. All such activities have the potential to affect water quality and contribute to localized violations of water quality standards if impacted stormwater runoff from construction activities enters downstream waterways.

Because the proposed project (including future development of the nonparticipating parcels) would require construction activities that would result in a land disturbance of over an acre, the project applicant would be required by the State to comply with the most current Construction General Permit requirements. Per the requirements, a storm water

pollution prevention plan (SWPPP) would be prepared for the overall project, which would include the site map, drainage patterns and stormwater collection and discharge points, BMPs, and a monitoring and reporting framework for implementation of BMPs, as necessary. In addition, a Notice of Intent (NOI) would be filed with Central Valley RWQCB.

Development of the SWPPP would include plans to treat stormwater runoff in accordance with the standards of the California Stormwater Management Practice New Development and Redevelopment Handbook. The plan would include drainage design from all paved surfaces, including streets, parking lots, driveways, and roofs, as well as landscaping. In addition, the project would be subject to Chapter 15.88 of the City's Municipal Code. Chapter 15.88 of the City Code regulates grading and erosion by requiring all projects that grade within the City, except where exempt, submit an application for review by the City prior to approval of a grading permit. Final BMPs for the proposed project construction would be chosen in consultation with the applicable California Stormwater Quality Association Stormwater BMP Handbooks and Section 11 of the City's Development Standards, and implemented by the project contractor.

Compliance with the State's Construction General Permit, Section 11 of the Development Standards, and Chapter 15.88 of the Sacramento City Code, as described above, would minimize the potential degradation of stormwater quality and downstream surface water associated with construction of the proposed project. In addition, BMPs would be required to be designed in accordance with the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development/Redevelopment and Section 11 of the Development Standards (or other similar source as approved by the City). However, because a SWPPP has not yet been prepared for the proposed project, proper compliance with the aforementioned regulations cannot be ensured at this time, and the proposed project's construction activities could violate water quality standards or waste discharge requirements or otherwise degrade water quality. Therefore, the proposed project could result in a ***significant*** impact related to short-term construction-related water quality. (DEIR, p. 4.8-14 to 4.8-17)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.8-1 Prior to issuance of any grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Central Valley RWQCB. The contractor

shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction (temporary) BMPs for the project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to both the City Director of Public Works, and the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.

Finding: Mitigation Measure 4.8.1 would require the preparation of a SWPPP for the proposed project, ensuring proper compliance with the aforementioned regulations, thus ensuring that the proposed project's construction activities would not violate water quality standards or waste discharge requirements or otherwise degrade water quality. Therefore, impacts related to violation of any water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during construction impact would be reduced to ***less than significant***. (DEIR, p. 4.8-17)

Impact 4.8-2 **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.** Development of the proposed project would result in the conversion of a rural area to an industrial park, which would include the development of industrial uses, as well as retail/highway commercial uses, and hotel/hospitality uses, within the project site. Such new land uses could result in new stormwater pollutants being introduced to the project area. Pollutants associated with the operational phase of the proposed project could include nutrients, oil and grease, metals, organics, pesticides, bacteria, sediment, trash, and other debris.

Impervious surfaces proposed as part of the project include building roofs, driveways, and roadways. Runoff from such surfaces would be captured by the on-site stormwater drainage system. According to the Preliminary Drainage Study prepared for the proposed project, the proposed project would include an on-site storm drain system composed of post construction stormwater quality measures such as Low Impact Development (LID) components, dedication of landscaping areas, and six on-site detention basins, consistent with the Sacramento

Region Stormwater Quality Design Manual. The proposed LID features would be sufficiently sized to meet the required storage volumes. Thus, project runoff would be properly treated, and would not pollute downstream waterways.

In order to ensure continued operation of the proposed LID control features, the City would provide regular inspection and maintenance of such features. Maintenance activity would include, but not necessarily be limited to, removal of debris from basins and removal of debris from outlets of basins. In addition, any method of trash capture would require frequent monitoring and cleaning to keep the pump station fully operational.

Based on the above, the proposed project includes site design measures to ensure that stormwater runoff is properly treated prior to discharge. In addition, it should be noted that Mitigation Measure 4.7-5(a) requires preparation of a design and management plan to determine the appropriate size and location for the proposed detention basins and incorporate specific design measures deemed sufficient by the Sacramento County Airport System (SCAS) and ALUC. However, because a final BMP and water quality maintenance plan has not been prepared, the incorporation of proper source control measures cannot be ensured. Should the project applicant fail to prepare and implement such documentation, the proposed project could result in a ***significant*** impact related to a violation of water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during operations. (DEIR, p. 4.8-17 to 4.8-22)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.8-2 Prior to approval of final project improvement plans for any on-site development, the project applicant shall submit a detailed Best Management Practice (BMP) and water quality maintenance plan to the City for review and approval. The BMP and water quality maintenance plan shall meet the standards of the City's NPDES Permit, the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, and the Stormwater Quality Design Manual for the Sacramento region. Site design measures, source control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans.

Finding: With implementation of Mitigation Measure 4.8-2, a BMP and water quality maintenance plan would be required prior to approval of final project improvement plans

for any on-site development. The BMP and water quality maintenance plan would ensure that the project meets the standards of the City's National Pollutant discharge Elimination system (NPDES) permit and the CASQA stormwater Quality Association Handbook. Compliance with the standards therein would ensure that stormwater runoff is properly treated prior to discharge. Thus, the proposed project would not result in a violation of water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during operations, and impacts related to such would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.8-22)

Impact 4.8-5 **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation.** Due to levee improvements, portions of the Natomas Basin are now classified as A-99 flood zones, including the eastern portion of the project site. A-99 is an interim designation that allows new development to proceed without elevation verification while the improvements needed to provide 100-year protection are under construction. Nonetheless, the A-99 flood zone is still a SFHA until construction of the levees is complete, and the levees are certified by FEMA. In addition, given that the majority of the project site is classified as Zone A, FEMA requires a more detailed local drainage assessment to remove the site from the SFHA, in addition to addressing the levee flooding issues.

Because the project site is located within a SFHA, the site must be raised above the existing 100-year floodplain. Pursuant to Section 15.104.050 of the City's Municipal Code, new construction is required to place the lowest floor of structures at least one foot above the base flood elevation. In addition, Section 11 of the City's Design and Procedure Manual requires the new construction place the lowest floor of structures at least one foot above the overland release path. The proposed project would raise the building pads above the 100-year base flood elevation, in compliance with Section 15.104.050. Furthermore Wood Rodgers has confirmed that the proposed project would result in reduced water surface elevations (WSEs) relative to existing conditions for the design storm event. Therefore, the proposed project would be consistent with applicable hydromodification requirements, and would not increase the rate or amount of runoff leaving the project site during the design storm event, or increase the base flood elevation off-site as a result of on-site grading.

With respect to risking release of pollutants due to project inundation, the future tenants of the proposed industrial buildings are not currently known, while not currently anticipated, in the event that future

operations associated with the proposed warehouses involve the routine use, transport, or disposal of hazardous materials, such materials would be safely managed in accordance with applicable regulations and would be subject to City review depending on the type or quantity of chemicals proposed for use. Chapter 8.64 of the City's Municipal Code requires that any use of hazardous materials be disclosed to the City's fire department. In addition, Chapter 8.60 of the City's Municipal Code includes regulations regarding hazardous materials cleanup, in the event that any hazardous substance or waste is unlawfully released, discharged, deposited, or abandoned upon or into any property, water, or facilities within the City. Furthermore, all stormwater exiting the project site would be directed to on-site stormwater quality features to ensure that any pollutants entrained within stormwater from the project site are removed prior to discharge.

Based on the above, the proposed project is not anticipated to result in the impediment or redirection of flood flows such that on- or off-site structures would be exposed to flood risk. However, a Conditional Letter of Map Revision (CLOMR) would be required prior to grading permit approval in order to ensure the project's compliance with existing regulations. Therefore, in the absence of a CLOMR submitted to FEMA, a ***significant*** impact could occur related to alteration of the existing drainage pattern of the site or area, including through alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. (DEIR, p. 4.8-27 to 4.8-28)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level:

Industrial Park and Nonparticipating Parcels

4.8-5 Prior to approval of any grading permits, the applicant shall obtain from the Federal Emergency Management Agency (FEMA), a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering Services Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be provided to the City Engineer prior to acceptance of grading permits as complete.

Finding: With implementation of Mitigation Measure 4.8-5, the project would be required to obtain a CLOMR or CLOMR-F letter from FEMA and submit the CLOMR or CLOMR-F letter to the City engineer prior to acceptance of grading permits, which would provide the information needed to ensure the project's compliance with existing regulations. Therefore, the impact would be reduced to ***less than significant***. (DEIR, p. 4.8-28 to 4.8-29)

7. *Noise*

Impact 4.10-2 **Generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.** The primary sources of noise associated with the proposed project would be traffic noise associated with traffic on local roadways, operational noise associated with the loading docks and truck circulation, and parking lot circulation. Traffic noise levels were predicted for the sensitive receptors located at the closest typical setback distance along each project-area roadway segment for the proposed project. Traffic noise levels associated with operation of the proposed project were compared to the applicable noise level increase significance criteria and determined to be under the criteria thresholds. Similarly, operation of the proposed industrial park would result in noise thresholds below the City's noise level standards. However, full buildout of the annexation area, including the nonparticipating parcels, would result in operational noise in excess of the City's nighttime noise level standard. Therefore, the increase in noise levels at existing sensitive receptors due to on-site operations would be potentially significant.

