

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 26, 2015

Reference No.: 2.2c.(2)
Action

From: WILL KEMPTON
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FAIR OAKS BOULEVARD
CORRIDOR PLAN INCLUDING THE FAIR OAKS BOULEVARD IMPROVEMENTS PHASE
2 (RESOLUTION E-15-13)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR) and Findings of Fact and Statement of Overriding Considerations for the Fair Oaks Boulevard Corridor Plan including the Fair Oaks Boulevard Improvements Phase 2 Project (project) in Sacramento County for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR and Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The County of Sacramento (County) is the CEQA lead agency for the project. The proposed project is part of the Fair Oaks Boulevard Corridor Plan and includes roadway and pedestrian improvements along Fair Oaks Boulevard from 400 feet south of Landis Avenue to Engle Road in Sacramento County. Improvements along Fair Oaks Boulevard will consist of rehabilitating the roadway, bike lanes, medians, consolidated curb cuts, enhanced bus stops, separated sidewalks, landscaping and streetscape, ADA compliant improvements and transit access. The project also includes a new traffic signal at Landis Avenue, traffic signal modifications at Grant Avenue and Engle Road, and installation of curb, gutter, and sidewalk on the south side of Grant Avenue from the Fair Oaks Boulevard intersection to 900 feet west of Fair Oaks Boulevard.

On September 14, 2011, the Sacramento County Board of Supervisors approved and certified the FEIR, Findings of Facts, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the project. The FEIR determined that impacts related to traffic and circulation, air quality, noise, and cultural resources would be significant and unavoidable.

The County found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to: accelerates the pace of pedestrian friendly improvements and encourages rehabilitation of existing high density and commercial areas; revitalizes and enhances Fair Oaks Boulevard and Manzanita Avenue as a vibrant mixed-use commercial and residential district; encourages more quality building design, landscaping and site improvements; redevelops an aging developed area with mixed-use development and other “smart growth” strategies; encourages pedestrian and bicycle friendly environment and use of transit. The County established a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures specified for the project are implemented.

On February 11, 2015, the County confirmed that the 2011 FEIR remains valid and there are no new identified impacts requiring mitigation since adoption of the FEIR in 2011. The County also confirmed that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission.

The project is estimated to cost \$6,924,000. The project is anticipated to be funded with local funds (\$2,936,426), RSTP funds (\$2,387,574) and STIP funds (\$1,600,000). Construction is estimated to begin in fiscal year 2014/15.

Attachment

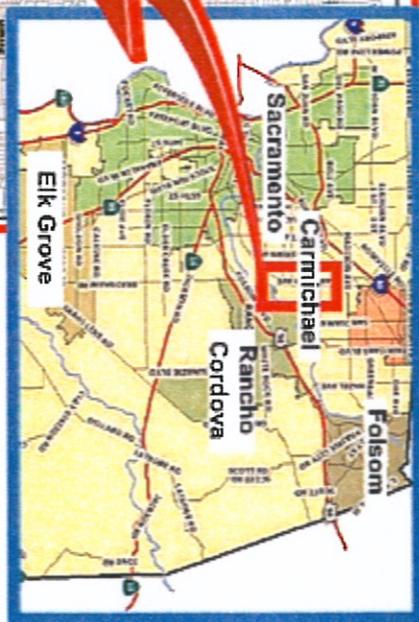
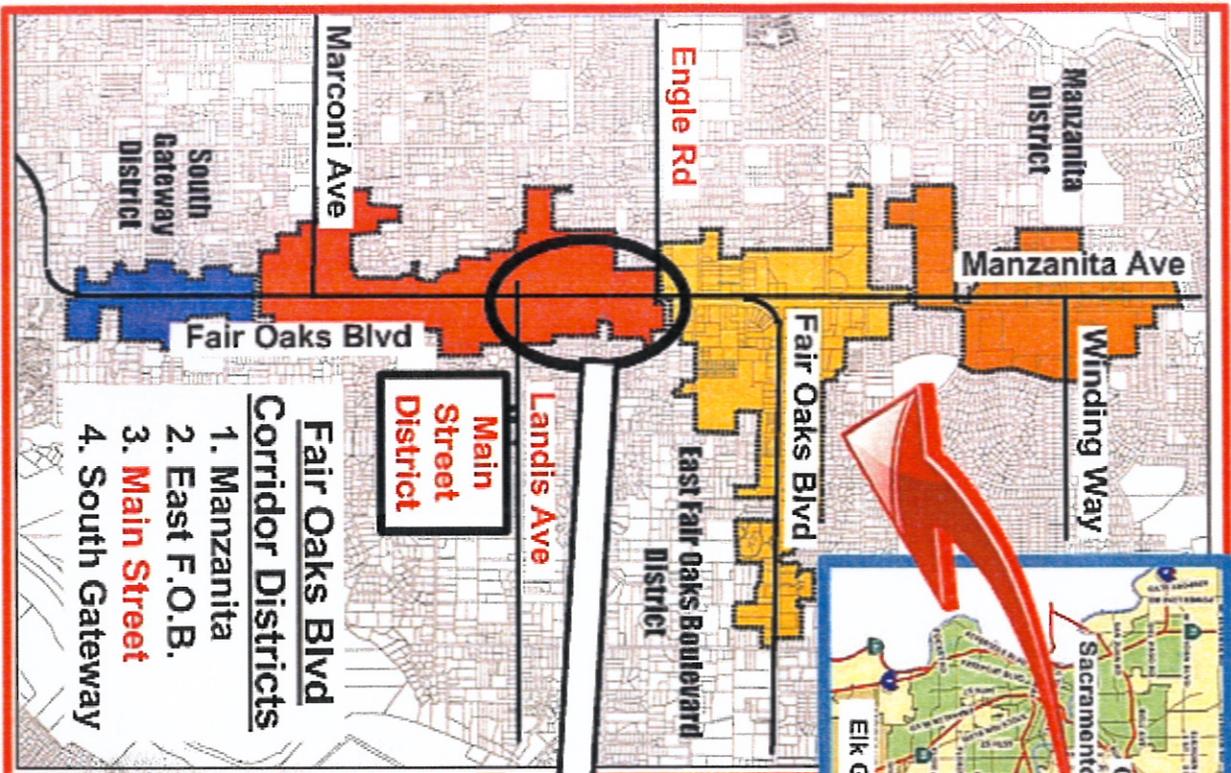
- Resolution E-15-13
- Project Location
- Findings of Fact and Statement of Overriding Considerations

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 03 – Sacramento County Resolution E-15-13

- 1.1 **WHEREAS**, Sacramento County has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - The Fair Oaks Boulevard Corridor Plan including The Fair Oaks Boulevard Improvement Phase 2 Project
- 1.2 **WHEREAS**, Sacramento County has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines; and
- 1.3 **WHEREAS**, the project is part of the Fair Oaks Boulevard Corridor Plan and includes roadway and pedestrian improvements along Fair Oaks Boulevard from 400 feet south of Landis Avenue to Engle Road in Sacramento County. Improvements along Fair Oaks Boulevard will consist of rehabilitating the roadway, bike lanes, medians, consolidated curb cuts, enhanced bus stops, separated sidewalks, landscaping and streetscape, ADA compliant improvements and transit access. The project also includes a new traffic signal at Landis Avenue, traffic signal modifications at Grant Avenue and Engle Road, and installation of curb, gutter, and sidewalk on the south side of Grant Avenue from the Fair Oaks Boulevard intersection to 900 feet west of Fair Oaks Boulevard; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA Guidelines indicate that specific unavoidable significant impacts related to traffic and circulation, air quality, noise, and cultural resources make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, Sacramento County adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, Sacramento County adopted a Mitigation Monitoring and Reporting Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact, and Statement of Overriding Considerations and approves the above referenced project to allow for future consideration of funding.

PROJECT LOCATION



BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF SACRAMENTO

RE: Fair Oaks Boulevard Corridor) Control No.: 2008-GPB-CZB-ZOB-00147
Plan and Roadway Project)
) FINDINGS OF FACT AND
) STATEMENT OF OVERRIDING
) CONSIDERATIONS

I. GENERAL INFORMATION AND DESCRIPTION OF THE PROJECT

The Final Environmental Impact Report (FEIR) prepared for the Fair Oaks Boulevard Corridor Plan and Roadway Project (Project) addresses the potential environmental impacts and mitigation measures for the Project. The project area is centrally located in the northern portion of Sacramento County and is within a developed area completely within both the Urban Services Boundary and Urban Policy Area. The project site is located in the Carmichael Community Plan area and totals approximately 692 acres of predominately commercial, office, retail and residential parcels. The project site is generally located along Fair Oaks Boulevard between Oak Avenue and Marshall Avenue and along Manzanita Avenue between Fair Oaks Boulevard and Bourbon Drive.

According to the draft Fair Oaks Boulevard Corridor Plan, the project proposal has been developed by Sacramento County and Carmichael community leaders to guide the revitalization and enhancement of Fair Oaks Boulevard and Manzanita Avenue. The Project is intended to provide an opportunity to improve the overall economic conditions of the Corridor by allowing for a more balanced mix of commercial and residential uses than what is currently found in the existing condition. Ultimately, the proposed Plan is intended to allow the project area to be developed more intensively with a greater mix of uses than in the existing condition.

The FEIR also analyzes the environmental impacts associated with three (3) alternatives to the Project, including the no-project alternative.