Based on the above, although the proposed project would not result in an increase in traffic noise levels at existing sensitive receptors that would be considered significant, operational noise associated with the proposed project, including the future development of the nonparticipating parcels, could result in noise increases in exceedance of the applicable noise standards. Saxelby Acoustics calculated that the inclusion of an eight-foot-tall sound wall along the eastern frontage of the project site would reduce nighttime noise levels at the existing sensitive receptors to below the City's nighttime noise level standard.

As such, without the inclusion of a sound wall along the project site's eastern frontage, full buildout of the annexation area could result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and a ***significant*** impact could occur. (DEIR, p. 4.10-16 to 4.10-23)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level:

Nonparticipating Parcels

4.10-2 Prior to approval by the City's Public Works Department of the final Improvement Plans for the nonparticipating parcels portion of the

proposed project, the Improvement Plans shall include the following requirements:

- *An eight-foot-tall sound wall shall be constructed along the eastern project boundary, in the location indicated in Figure 4.10-6 and the Environmental Noise Assessment prepared for the proposed project by Saxelby Acoustics, in order to achieve the City's nighttime 50 dBA L_{50} noise level standards.*
- *Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials that achieve the required total height. Wood is not recommended due to eventual warping and degradation of acoustical performance.*

Finding: Mitigation Measure 4.10-2 would require that the project implement improvement plans that would include and eight-foot-tall sound wall along the eastern project boundary in compliance with the recommendations of the project-specific Environmental Noise Assessment, thus reducing nighttime noise levels created by project operations to below the City's allowable thresholds. With implementation of the above mitigation, the project's impact to operational noise would be reduced to a ***less-than-significant*** level. (DEIR, p. 4.10-19 to 4.10-24)

8. *Transportation*

Impact 4.12-2 **Conflict with a program, plan, ordinance or policy addressing the circulation system during operations.** The pedestrian system in the project site vicinity consists of sidewalks along Del Paso Road and El Centro Road as the roadways pass through the Sundance Lake and Westlake neighborhoods, as well as an internal trail system within the neighborhoods. In addition, a sidewalk is located along Bayou Way just east of the project site, associated with the existing self-storage facility. The bicycle system in the site vicinity consists of a Class I bike path and Class II bike lanes to the south and east of the project site, around the Westlake and Sundance Lake neighborhoods. Bicycle and pedestrian facilities are not currently located along the project site frontage, as the location is currently undeveloped. As such, the proposed project would not adversely affect existing pedestrian or bicycle facilities. However, the existing site plan does not illustrate where planned pedestrian or bicycle facilities would be on-site. Additionally, the site plan does not currently show the planned Class IV cycle track on the east side of the site, which is in the City's master bicycle network. Because such facilities are not shown on the current site plan, operations of the proposed project could be considered to conflict with a program, plan, ordinance, or policy addressing pedestrian and bicycle facilities, and a potentially ***significant*** impact could occur. (DEIR, p. 4.10-18)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level:

Industrial Park and Nonparticipating Parcels

4.12-2 The following requirements shall be noted on project improvement plans, subject to review and approval by the City of Sacramento Community Development Department:

- *The project should construct pedestrian and bicycle facilities along its frontage to City Standards.*
- *Class IV separated bicycle facilities shall be accommodated within the proposed cross section to provide separation between cyclists and heavy truck traffic.*
- *The bicycle network shall be connected to the existing and planned City and County bikeway system, including, but not limited to, Bayou Way at the northeast corner of the site, the Class I bikeway at the southeast corner of the site, and Metro Air Parkway north of I-5.*
- *The off-street Class IV cycle track shown on the eastern side of the site in the City Bikeway Master Plan shall be accommodated in the proposed plans.*

Finding: Mitigation Measure 4.12-2 would require that project site plans be updated to contain pedestrian bicycle facilities to City standards, including bicycle facilities along the project frontage, Class IV bicycle lanes, connection to the existing and planned City and County bikeway system, and accommodation of the off-street Class IV bicycle track shown on the eastern side of the site in the City Bikeway Master Plan. Compliance with the above would ensure that operations of the proposed project would not be considered to conflict with a program, plan, ordinance, or policy addressing pedestrian and bicycle facilities, and a ***less-than-significant*** impact would occur. (DEIR, p. 4.10-18 to 4.10-19)

Impact 4.12-3 Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The City of Sacramento Transportation Impact Analysis Guidelines do not specify a significance threshold for industrial land uses. As such, a regional baseline (2016) average vehicle miles traveled (VMT) per employee metric was used to establish the threshold, which was determined to be 100 percent of the regional average VMT per employee. The regional average was determined to be 17.33. Based on the Sacramento Area Council of Governments (SACOG) SACSIM 19 travel demand model, the on-site M-1-PUD uses are anticipated to generate 22.21 VMT per employee, which is 128 percent of the regional average; above the significance threshold established for the proposed project. Therefore, the proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and a

significant impact could occur. (DEIR, p. 4.12-19 to 4.12-21)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level:

Industrial Park and Nonparticipating Parcels

4.12-3 Prior to the certificate of occupancy for each on-site industrial building, the owner/operator of each building shall be required to prepare and implement a VMT Reduction Plan that includes a sufficient selection of CAPCOA Trip Reduction Programs (T-6 through T-13) to reduce VMT by at least 22 percent, consistent with the VMT Mitigation Memorandum prepared by the City's Public Works Department for the proposed project (see Appendix Q to the EIR). CAPCOA Trip Reduction Programs T-6 through T-13 include measures such as implementing a commute trip reduction program and/or marketing, providing a rideshare program, implementing a subsidized or discounted transit program, providing end-of-trip bicycle facilities, providing employer-sponsored vanpool, pricing workplace housing, and implementing employee parking cash-out. The VMT Reduction Plan shall be submitted to the City's Department of Public Works and Community Development Department for review and approval.

Finding: In order to reduce VMT associated with the on-site M-1-PUD uses to 100 percent of the regional average, the proposed project would be required to achieve a 22 percent reduction in VMT. Consistent with SB 743, Governor's Office of Planning and Research's (OPR's) Technical Advisory, and the California Air Pollution Control Officers Association (CAPCOA), the proposed project is required to reduce VMT through the CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. With implementation of such measures, as required by Mitigation Measure 4.12-3, the proposed project would achieve a 22 percent reduction in VMT. Therefore, implementation of the following mitigation measure would reduce the above potential impact to a ***less-than-significant*** level. (DEIR, p. 4.12-21)

9. *Tribal Cultural Resources*

Impact 4.13-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074. While the project site is located within District P-34-005225, which was recorded in 2018 as a Tribal Cultural Landscape of the Nisenan and the Plains Miwok, the site-specific Cultural Resources Study concluded that important elements of the Tribal Cultural Landscape, including waterways, tule habitats, fisheries, and wildlife, are not present within the project site. In addition, archaeological resources associated with Native American tribes were not discovered on the project site during field surveys conducted by Tom Origer & Associates, and, a records search of the

Native American Heritage Commission (NAHC) Sacred Lands File (SLF) did not indicate the presence of tribal cultural resources within the project site. While known tribal cultural resources are not located within the project site, the possibility exists that buried tribal cultural resources associated with local tribes could occur within the project site. In addition, although the proposed off-site force main alignment occurs along existing roadway ROW and other previously disturbed areas, due to the off-site force main's location underground, the possibility of construction of the proposed off-site improvements encountering unknown tribal cultural resources cannot be entirely ruled out. Therefore, ground-disturbing activities associated with the proposed project could cause a substantial change in the significance of a tribal cultural resource as defined in PRC section 21074, and a ***significant*** impact could occur. (DEIR, p. 4.13-10)

Mitigation Measures: Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level:

Industrial Park and Nonparticipating Parcels

4.13-1(a) ***Conduct Cultural Resources Sensitivity and Awareness Training Prior to Ground-Disturbing Activities***

The City shall require the applicant/contractor to provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with culturally affiliated Native American tribes. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.

The WEAP will also describe appropriate avoidance and impact minimization measures for tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

4.13-1(b) ***In the Event that Tribal Cultural Resources are Discovered During Construction, Implement Procedures to Evaluate Tribal Cultural Resources and Implement Avoidance and Minimization Measures to Avoid Significant Impact.***

If tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources. This will be accomplished, if feasible, by several alternative means, including:

- *Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.*
- *Recommendations for avoidance of tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid tribal cultural resources, modification of the design to eliminate or reduce impacts to tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource.*
- *Native American representatives from interested culturally affiliated Native American tribes will be notified to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.*
- *If the discovered tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a tribal cultural resource will be determined in consultation with interested culturally affiliated Native American tribes and tribes will be notified to monitor the installation of fencing. Use of*

temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.

- *The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area".*

If a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of tribal cultural resources:

- *Each resource will be evaluated for California Register of Historical Resources- (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American tribes, as applicable.*

If a tribal cultural resource is determined to be eligible for listing in the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City's notification. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

Native American representatives from interested culturally affiliated Native American tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions

consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.

If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:

- *Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.*
- *Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:*
    - *Protect the cultural character and integrity of the resource.*
    - *Protect the traditional use of the resource.*
    - *Protect the confidentiality of the resource.*
    - *Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.*
    - *Protect the resource.*

4.13-1(c) ***Implement Procedures in the Event of the Inadvertent Discovery of Native American Human Remains.***

If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the City will implement the procedures listed above. The following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall

immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).

If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.

If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.

Finding: Implementation of the above-mentioned mitigation measures would require that the proposed project applicant or contractor provide a Worker Environmental Awareness Program (WEAP) for all personnel involved in project construction, so each individual is aware of relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential tribal cultural resources are encountered. Additionally, Mitigation Measure 4.13-1(b) establishes protocols to be followed in the event that tribal cultural resources or Native American human remains are discovered during construction. Compliance with the training and protocols therein would reduce the likelihood that a tribal cultural resource could be inadvertently impacted, and would implement steps to take to protect tribal cultural resources, if they are identified. Thus, implementation of the foregoing mitigation measures would reduce this impact to a ***less-than-significant*** level. (DEIR, p. 4.13-10 to 4.13-14)

B. Significant and Unavoidable Impacts

The following significant and unavoidable environmental impacts of the proposed project, including cumulative impacts, are set out below. The basis for the finding for each identified impact is set forth below.

1. *Aesthetics*

Impact 4.1-3 In a non-urbanized area, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point). Given that the existing development in the immediate vicinity of the site is primarily rural in nature, the analysis considers the project area to be non-urbanized. The industrial park component of the proposed project would include the development of an industrial park within an approximately 353.5-acre portion of the project site, located immediately south of Bayou Way. The industrial park would allow for construction of up to 5,204,500 sf of industrial uses, as well as approximately 98,200 sf of retail/highway commercial uses, including approximately 73,400 sf of hotel/hospitality, on approximately 13.4 acres of the overall site.

The proposed project would include planting new trees along the northern border of the project site. Such landscaping would help screen the project from public views. Although the proposed landscaping would partially obscure views of the industrial park from looking southeast from the southbound lane of I-5, the trees would not screen views until after 20 years of growth. Similarly, even following 20 years of growth, the trees would not obscure views of the site from Metro Air Parkway, looking southeast or from the southbound lane of I-5, looking southwest.

As such, the existing visual character and quality of public views of the project site would be considered to be substantially degraded by the industrial park component of the proposed project.

Based on the above, although the inclusion of landscaping trees would partially obscure views of the industrial park portion of the project site, the existing visual character and quality of public views of the site would be substantially degraded by development of both components of the proposed project. Thus, a ***significant*** impact could occur. (DEIR, p. 4.1-16 to 4.1-22)

Finding: Although the proposed project would be required to comply with PUD Guidelines which would help to reduce the severity of the aesthetic impact of the proposed project, feasible mitigation does not exist to reduce the above impact to a less-than-significant level. Due to the substantial degradation of the existing visual character and quality of public views of the project site, the impact associated with construction of both components of the proposed project would remain ***significant and unavoidable***. (DEIR, p. 4.1-24)

Impact 4.1-5 Long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the City of Sacramento 2040 General Plan and the

Sacramento County General Plan. As discussed under Impact 4.1-3, development of the proposed industrial park and future development of the nonparticipating parcels would substantially degrade the visual character and the quality of public views of the project site. In context with the planned development along the I-5 corridor in the project vicinity, the proposed project would contribute towards significantly altering the visual character of the surroundings. Therefore, the proposed project's incremental contribution to such impacts would be ***significant***. (DEIR, p. 4.1-26 to 4.1-27)

Finding: Feasible mitigation does not exist to reduce the above impact to a less-than-significant level. Due to the substantial degradation of the existing visual character and quality of public views of the project site, the impact associated with construction of both components of the proposed project in combination with cumulative development would remain ***significant and unavoidable***. (DEIR, p. 4.1-27)

2. *Agricultural Resources*

Impact 4.2-1 Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. While the nonparticipating parcels do not contain land that is defined as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and, thus, would not result in negative impacts to such resources upon future development, construction activities on the rest of the project site would result in conversion of approximately 31.3 acres of Prime Farmland and approximately 12.1 acres of Farmland of Statewide Importance in the northeast corner of the project site. Therefore, because the proposed project would result in the conversion of Important Farmland to non-agricultural uses, a ***significant*** impact would occur. (DEIR, p. 4.2-16 to 4.2-17.)

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

Industrial Park

4.2-1 The City shall ensure that, prior to impacting agricultural/open space resources within the project site by the issuance of a grading permit, any and all project-related subdivision maps satisfy the On-Site Open Space and Off-Site Open Space requirements as defined herein. Open space dedications made pursuant to the Natomas Basin Habitat Conservation Plan (HCP) shall be made to the City and/or the Natomas Basin Conservancy and shall be located in the Natomas Basin. The remaining non-Natomas Basin HCP mitigation acreage may be located in unincorporated Sacramento County, Yolo County, and/or Sutter County, and may be held and managed by a qualified third-party entity with the approval of the City. Preservation shall be ensured in perpetuity via

conservation easement, fee, or irrevocable offer of dedication to the satisfaction of the City. All mitigation acreage shall consist of land of equal agricultural value and habitat type as the agricultural/open space resources impacted by the proposed project, as determined by the City.

a. ***On-Site Agricultural/Open Space Requirements**: The following on-site open space properties are consistent with the mitigation requirements:*

   - *86 acres of detention basins.*
   - *37.9 acres of freeway buffer.*
   - *2.3 acres of canal buffers.*

b. ***Off-site Agricultural/Open Space Requirements**: The following Off-Site Open Space properties:*

   - *141.51 acres of currently unidentified agricultural/open spaced mitigation property to be located in the unincorporated Sacramento County and/or unincorporated Sutter County.*
   - *50-acre habitat mitigation property APN 225-0020-014.*
   - *67.59-acre habitat mitigation property APN 225-0020-015.*

c. ***Phasing:** The Airport South Industrial Project will develop in phases, as such, the amount of On-Site and Off-Site Open Space to be provided hereunder shall be in proportion to the amount of acreage proposed to be impacted by such development by the issuance of a grading permit therefor.*

d. *With respect to each unidentified open space property listed above, and any proposed substitution of an open space property listed above, the City must determine, in writing, that the proposed agricultural/open space property and/or acreage satisfies the requirements for agricultural/open space to be counted towards the requisite Off-Site Agricultural/Open Space acreage total.*

e. *Nothing in this Agricultural/Open Space Mitigation is intended to limit or restrict USFWS and CDFW in their consideration of Developer's applications for incidental take and/or other habitat mitigation permits or other entitlements under the federal Endangered Species Act and the California Endangered Species Act.* (FEIR p. 3.2 to 3.3)

Finding: The easternmost portion of the project site, including the entirety of the nonparticipating parcels, are located within the Natomas Basin HCP permit area boundaries. The proposed project would be subject to applicable fees for the conversion of habitat to urban uses within the Natomas Basin HCP policy area. In addition, surplus acreage under the City's Natomas Basin HCP allocation may be available for use by the remainder of the project site acreage. Thus, pursuant to Mitigation Measure 4.4-5(b) of the DEIR, the proposed project would be required to identify appropriate lands to be set aside in permanent conservation easement at a ratio of one acre of habitat located within the Natomas Basin HCP policy area converted to urban land uses to 0.5-acre of habitat preserved. Therefore, although the proposed project would involve the conversion of farmland to non-agricultural uses, through compliance with Natomas Basin HCP requirements, open space lands would be preserved elsewhere at a 0.5:1 ratio.

Mitigation Measure 4.2-1 would similarly require the preservation of off-site farmland at a ratio of one Farmland acre converted to urban land uses outside the Natomas Basin HCP policy area to 0.5-acre preserved, which, combined with the biological resources mitigation required by Mitigation Measure 4.4-5(b), would result in an overall preservation at a 1:1 ratio. While Mitigation Measure 4.2-1 would preserve an equivalent acreage of Farmland elsewhere, the proposed project would result in the conversion of agricultural land to urban uses and would not create new agricultural land; as such, the proposed project would lead to an overall loss of Farmland. Therefore, although implementation of the preceding mitigation measure would reduce the above potentially significant impact, the impact would remain ***significant and unavoidable***. (DEIR, p. 4.2-17 to 4.2-18)

Impact 4.2-4 Impacts related to compliance with the requirements of the Cortese-Knox-Hertzberg act (Government Code, Section 56000 et. seq.) pertaining to the conversion of agricultural land. The proposed project site is currently located within Sacramento County and has a Sacramento County General Plan land use designation of Agricultural Cropland and is zoned AG-80. The proposed project would include a request for annexation of the 474.4-acre project site to the City of Sacramento, which ultimately requires the approval of Sacramento LAFCo. Sacramento LAFCo has specific policies related to agricultural land. Because the project site is proposed to be annexed into the City of Sacramento and the industrial park portion of the site is proposed for development, on-site soils are evaluated in comparison to the Sacramento LAFCo's definition of prime agricultural land pursuant to Government Code section 56064. Should on-site soils meet any one criterion, such land would be considered prime agricultural land by Sacramento LAFCo.

The project site contains an approximate total of 385.3 acres of soils that qualify for rating as Class II when irrigated in the Soil Conservation Service land use capability classification. Criteria (a) of the Sacramento LAFCo's definition of prime agricultural land applies to soils that qualify

as Class I or Class II, regardless of whether the soil is non-irrigated or irrigated, provided that irrigation is feasible. Thus, soils within the proposed project site meet criteria (a) to qualify as prime agricultural farmland under section 56064 of the Cortese-Knox-Hertzberg Act. Therefore, the project would result in a ***significant*** impact with regards to compliance with LAFCo's policies related to the conversion of agricultural land to urban uses. (DEIR, p. 4.2-21 to 4.2-22)

Finding: Potential mitigation for impacts related to the conversion of prime agricultural land to non-agricultural uses could include purchasing agricultural conservation easements outside the project area. Implementation of Mitigation Measure 4.2-1 would help reduce the project's potential impacts related to conversion of important farmland. However, as discussed under Impact 4.2-1 of the DEIR, such mitigation would not create new agricultural land; rather, the mitigation would simply preserve existing agricultural land elsewhere. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain ***significant and unavoidable***. (DEIR, p. 4.2-23)

Impact 4.2-5 Impacts related to cumulative loss of agricultural land.