OBJECTIVES

The proposed Plan is a land use plan that is intended to guide infill growth and public improvements within the project area over a planning horizon of 20 to 30 years. The Fair Oaks Boulevard Corridor Plan includes four primary visions which detail the key concerns for the plan area. Each of the four visions is divided into three components. According to the Department of Community Planning and Development's Planning Division these twelve components are the objectives of the plan which are intended to guide future development in the plan area. The Corridor Plan states the following in regard to the visions and objectives for the plan area:

The Fair Oaks Boulevard Corridor should be developed as a Smart Growth Street that incorporates and balances the needs of the environment, the economy, the community and transportation.

Environmental Vision

The environmental vision for a Smart Growth Street includes three components:

- *Community Identity*–Revitalization of Fair Oaks Boulevard will be the centerpiece of a high quality family-oriented community.
- *Water Quality Improvement*–Reinvestment in public streets and private property will include best practice solutions for storm water management and improved water quality.
- *Shade Provision*–Investments in landscaping and streetscaping where people walk will provide shade and reduce “heat island effects” caused by wide roads and parking lots.

Economic Vision

The economic vision for the Boulevard includes three components:

- *Increased Property Values*–New investment on the Boulevard will increase property values for existing businesses and Carmichael homeowners.
- *Promotes Commercial and Neighborhood Vitality*–The County, Chamber of Commerce and businesses collaborate to implement a roadway plan that will result in active and safe commercial districts and neighborhoods through mixed uses and smart / complete street design.
- *Provides a Social Focus*–New investment in the Boulevard’s roadway and mixed-use places along the Boulevard will provide a strong social focus and sense of community.

Community Vision

The community vision for the Boulevard includes three components:

- *Calms Neighborhood Traffic*–Investment in streets will reduce the speed and impacts of growth in regional and local traffic on residential neighborhoods.
- *Connects Neighborhoods*–Design of roadways and sidewalks will improve walking and driving connections to the Boulevard’s shops and services from adjacent neighborhoods.
- *Implements Overall Community Circulation Concept*–Roadway, signalization, signage and sidewalk improvements will support implementation of overall circulation concepts for the Boulevard’s existing neighborhoods.

Transportation Vision

The transportation vision for the Boulevard includes three components:

- *Improves Traffic Flow*–New roadway designs will help alleviate congestion along the Boulevard without adding additional through lanes.
- *Promotes Walking and Transit Use*–The design of the roadway, concentration of land uses, and building design will encourage walking and the use of transit.
- *Connects Bikeways*–The design of the Boulevard will improve regional and local bike connections.

II. BACKGROUND

The Sacramento County Department of Community Planning and Development's Division of Environmental Review and Assessment (DERA) (formerly Department of Environmental Review and Assessment) acted as chief consultant to the Department of Community Planning and Development's Planning Division (Planning Division) for the purpose of preparing the appropriate environmental document, pursuant to the requirement of the California Environmental Quality Act (CEQA).

A Notice of Preparation (NOP) was issued to interested parties and potentially affected agencies and organizations on April 24, 2009.

The Draft Environmental Impact Report (EIR), which was prepared to assess the environmental effects of the Fair Oaks Boulevard Corridor Plan project, was released for public review and comment on July 9, 2010. The public comment period ended on August 27, 2010.

The Project and the Draft EIR were heard by the Carmichael-Old Foothill Farms Community Planning Commission (CPC) on July 21, 2010, August 18, 2010, January 19, 2011 and March 16, 2011. At the March 16 hearing, the CPC instructed the Department of Environmental Review and Assessment (DERA) to respond to comments received and to prepare a Final EIR for presentation and consideration to the Board of Supervisors.

The Final EIR was distributed on August 26, 2011. The Board of Supervisors of Sacramento County certified the Final EIR for the proposed project at a noticed public hearing held on September 14, 2011 and directed the preparation of these findings.

The Board of Supervisors of Sacramento County adopted the findings of fact and overriding consideration for the project at a noticed public hearing held on September 14, 2011.

III. RECORD OF PROCEEDINGS

For the purposes of compliance with the letter and intent of the California Environmental Quality Act (CEQA) and its requirements for Findings, the record of the proceedings for the proposed project is comprised as follows:

1. The application package consisting of the original application filed by the applicant including written documents and maps and revisions to the original application filed by the applicant;
2. All environmental documents prepared by the Environmental Coordinator of Sacramento County including the Draft/Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations set forth in this document, and all documents prepared by County staff as technical resources for the environmental document;
3. All staff reports, memoranda, maps, letters, minutes of meetings, staff hearing notes, referrals, and other planning documents prepared by County staff relating to the proposed project;

4. All testimony, documents, and other evidence presented by the applicant or the applicant's agents relating to the proposed project;

5. The proceedings before the County Planning Commission and the Board of Supervisors relating to the proposed project, including testimony and documentary evidence at public hearings;

6. Matters of common knowledge to the Board of Supervisors, which it considers, including but not limited to the following:

- a. The Zoning Code of Sacramento County;
- b. The Sacramento County General Plan, including the Land Use Element;
- c. The Sacramento County Code; and
- d. Other formally adopted policies and ordinances.