The City's 2040 General Plan MEIR determined that the net decrease of Important Farmland for crops from 2018 to 2020 within Sacramento County was 7,053 acres. Buildout of the 2040 General Plan could result in the further conversion, and therefore loss, of agricultural land to urban uses. Sufficient agricultural land does not exist within the City to be preserved in compensation with the amount of farmland converted to urban uses. Many of the goals and policies of the 2040 General Plan encourage the continued productivity and preservation of existing local agricultural lands and operations in areas outside of the City.

Although the project site is not currently within the City's SOI, following the proposed Annexation, the project would be required to comply with all applicable policies. However, the project was not anticipated within the City's General Plan MEIR analysis. As such, the most relevant cumulative setting for the proposed project is within the County.

According to the County's General Plan EIR, the County contains approximately 110,278 acres of Prime Farmland, 56,140 acres of Farmland of Statewide Importance, 15,187 acres of Unique Farmland, and 39,873 acres of Farmland of Local Importance. The County's General Plan EIR determined that even with the preservation of farmland at a one-to-one ratio, buildout of the County General Plan would result in a net loss of farmland, and a significant impact would occur.

Thus, development of the proposed project, as well as other development within the County's General Plan policy area, such as the proposed Upper Westside Specific Plan, the Sacramento International Airport Master Plan, the Grandpark Specific Plan, and Metro Air Park, would

contribute to the aforementioned impact. As such, the impact would be ***cumulatively considerable***. (DEIR, p. 4.2-24)

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

Industrial Park

4.2-5 Implement Mitigation Measure 4.2-1.

Finding: Implementation of the forgoing mitigation measure would help reduce the project's incremental contribution towards the cumulative impact related to conversion of important farmland. However, due to the permanent loss of agricultural land attributable to the project, even with implementation of mitigation, the project's incremental contribution to the cumulative impact is ***cumulatively considerable*** and ***significant and unavoidable***. (DEIR, p. 4.2-24)

3. *Air Quality Greenhouse Gas Emissions, and Energy*

Impact 4.3-2 Conflict with or obstruct implementation of the applicable air quality plan during project operation. Emissions of ROG, NO_x, and PM_{10} would be generated during operations of the proposed project from both mobile and stationary sources. The most significant source of emissions related to the proposed project would be from mobile sources. Emissions resulting from operation of the proposed project under both the Proposed Project Scenario and the Full Buildout of the Annexation Area Scenario would be below the applicable SMAQMD thresholds for $PM_{2.5}$ and PM_{10}. However, ROG and NO_X emissions would be above the applicable SMAQMD thresholds of significance under both project scenarios. Therefore, operation of the proposed project could create a conflict with or obstruct implementation of the applicable air quality plan, and a ***significant*** impact could result. (DEIR, pp. 4.3-44 to 4.3-46)

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

Industrial Park and Nonparticipating Parcels

4.3-2 Prior to the approval of project improvement plans for both the industrial park and nonparticipating parcels, the project applicant shall comply with the provisions of the Air Quality Management Plan prepared for the proposed project (see Appendix D), and incorporate all requirements into the Airport South Industrial Project conditions of approval. The measures included in the AQMP include the following:

1. *Natural gas use shall be prohibited in all land uses, with the exception of the restaurant kitchen.*

2. *The project shall implement a Transportation Management Association (TMA), such as Jibe North Natomas (for more information, visit https://jibe.org/). The TMA must comply with the following criteria, and is subject to approval by the City of Sacramento and SMAQMD:*
    a. *The TMA must be legally constituted as a non-profit organization, Property/Business Improvement District (PBID), or a government entity with a non-revocable funding mechanism, such as a community finance district, dedicated to TMA operations and services; and*
    b. *The TMA must provide a minimum level of TDM services to employees and residents within the area covered by the AQMP sufficient to achieve the emission reductions claimed by the measure. Services must be enumerated and funded to the satisfaction of the lead agency and SMAQMD.*
3. *The project applicant shall require all tenants of the on-site industrial uses to use zero-emission forklifts.*
4. *The project applicant shall require that 4.5 percent of the heavy-duty vehicle fleet be zero emission by full buildout of the annexation area. It should be noted that in the event there is a disruption in the manufacturing of zero emission vehicles/trucks or that sufficient vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the City's Community Development Department to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks.*
5. *The project shall provide complete sidewalks separated from roadway throughout the project site and pedestrian crossing at intersections on-site to ensure employees and visitors can walk between land uses/businesses. The project shall also connect the pedestrian network on-site to the adjacent properties off-site (including South Bayou Way, Power Line Road and potential future connections) as indicated on the preliminary site plan when those portions of the site develop.*
6. *Provide EV Ready parking spaces at the ratio with which the current CalGreen Tier 2 standards require EV Capable spaces.*

Finding: For land development projects that are anticipated to exceed the SMAQMD's operational emissions thresholds of significance for criteria pollutants, such as the proposed project, SMAQMD requires that the project proponent develop an Air Quality Mitigation Plan (AQMP) describing what features the project will incorporate to reduce operational criteria pollutant emissions from baseline conditions. SMAQMD guidance provides that the creation and implementation of an AQMP represents all feasible

mitigation, provided that the AQMP demonstrates a 15 percent reduction of ozone precursors below baseline emissions for projects considered in the State Implementation Plan (SIP) and 35 percent for projects not considered in the SIP. As the proposed project was not anticipated by the City in its current General Plan or other community plan, development of the project is not included in the growth assumptions of the SIP. As such, a reduction of 35 percent below baseline emissions of ozone precursors is required for the proposed project. According to SMAQMD, a project's ozone precursor emissions reductions goals should be based on mobile emissions only. Mitigation Measure 4.3-2 requires preparation and implementation of a project-specific AQMP. The AQMP was prepared using assumptions associated with full buildout of the annexation area, to represent a worst-case scenario. As shown in Table 4.3-10 of Chapter 4.3, Air Quality, Greenhous Gas Emissions, and Energy of the DEIR, the proposed project would meet the 35 percent reduction target with implementation of Mitigation Measure 4.3-2, which represents all feasible mitigation. However, even with a 35 percent reduction, emission levels would still exceed the applicable threshold of significance and, therefore, the impact would remain ***significant and unavoidable***. (DEIR, p. 4.3-46 to 4.3-47)

Impact 4.3-6 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). The proposed project is within a nonattainment area for ozone and PM_{10}. By nature, air pollution is largely a cumulative impact. The population growth and vehicle usage within the nonattainment area from the proposed project, in combination with other past, present, and reasonably foreseeable projects within Sacramento and surrounding areas, contributes to the region's adverse air quality impacts on a cumulative basis, and could either delay attainment of Ambient Air Quality Standards (AAQS) or require the adoption of additional controls on existing and future air pollution sources to offset emission increases. Thus, the project's emissions of criteria air pollutants would contribute to cumulative regional air quality effects. SMAQMD directs lead agencies to use the region's existing attainment plans as a basis for analysis of cumulative emissions. A project's interference with such plans may be determined through the use of the SMAQMD's recommended thresholds of significance for ozone precursors, $PM_{2.5}$, and PM_{10}.

If the proposed project would result in an increase of ROG, NO_X, PM_{10}, or $PM_{2.5}$ in excess of SMAQMD's operational phase cumulative-level emissions threshold, which are equivalent to SMAQMD's project-level operational emissions thresholds, the project could potentially result in a significant incremental contribution towards cumulative air quality impacts. The proposed project's unmitigated cumulative contribution to regional emissions is equivalent to the project's unmitigated operational emissions, as presented in Table 4.3-9 of Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of the DEIR.

The proposed project's unmitigated operational emissions of PM_{10} and $PM_{2.5}$ would be below the SMAQMD's applicable thresholds of significance. However, the proposed project would result in operational emissions of ROG and NO_X, which exceed all applicable SMAQMD thresholds of significance. Therefore, the proposed project could be considered to result in a ***cumulatively considerable*** net increase of a criteria pollutant for which the project region is non-attainment. (DEIR, p. 4.3-63)

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

Industrial Park and Nonparticipating Parcels

4.3-6 Implement Mitigation Measure 4.3-2.

Finding: Implementation of Mitigation Measure 4.3-6 represents all feasible mitigation to address criteria pollutant emissions. However, as presented in Table 4.3-10 of Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of the DEIR, emission levels would still exceed the applicable thresholds of significance and, therefore, the impact would remain ***significant and unavoidable***. (DEIR, p. 4.3-63)

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

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

The proposed plan, land uses, zoning, and public improvements for the project site would create up to 5,204,500 sf of industrial uses on approximately 235.6 acres, as well as approximately 98,200 sf of retail/highway commercial uses, including approximately 73,400 sf of hotel/hospitality, on approximately 13.4 acres. The project site also includes several nonparticipating parcels, comprised of approximately 83 acres, and would result in first tier entitlements for future industrial uses of approximately 1,404,800 sf.

The purpose of the project is to construct a high-quality industrial park with elevated aesthetics, that incorporates energy efficient and low water use principles in order to promote the City's environmental goals. The industrial park would be capable of serving warehouse, distribution, research, and other light industrial uses, as well as retail and commercial uses. The construction of the proposed project would create substantial, permanent employment opportunities for residents of the City of Sacramento and surrounding areas, attract new businesses and jobs to the City, provide light industrial and warehousing opportunities closer to the City of Sacramento developed areas, and provide needed retail, commercial, and hotel uses along the I-5 corridor in close proximity to Sacramento International Airport. (DEIR, p. 7-2 to 7-3.)

The project has the following project objectives:

- Utilize a targeted municipal service review to amend the City's SOI, followed by Annexation of the project site into the City of Sacramento, to construct a high-quality industrial park with elevated aesthetics to be capable of serving warehouse, distribution, research, and other light industrial uses, as well as retail and commercial uses.
- Utilize a targeted municipal service review to amend the Sphere of Influence of the SacSewer to provide wastewater services to the project site.
- Create substantial, permanent employment opportunities for residents of the City of Sacramento and surrounding areas, including the North Natomas area and the Northlake project site.
- Provide light industrial and warehousing opportunities closer to the City of Sacramento developed areas, thereby lowering local and regional VMT and traffic congestion.
- Provide retail, commercial, and hotel uses along the I-5 corridor in close proximity to Sacramento International Airport.
- Attract new businesses and jobs to the City, thereby improving the jobs/housing balance both in the City and the region.
- Construct an industrial park that incorporates energy efficiency and low water use principles in order to promote the City's environmental goals.
- Utilize alternative energy sources, including solar panels, where feasible.
- Locate the project as near as possible to existing developed areas and utility infrastructure with anticipated capacity.
- Create an internal roadway network for the project site that will allow for efficient access to the site and limit impacts to offsite roadways by directing truck traffic directly to I-5.
- Phase project construction to be responsive to market demands.
- Minimize environmental impacts to surrounding areas, including residential communities and other sensitive land uses.

D. Project Alternatives.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code, section 21002, italics added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (*Ibid*., italics added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects." (*Ibid*.)

CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Public Resources Code, section 21061.1.) The CEQA Guidelines add another factor: “legal” considerations. (CEQA Guidelines, section 15364; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).) Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, section 15126.6, subd. (f)(1).) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Public Resources Code, section 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, section 15091, subds. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, sections 15093, 15043, subd. (b); see also Public Resources Code, section 21081, subd. (b).) The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The preceding discussion regarding project impacts reveals that nearly every significant effect identified in the EIR has been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures.

Thus, as a legal matter, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the proposed project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, section 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, section 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of "reasonable alternatives' to the proposed project . . . 'the statutory requirements for consideration of alternatives must be judged against a rule of reason.'" (*Ibid*., quoting *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) "'Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.'" (*Id.,* at p. 1029.) The requirement has been fulfilled here; the DEIR examined the proposed project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the proposed project. As the following discussion demonstrates, however, only the project as proposed is feasible in light of proposed project objectives and other considerations.

The City Council has considered the proposed project alternatives presented and analyzed in the FEIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

Alternatives Considered and Dismissed from Further Consideration

CEQA requires that the lead agency identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying the infeasibility determination (State CEQA Guidelines, section 15126.6[c]). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. The DEIR included

the following alternatives that were considered, but dismissed from further consideration. (DEIR, p. 7-4 to 7-5.)

1. Off-Site Alternative

The possibility of an off-site location was considered as an alternative to the proposed project. The County's Geographic Information System (GIS) database was consulted to provide information regarding vacant properties in the area of sufficient size to accommodate the proposed project. In considering sites potentially available for future development, the objectives of the proposed project were used to assess the suitability of available sites.

Various potential sites were reviewed. The location that comes closest to feasibility is located northwest of the intersection of Fruitridge Road and South Watt Avenue in the southeast portion of the City, and is already designated Industrial Mixed-Use by the Sacramento 2040 General Plan. Use of this land for an off-site alternative would not require the City to annex the land or expand its SOI. Other sites were not identified, and thus, the Fruitridge and South Watt Avenue site was reviewed.

In order to include a comparable amount of acreage to the proposed project, the off-site alternative would require the demolition of several commercial businesses, including, but not limited to, a building materials store, furniture store, and 7-Eleven convenience store. In addition, approximately 117 acres of the 354 acres required of the alternative would consist of land already set aside for L and D Landfill. Given that buildout of the Off-Site Alternative at this location would require the project applicant to either redesign the proposed project to build around existing commercial businesses or reduce the amount of land designated for residential development while simultaneously demolishing existing businesses, the Off-Site Alternative would be in direct conflict with the project objectives concerning improvement of the job and housing balance in the City and the region. Finally, the project applicant does not own the identified alternative site.

Overall, off-site alternatives that could accomplish the project objectives or accommodate a similar type and intensity of development as the proposed project are not considered feasible. As a result, the Off-Site Alternative was dismissed from detailed evaluation. (DEIR, p. 7-5)

2. Mixed Use Residential Alternative

The Mixed-Use Residential Alternative would include buildout of the project site as proposed for the majority of the parcels, while designating Parcels 5 and 8 for a residential neighborhood. The Mixed-Use Residential Alternative would result in the development of 704,320 fewer sf of industrial buildings than the proposed project, and would develop approximately 109.7 acres of agricultural land as residential.

However, the development of portions of the project site with residential uses would prevent the proposed project from developing employment uses, as specified in the

project objectives, and could result in conflicts related to the incompatibility between residential and industrial land uses. Buildout of the Mixed-Use Residential Alternative would require the modification of the proposed entitlement actions, such as the addition of residential designations to the requested GPA and Prezoning. Additionally, the proximity of the new residential development on-site, such as on Parcel 8, may result in significant impacts (e.g., noise conflicts, exposure to toxic air contaminants, etc.) with the planned industrial uses of the proposed project.

Overall, a Mixed-Use Residential Alternative that could accomplish the project objectives is not considered feasible. As a result, the Mixed-Use Residential Alternative was dismissed from detailed evaluation. (DEIR, p. 7-5 to 7-6)

3. 100 Percent Electric Fleet Alternative

The 100 Percent Electric Fleet Alternative would consist of buildout of the project site as proposed, including the future industrial warehouse buildout, and would require all active warehouses to develop the entire truck fleet with electric vehicles (EVs) at full buildout.

Because the 100 Percent Electric Fleet Alternative would include development of the project site with the proposed uses, all of the project objectives would be met. In addition, because the 100 Percent Electric Fleet Alternative would include the operation of EVs over gas-powered vehicles, the project objectives concerning energy efficiency, utilizing alternative energy sources, and minimizing impacts would be improved. In the case of an electric fleet, impacts associated with Air Quality and GHG Emissions would be most significantly reduced by this Alternative.

However, requiring the proposed project to maintain a completely electric fleet would render the project infeasible. EVs are an emerging technology and are not yet produced on a scale that would allow future tenants of the proposed industrial park to maintain a completely electric fleet. As such, requiring a fully electric fleet of any future tenants would limit the pool of potential tenants to such a degree that extensive vacancies could occur, or that the project site would be unable to develop the parcels consistent with the project objectives. As such, the 100 Percent Electric Fleet Alternative was dismissed from detailed evaluation. (DEIR, p. 7-6)

Alternatives Considered in the EIR

1. No Project (No Build) Alternative

Under the No Project Alternative, the current conditions of the project site would remain, and the site would not be developed. The project site would not be annexed into the City of Sacramento; the site would remain in the unincorporated area of the County of Sacramento. The project site's current General Plan land use and zoning designations identified by Sacramento County would remain in effect. The Sacramento County General Plan designates the site for Agricultural Cropland, and the site is zoned by the Sacramento County Zoning Code as AG-80. The No Project (No Build) Alternative

would be consistent with the designated land uses for the project site but would not meet any of the project objectives. This Alternative would not develop the project site with industrial land uses. (DEIR, p. 3-1 and 7-7)

Comparative Environmental Effects

Because development, construction, and operations would not occur under the No Project (No Build) Alternative, impacts related to Aesthetics; Agricultural Resources; Air Quality, Greenhouse Gas Emissions, and Energy; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning/Population and Housing; Noise; Public Services, Utilities, and Service Systems; Transportation; and Tribal Cultural Resources would not occur under the Alternative. (DEIR, p. 7-22)

Impacts related to Biological Resources would be greater under the Alternative as compared to the proposed project. The Natomas Basin HCP covers the area within Parcels 5 and 8. As such, any project including development on Parcels 5 and 8 would be required to pay a total of $3,925,275.12 in HCP impact fees (based on the current 2024 HCP Fee of $32,259 per acre) and 60.84 acres of off-site land dedication in support of the Natomas Basin HCP. However, under the No Project (No Build) Alternative, the Natomas Basin HCP would not receive such funds nor open space land dedications, which would hinder the HCP's ability to operate as compared to operations with the funds generated by the proposed project. Therefore, the potential impact to the Natomas Basin HCP would be slightly greater under the No Project (No Build) Alternative.

Significant and Unavoidable Impact That Would No Longer Occur

The EIR determined that the proposed project would result in significant and unavoidable impacts and cumulatively considerable impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings. In addition, the EIR determined that the proposed project would result in significant and unavoidable impacts related to long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the City of Sacramento 2040 General Plan and the Sacramento County General Plan. The EIR also determined that the proposed project would result in significant and unavoidable impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, even with implementation of mitigation measures. While the nonparticipating parcels do not contain such land, construction activities on the rest of the project site would result in conversion of approximately 31.3 acres of Prime Farmland and approximately 12.1 acres of Farmland of Statewide Importance. Similarly, because the project site is proposed to be annexed into the City of Sacramento and the industrial park portion of the site is proposed for commercial and industrial development, on-site soils are evaluated in comparison to the Sacramento LAFCo definition of prime agricultural land. The EIR identified significant and unavoidable impacts related to compliance with the

policies of the Sacramento LAFCo pertaining to the conversion of agricultural land even with implementation of mitigation measures.

The DEIR determined that the proposed project would result in significant and unavoidable impacts related to conflicting with or obstructing implementation of the applicable air quality plan during project operation under both the Proposed Project Scenario and the Full Buildout of the Annexation Area Scenario because the ROG and NO_X emissions would be above the applicable SMAQMD thresholds of significance. Additionally, the EIR determined that the amount of ROG and NO_X emissions generated by the proposed project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment under an applicable federal or State AAQS.

Because the No Project (No Build) Alternative would not introduce any new structures or buildings on the site, and would consist of the continuation of the existing conditions of the project site, the existing visual character would remain unchanged, farmland would not be converted to non-agricultural uses, and emissions resulting from construction and operational activities would not occur. Thus, all significant and unavoidable impacts discussed above would not occur under the No Project (No Build) Alternative. (DEIR, p. 7-3 to 7-4)

Feasibility/Relationship of Alternative to Project Objectives

The No Project (No Build) Alternative maintains the *status quo*. The No Project (No Build) Alternative will avoid the significant and unavoidable impacts associated with the project, provided the existing physical conditions on the site continue to exist. Despite the fact that most of the significant impacts associated with implementation of the project would be reduced in significance under the No Project (No Build) Alternative, implementation of the No Project (No Build) Alternative would not meet any of the project's objectives.

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. "'[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) The No Project (No Build) Alternative would preclude any development at the project site, thereby eliminating project objectives relating to development of a high-quality industrial park capable of serving warehouse, distribution, research, and other light industrial uses; incorporation of retail and commercial uses into the industrial area; creation of employment opportunities for the City of Sacramento and surrounding area; reducing VMT and traffic congestion by providing light industrial and warehouse opportunities closer to the City of Sacramento developed area; provision of retail, commercial, and hotel uses closer to the Sacramento International Airport; attraction of new businesses to the City thereby improving the jobs/housing balance in the region; and minimization of environmental

impacts to surrounding areas and residential communities through construction of an energy and water efficient development as opposed to other potential land uses. (DEIR, p. 7-2 to 7-3)

The No Project (No Build) Alternative is not on balance with the proposed project in terms of its economic, environmental, social and technological elements due to the fact that the project objectives, and therefore, the City's applicable goals would not be met under the Alternative. The proposed project would meet the City's goals related to economy, environmental, social, and technical goals, and thus, is the more feasible choice for the community and the region. Therefore, the No Project (No Build) Alternative is rejected as infeasible.

2. 20 Percent Electric Fleet Alternative

The 20 Percent Electric Fleet Alternative would consist of buildout of the project site as proposed, including the future industrial warehouse buildout. Based on the square footages of the total developable lands, the proposed industrial warehouse development, and the future industrial development, the Alternative would require the active warehouses to maintain 20 percent of the truck fleet as electric vehicles at full buildout of the Annexation area. (DEIR, p. 7-10)

Comparative Environmental Effects

Overall, impacts related to Air Quality, GHG Emissions, and Energy would be fewer under the Alternative. Impacts to Aesthetics; Agricultural Resources; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning/Population and Housing; Noise; Public Services, Utilities, and Service Systems; Transportation; and Tribal Cultural Resources would be similar under the Alternative. (DEIR, p. 7-22)

Impacts Reduced Under the 20 Percent Electric Fleet Alternative:

Industrial uses are generally anticipated to involve the use of heavy-duty diesel trucks associated with the movement of goods to and from the sites. As previously noted, the 20 Percent Electric Fleet Alternative would require 20 percent of the associated truck fleet to be electric vehicles, rather than the proposed diesel-powered fleet, which would reduce criteria pollutant emissions associated with on-site development. Overall, because emissions would be fewer, impacts related to air quality, GHG emissions, and energy would be fewer under the 20 Percent Electric Fleet Alternative as compared to the proposed project. (DEIR, p. 7-12)

Impacts Similar Under the 20 Percent Electric Fleet Alternative:

The 20 Percent Electric Fleet Alternative would consist of buildout of the project site as proposed. The project site is predominantly undeveloped and affords views of a rural landscape from I-5, Metro Park Airway, and Access Roadway. Therefore, impacts to the existing visual character or quality of public views of the site and its surroundings under

the 20 Percent Electric Fleet Alternative would be similar to the impacts evaluated in the Aesthetics chapter of the DEIR, including significant and unavoidable impacts. Because the 20 Percent Electric Fleet Alternative would result in the same development as the proposed project, the Alternative would result in similar significant and unavoidable impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, as well as significant and unavoidable impacts related to compliance with the policies of the Sacramento LAFCo pertaining to the conversion of agricultural land, as the proposed project. Mitigation Measures 4.2-1 and 4.2-5 would still apply to the Alternative; however, implementation of the foregoing mitigation measures would not reduce impacts related to conversion of farmland to non-agricultural use and loss of agricultural land, to a less-than-significant level.

For development projects that are anticipated to exceed the SMAQMD's operational emissions thresholds of significance for criteria pollutants, SMAQMD requires that the project proponent develop an AQMP describing how the project would reduce operational criteria pollutant emissions from baseline conditions. Mitigation Measure 4.3-1 requires the use of a combination of engine Tier 3 or Tier 4 off-road construction equipment, or hybrid, electric, or alternatively fueled equipment during construction of the proposed project to reduce construction-related NO_X emissions, and Mitigation Measure 4.3-2 requires preparation and implementation of a project-specific AQMP; both of the foregoing Mitigation Measures would still be required under the 20 Percent Electric Fleet Alternative. In addition, the 20 Percent Electric Fleet Alternative would still exceed SMAQMD's 1,100 $MTCO_2e$/yr threshold of significance during construction. Similar to the proposed project, compliance with the SMAQMD BMPs would not be guaranteed. Thus, buildout of the Alternative would still be considered to generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Consequently, Mitigation Measures 4.3-7(a) through (c) would still be required. Furthermore, Parcel 8 would still be designated for future industrial development under the 20 Percent Electric Fleet Alternative. Therefore, Mitigation Measure 4.3-3, related to conducting a health risk assessment if Parcel 8 is developed with a distribution center, would still be required. The significant and unavoidable impacts to air quality would still occur under the 20 Percent Electric Fleet Alternative.

Similar to the proposed project, the 20 Percent Electric Fleet Alternative would include ground-disturbing activities on the project site and, thus, would have the potential to impact special-status plants, giant garter snake, northwestern pond turtle, northern harrier, Swainson's hawk, white-tailed kite, burrowing owl, and other birds protected under the MBTA. Because the 20 Percent Electric Fleet Alternative would include buildout of the proposed project, the Alternative would result in a similar disturbance area as compared to the proposed project. Therefore, the analysis within the Biological Resources chapter of the DEIR would still apply to the Alternative, and Mitigation Measures 4.4-1(a) and (b), 4.4-3(a) and (b), 4.4-4(a) and (b), 4.4-5(a) and (b), 4.4-6(a), 4.4-8(a), 4.4-9(a) and (b), 4.4-10(a) through (c), 4.4-11(a) through (f), 4.4-12, and 4.4-13(a) through (c) would still be required. Therefore, overall impacts to Biological Resources would be similar under the Alternative compared to the proposed project.

Similar to the proposed project, the 20 Percent Electric Fleet Alternative would result in on-site disturbance to accommodate new development. Therefore, Mitigation Measure 4.5-2 would still apply to the 20 Percent Electric Fleet Alternative to mitigate the potentially significant impact associated with the disturbance or destruction of historical resources, archaeological resources, and human remains during construction.

Under the 20 Percent Electric Fleet Alternative, the project site would still be developed with commercial and industrial uses, as well as associated improvements. As noted above, the 20 Percent Electric Fleet Alternative would include the same overall area of disturbance compared to the proposed project. Therefore, the 20 Percent Electric Fleet Alternative would have a similar potential to result in the disturbance or destruction of cultural, tribal cultural, and paleontological resources without implementation of Mitigation Measures 4.5-2, 4.6-4, and 4.13-1(a), (b), and (c). In addition, the potential for grading and other ground-disturbing activities to result in substantial soil erosion or loss of topsoil, significant disruptions, displacements, compaction or overcrowding of the soil, or substantial change in topography or ground surface relief features, would be similar to the proposed project. As a result, the Alternative would have a potential impact associated with subsidence/settlement, liquefaction, and/or expansive soils, and Mitigation Measure 4.6-3 requiring preparation of a final geotechnical engineering report to ensure adequate structural support of the proposed improvements would still be required.

Because the disturbance area for the 20 Percent Electric Fleet Alternative would be the same as compared to the proposed project, all RECs identified on the project site would still occur under the 20 Percent Electric Fleet Alternative. As such, Mitigation Measures 4.7-2(a) and 5.7-2(b) would still be required. Additional impacts related to Water Quality, Land Use/Planning and Population, and Noise or would be similar to the proposed project under the 20 Percent Electric Fleet Alternative due to a similar overall area of disturbance. Regarding hydrology, the project site would still be developed with impervious surfaces under the Alternative, and the potential for changes in drainage patterns and increases in stormwater runoff rates would be the same when compared to the proposed project. Therefore, Mitigation Measures 4.8-1 through 4.8-5 would still be required. Regarding Noise, the 20 Percent Electric Fleet Alternative would not eliminate noise from standard engines that would comprise 80 percent of the fleet. Therefore, Mitigation Measure 4.10-2, which reduces impacts associated with a permanent increase in ambient noise levels, would still be required.

As detailed in Chapter 4.12, Transportation, of the DEIR, the VMT analysis contained therein focused on the impact of employee-generated trips, as industrial uses often inherently have higher VMT per employee than other employment types. Therefore, the electrification of 20 percent of the truck fleet would not change the conclusions of the DEIR. Because the development under the 20 Percent Electric Fleet Alternative would be the same as compared to the proposed project, the Alternative would still require Mitigation Measures 4.12-2 and 4.12-3 to reduce potential conflicts with a program, plan, ordinance or policy addressing the circulation system, as well as CEQA Guidelines section 15064.3, subdivision (b), during operations. (DEIR, p. 7-11 to 7-15)

Feasibility/Relationship of Alternative to Project Objectives

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) ("'[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417; Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

Because the 20 Percent Electric Fleet Alternative would include development of the project site with the same proposed uses, all of the project objectives would be met. In addition, because the 20 Percent Electric Fleet Alternative would include the operation of 20 percent of the overall fleet as electric vehicles over diesel-powered, the project objectives concerning energy efficiency, utilizing alternative energy sources, and minimizing impacts would be improved. In the case of an electric fleet, impacts associated with air quality and GHG emissions would be most significantly reduced by the Alternative. (DEIR, p. 7-11)

However, as discussed in Chapter 4.3 Air Quality, GHG Emissions, and Energy of the DEIR, Mitigation Measure 4.3-2 requires preparation and implementation of a project-specific AQMP including a requirement for 4.5 percent zero emissions forklifts, zero emissions, heavy duty fleet, and application of "clean fleet requirements." As stated therein, the "clean fleet requirements" may be minimally adjusted by the City's Community Development Department to accommodate the manufacturing disruption or unavailability of commercially available vehicles and trucks. The 20 Percent Electric Fleet Alternative would have a 15.5 percent higher demand for commercially available EVs and trucks, as well as for commercially available EV infrastructure, as compared to the proposed project. Because sufficient EVs to meet the demands of the 20 Percent Electric Fleet Alternative, as well as the infrastructure necessary to operate such EVs, may not be available and/or may be prohibitively expensive, the 20 Percent Electric Fleet Alternative is considered less feasible than the proposed project. (DEIR, p. 4.3-48)

3. Reduced Footprint Alternative

The Reduced Footprint Alternative would consist of buildout of the project site as proposed for the majority of the parcels and leave Parcels 9, 10, and 11, as well as an approximately 51.3-acre portion of Parcel 8, as undeveloped agricultural land. In comparison to the proposed project, the Reduced Footprint Alternative would result in a reduction of 419,809.4 sf of industrial buildings and would preserve approximately 51.3 acres of agricultural land and 18 acres of other land, including the wetlands contained within Parcels 10 and 11, for a total of 69.3 acres of preserved land. The Reduced Footprint Alternative would generally meet most of the project objectives; however,

because less industrial square footage would be constructed at the project site, Objectives #3 and #4 would only be partly met. (DEIR, p. 8-11)

Comparative Environmental Effects

Overall, impacts related to Aesthetics; Hazards and Hazardous Materials; Land Use and Planning/Population and Housing; and Transportation would be similar under the Alternative. Impacts to Agricultural Resources; Air Quality, GHG Emissions, and Energy; Biological Resources; Cultural Resources; Geology and Soils; Hydrology and Water Quality; Noise; Public Services, Utilities, and Service Systems; and Tribal Cultural Resources would be fewer under the Alternative. (DEIR, p. 7-22)

Impacts Reduced Under the Reduced Footprint Alternative:

The Reduced Footprint Alternative would include development of the project site with commercial and industrial uses, similar to the proposed project. However, the Alternative would preserve 51.3 acres of agricultural land located on the project site in Parcel 8. Nonetheless, because the prime agricultural land located on-site is contained entirely within Parcel 5, which would not be preserved under the Reduced Footprint Alternative, the significant and unavoidable impacts related to the conversion of farmland to non-agricultural uses, as well as impacts associated with compliance with the policies of the Sacramento LAFCo pertaining to the conversion of agricultural land, would not be eliminated under the Reduced Footprint Alternative. Overall, due to the slightly decreased disturbance area, impacts related to Agricultural Resources would be fewer under the Reduced Footprint Alternative as compared to the proposed project, and Mitigation Measures 4.2-1 and 4.2-5 would still be required. It should be noted that the significant and unavoidable impacts related to agricultural resources would still occur, and, similar to the proposed project, feasible mitigation measures to reduce the identified significant and unavoidable impacts to a less-than-significant level do not exist.

Under the Reduced Footprint Alternative, the project site would still be developed with commercial and industrial uses, as well as associated improvements. Because the Reduced Footprint Alternative would involve a smaller area of disturbance and building envelope than the proposed project, the criteria air pollutant and GHG emissions associated with the Alternative would be less than the proposed project. Nonetheless, emissions associated with project operations could still create a potentially significant impact related to conflicting with or obstructing implementation of the applicable air quality plan. For development projects that are anticipated to exceed the SMAQMD's operational emissions thresholds of significance for criteria pollutants, SMAQMD requires that the project proponent develop an AQMP describing how the project would reduce operational criteria pollutant emissions from baseline conditions. Mitigation Measure 4.3-2 requires preparation and implementation of a project-specific AQMP, and would still be required under the Reduced Footprint Alternative. In addition, the Reduced Footprint Alternative would still exceed SMAQMD's 1,100 $MTCO_2e$/yr threshold of significance during construction and compliance with the SMAQMD BMPs could not be ensured. Thus, the Alternative would still be considered to generate GHG

emissions, either directly or indirectly, that would have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Consequently, Mitigation Measures 4.3-7(a) through (c) would still be required. Although the Reduced Footprint Alternative includes preserving approximately 13 acres of Parcel 8 for future development, it should be noted that any future development would be located in the northwestern corner of the parcel. Therefore, the new footprint would restrict building envelope to locations outside the 1,000-foot setback distance for sensitive land uses from distribution centers recommended by the California Air Resources Board (CARB), and Mitigation Measure 4.3-3 would not be required. Overall, impacts related to air quality, GHG emissions, and energy would be fewer under the Reduced Footprint Alternative as compared to the proposed project due to the decreased on-site industrial development. It should be noted that the significant and unavoidable impacts related to air quality, GHG emissions, and energy would still occur under the Alternative.

The lands associated with the Natomas Basin HCP are contained within the portion of Parcel 8 preserved under the Reduced Footprint Alternative. As such, the mitigation measures associated with non-HCP lands, specifically Mitigation Measures 4.4-1(a), 4.4-3(a), 4.4-3(b), 4.4-4(a), 4.4-5(a), 4.4-5(b), 4.4-6(a), 4.4-8(a), 4.4-10(c), and 4.4-12, would not apply to the preserved acreage, but would still be required under the Alternative. However, similar to the No Project (No Build) Alternative, the Natomas Basin HCP would receive reduced permitting funds under the Reduced Footprint Alternative. In addition, the Alternative would result in a decreased disturbance area as compared to the proposed project, which would result in a lesser potential to affect the aforementioned species. Similarly, the Reduced Footprint Alternative would preserve the USFWS-designated wetlands in Parcels 10 and 11, thereby preserving potentially sensitive habitat. Mitigation Measures 4.4-11(a) through (f), which mitigate impacts associated with aquatic resources on-site, would still be required under the Reduced Footprint Alternative because of the aquatic resources located outside the preserved parcels. Overall, impacts to biological resources would be fewer under the Alternative compared to the proposed project, given that the amount of habitat disturbed during construction would be reduced.

Because of the reduced disturbance area that would occur under the Reduced Footprint Alternative, potential impacts related to Cultural Resources and Tribal Cultural Resources could be fewer under the Reduced Footprint Alternative compared to the proposed project. However. given that the Alternative would still result in ground disturbance, Mitigation Measures 4.5-2 and 4.13-1(a) through (c) would still be required.

As noted above, the Reduced Footprint Alternative would include a smaller overall area of disturbance compared to the proposed project. Consequently, the potential for grading and other ground-disturbing activities to result in substantial soil erosion or loss of topsoil, significant disruptions, displacements, compaction or overcrowding of the soil, or substantial change in topography or ground surface relief features would be decreased. Nonetheless, because construction and grading activities would still occur on the project site outside of the preserved parcels, Mitigation Measure 4.6-4 would still be required. In addition, Mitigation Measure 4.6-3, which requires preparation of a final

geotechnical engineering report, would still be required to ensure the industrial buildings under the Reduced Footprint Alternative would be provided adequate structural support.

Given that the Reduced Footprint Alternative would include a smaller overall area of disturbance compared to the proposed project, the potential for the Alternative to result in construction or operational impacts related to water quality would be decreased. In addition, because a smaller portion of the site would be developed with impervious surfaces, the potential for changes in drainage patterns and increases in stormwater runoff rates would be reduced compared to the proposed project. Nonetheless, Mitigation Measures 4.8-1 through 4.8-5 would still be required to ensure that impacts to on-site drainage patterns, as well as to water quality during project construction and operation, would not occur.

The Reduced Footprint Alternative would include a smaller overall area of disturbance compared to the proposed project and, thus, the potential to result in construction and operational impacts related to noise or vibration generation would be decreased. In addition, the preserved parcels would function as an attenuation buffer, and would reduce the noise and vibration perceived by the sensitive receptors to the east and southeast of the project site. Therefore, Mitigation Measure 4.10-2, which required installation of noise barrier walls to reduce impacts associated with a permanent increase in ambient noise levels, would not be required under the Reduced Footprint Alternative.

Because the Reduced Footprint Alternative would result in less development on-site, a decrease in demand for public services and utilities would occur. (DEIR, p. 7-15 to 7-20)

Impacts Similar Under the Reduced Footprint Alternative:

Given that the project site is predominantly undeveloped and affords views from I-5, Metro Park Airway, and Access Roadway, the existing visual character of the site would be similarly degraded under the Reduced Footprint Alternative, as compared to the proposed project. Overall, impacts related to Aesthetics would be similar under the Reduced Footprint Alternative as compared to the proposed project, and the project-specific significant and unavoidable impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings would still occur under the Alternative.

Similar to the proposed project, the Reduced Footprint Alternative would include ground-disturbing activities on the project site and, thus, would have the potential to impact special-status plants, giant garter snake, northwestern pond turtle, northern harrier, Swainson's hawk, white-tailed kite, burrowing owl, and other birds protected under the MBTA. Therefore, Mitigation Measures 4.4-1(b), 4.4-3(a), 4.4-3(b), 4.4-4(b), 4.4-5(b), 4.4-9(a) and (b), 4.4-10(a) through (c), 4.4-11(a) through (f), and 4.4-13(a) through (c) would still be required.

As discussed above, the Reduced Footprint Alternative would entail a similar buildout of the project as proposed. Although the overall disturbance area for the Reduced

Footprint Alternative would be decreased as compared to the proposed project, the Alternative would still result in impacts related to all RECs identified on the project site. Thus, similar to the proposed project, the Reduced Footprint Alternative could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment related to soils associated with residual OCPs, the existing on-site soil stockpiles in the northwest portion of the project site, to the east of the cell tower, and/or ACBMs and LBPs. As such, Mitigation Measures 4.7-2(a) and 4.7-2(b) would still be required. Furthermore, because the Alternative would still be located within an airport land use plan, Mitigation Measure 4.7-5(a) would still be required. Overall, impacts related to Hazards and Hazardous Materials under the Reduced Footprint Alternative would be similar to the proposed project.

Because the Reduced Footprint Alternative would include buildout of the proposed project as proposed, impacts to Land Use and Planning/Population and Housing would be similar to the proposed project, as evaluated in the DEIR.

The Reduced Footprint Alternative would preserve Parcels 9, 10, and 11, as well as a portion of Parcel 8, and result in a reduction of 419,809.4 sf of industrial buildings, which would reduce the number of truck trips associated with on-site development. As previously noted, Chapter 4.12, Transportation, of the DEIR focused on the impact of employee-generated trips, as industrial uses often inherently have higher VMT per employee than other employment types. Therefore, the Reduced Footprint Alternative would have a lower VMT rate than the proposed project. However, because the Alternative would still result in industrial development and new roadways, the Alternative would still require Mitigation Measures 4.12-2 and 4.12-3 to reduce potential conflicts with a program, plan, ordinance or policy addressing the circulation system, as well as CEQA Guidelines section 15064.3, subdivision (b), during operations. Overall, because the mitigation measures would be adjusted but still required, potential impacts related to Transportation would be similar under the Reduced Footprint Alternative compared to the proposed project. (DEIR, p. 7-15 to 7-20)

In addition, because the Reduced Footprint Alternative would not develop a total of 69.3 acres of preserved land uses, including agricultural land and wetlands, overall impacts to Agricultural Resources and Hydrology and Water Quality would be reduced. The reduced area of disturbance would also result in fewer impacts to Biological Resources; Cultural Resources; Geology and Soils; and Noise. The decreased on-site industrial development would also reduce impacts to Air Quality, Greenhouse Gas Emissions, and Energy; Public Services, Utilities, and Service Systems; and Transportation due to a decreased demand for transportation and utility services.

Feasibility/Relationship of Alternative to Project Objectives

As stated above, the concept of “feasibility” encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland*

(1993) 23 Cal.App.4th 704, 715.) "'[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417; Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

Because the Reduced Footprint Alternative would include development of the project site with the proposed uses for the majority of the parcels, the project objectives would be met. However, the reduction in development of industrial buildings would result in Objectives #3, #4, #5, and #6, regarding the provision of industrial, commercial, and hotel opportunities, as well as jobs and businesses resulting from the increased opportunities, being fulfilled to a lesser extent than the proposed project. (DEIR, p. 7-15 to 7-.20)

Environmentally Superior Alternative

In addition to the discussion and comparison of impacts of the alternatives to the proposed project, CEQA requires that an "environmentally superior" alternative among the alternatives considered be selected and the reasons for such selection disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. In the case of the project, the No Project (No Build) Alternative is the environmentally superior alternative because it would not create any new site-specific adverse environmental impacts. However, CEQA requires the identification of another environmentally superior alternative when the "no project" alternative is identified as environmentally superior (State CEQA Guidelines section 15126[e][2]).

The No Project (No Build) Alternative would not meet any of the project objectives. Because the Reduced Footprint Alternative and the 20 Percent Electric Fleet Alternative would include development of the project site following an amendment to the City's Sphere of Influence and an Annexation of the project site into the City, Objective #1 would be met by both Alternatives. In addition, because the Alternatives would include the development of industrial and commercial uses on-site, most of the remaining project objectives would be fully or partially met. More specifically, the Reduced Footprint Alternative would generally meet most of the project objectives; however, because less industrial square footage would be constructed at the project site, Objectives #3 and #4 would only be partly met.

The Reduced Footprint Alternative would result in fewer impacts than the proposed project related to nine of the 13 issue areas, and would result in similar impacts as the proposed project for the remaining four issue areas for which project impacts were identified. However, under the 20 Percent Electric Fleet Alternative and the Reduced Footprint Alternative, the significant and unavoidable impacts related to aesthetics, which were identified for the proposed project, would still occur. Similarly, the significant and unavoidable impact related to agricultural resources would still occur under the 20 Percent Electric Fleet alternative, and the Reduced Footprint Alternative would still

include the significant and unavoidable impact associated with air quality, GHG emissions, and energy associated with the proposed project.

Based on the above, because the Reduced Footprint Alternative would result in fewer impacts than the proposed project related to nine of the 13 issue areas, and would result in similar impacts as the proposed project for the remaining four issue areas for which project impacts were identified, the Reduced Footprint Alternative would be considered the Environmentally Superior Alternative. As discussed above, the significant and unavoidable impacts related to Aesthetics, Agricultural Resources, and Air Quality, GHG Emissions, and Energy that were identified for the proposed project would still occur under the Reduced Footprint Alternative. (DEIR, p. 7-20 to 7-21.)

F. Statement of Overriding Considerations:

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

The Proposed Project Will Support Development of the Planned Industrial and Commercial Land Uses.

Approval of the proposed project advances key project objectives to revitalize underutilized lands that are appropriate for infill development in which workers can enjoy an environment comprised of modern professional and administrative facilities, research institutions, manufacturing operations, warehouse and distribution facilities, experimental and testing laboratory and related uses compatible with surrounding land uses in the area, and the City's General Plan. (Objectives #1, #5, #11, and #12).

The Proposed Project Will Provide Neighborhood and Community Retail Near Residential Development to Shorten or Reduce the Number of Vehicle Trips and Provide Permanent Employment Opportunities Near Surrounding Communities.

Approval of the proposed project supports the key proposed project objective to promote industrial development consistent with the goals, policies, and objectives set forth in both the existing City of the Sacramento General Plan, including facilities with high-quality architectural design, landscaping, and signage that are consistent with the City's design standards and guidelines. Such facilities would provide jobs with competitive salaries, reduce vehicle miles traveled, and provide necessary off-site and on-site improvements to the area roadway system, public works, power, and

telecommunications infrastructure consistent with planned infrastructure systems (Objectives #1, #2, #3, #4, #5, #6, #9, and #10).

The Proposed Project is Consistent with and Supportive of Key Sacramento General Plan Goals Regarding Efficient Land Use and Utility Infrastructure, Such That Service Systems Are Well Designed and Environmental Impacts Are Minimized.

Approval of the proposed project advances key Citywide goals related to Land Use and Placemaking, Economic Development, Environmental Resources and Constraints, and Public Facilities and Safety as outlined in the City's 2040 General Plan(Objectives #1, #2, #4, #7, #8, and #12). The proposed project would create logical and future City boundaries in cooperation with the City of Sacramento and Sacramento County that align with the City of Sacramento's General Plan, and Sacramento LAFCo requirements. In addition, the proposed project would improve an off-site force main to convey wastewater generated from the proposed uses to the 48-inch SacSewer North Natomas interceptor line in East Commerce Way, thus improving the design and efficiency of service systems in the proposed project area. Furthermore, the proposed project's proximity to major transportation corridors such as I-5, and the City of Sacramento urban areas, would contribute to the City's goals to lower VMT and traffic congestion. Construction of the industrial park would incorporate energy efficient and low water use principles, and incorporate alternative energy resources where feasible in order to promote the City's environmental goals and minimize environmental impacts to surrounding residential communities and sensitive land uses.

The Proposed Project Will Provide Revenue to the City.

Approval of the proposed project would generate long-term sustainable property tax and sales tax revenue for the City of Sacramento by way of the annexation of the project site for industrial and commercial development (Objective #3, #5, #6, and #11). The proposed project would also generate funding for the Natomas Basin HCP through payment of the HCP impact fees (Objective #12).