Items listed under 1, 3, and 6 (a and b) are in the custody of the Sacramento County Department of Community Planning and Development's Planning Division, located at 827 Seventh Street, Room 230, Sacramento, California 95814.

Item 2 is in the custody of the Sacramento County Department of Community Planning and Development's Division of Environmental Review and Assessment, located at 827 Seventh Street, Room 220, Sacramento, California 95814.

Items 4 and 5 are located in the custody of the Clerk of the Board of Supervisors, located at 700 H Street, Suite 2450, Sacramento, California 95814.

Items 6 (c and d) are located in the custody of the Sacramento County Counsel Office, located at 700 H Street, Suite 2650, Sacramento, California 95814.

IV. FINDINGS UNDER CEQA

To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project's significant environmental effects. (Pub. Resources Code, § 21002.) Based on section 21002, both the California Resources Agency and the State's courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify the project, to the extent feasible, to substantially lessen or avoid such effects. (CEQA Guidelines, § 15002, subd. (a)(3), 15021, subd. (a)(2); Sierra Club v. Gilroy City Council (1990) 22 Cal.App.3d 30, 41 [271 Cal.Rptr. 393].)

Public Resources Code section 21061.1 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." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also Citizens of Goleta Valley v. Board of

Supervisors (“Goleta II”) (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr.410]). An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency’s ability to meet the objectives of a proposed project. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898; Sequovah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of CEQA findings, as mandated by Public Resources Code §21081. The parallel section in the CEQA Guidelines is §15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt “one or more findings for each [such]...significant effect.” For each effect, the agency’s findings must reach one or more of three permissible conclusions.

The first possible finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that “(s)uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).)

As to the third permissible conclusion, CEQA Guidelines §15091 no longer exactly tracks the statutory language of Public Resources Code section 21081, subdivision (a)(3), which was amended in 1993 and again in 1994. The amended statute provides that the third permissible conclusion is that “(s)pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.” (Pub. Resources Code, § 21081, subd. (a)(3); see also CEQA Guidelines, § 15091, subd. (a)(3).)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The County must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” Such an understanding of the statutory term is consistent with Public Resources Code §21002, which, as noted earlier, uses the terms “substantially lessen” and “avoid”, but does not use the word “mitigate.”

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such a measure or measure to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes

of clarity, in each case will specify whether the effect in question has been avoided (i.e., reduced to a less than significant levels), or has simply been substantially lessened but remains significant.

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 environmental 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 measure, the agency, in drafting its findings, has no obligation even 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 Associated v. City Council (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I") (1988) 47 Cal. 3d 376, 400-403 [253 Cal.Rptr. 426]).

In these findings, the Board of Supervisors 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 Board of Supervisors address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code, §21081, subd. (b); see also CEQA Guidelines, § 15093, 15043, subd. (b).). In section VIII of these findings (below), the Board of Supervisors identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the project will cause.

The California Supreme Court has stated that "(t)he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law, as we interpret and apply it, simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal. 3d at 576 [276 Cal.Rptr. 410].)

V. LEGAL EFFECT OF FINDINGS

To the extent that these Findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds the Applicant and any other responsible parties to implement those measures.

These Findings, in other words, are not merely informational or hortatory, but constitute a binding set of obligations that will come into effect when the County adopts the resolution(s), and/or ordinance(s) approving the Project. (Pub. Resources Code, § 21081.6, subd. (b).) In addition, the adopted mitigation measures are conditions of approval.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code section 21081.6(a)(1), the Board, in adopting these Findings, also adopts an MMRP. The MMRP is designed to ensure that, during Project implementation, the County and any other responsible parties comply with the feasible mitigation measures identified below.

Sacramento County Ordinance SCC-0793 establishes the mechanism for enforcement of the mitigation monitoring and reporting program. It provides:

For each Project for which a Mitigation Monitoring and Reporting Program is required by this Chapter and adopted by the Approving Body, full compliance with the adopted Program for the Project shall be a condition of approval of the Project....(Sacramento County Code, § 20.02.040.)

Elsewhere, the Ordinance states:

...[A]ny person who violates any of the provisions of this Chapter, or fails to comply with any of the regulatory requirements adopted by the "Environmental Coordinator" pursuant to this Chapter, is guilty of a misdemeanor, and upon conviction may be punished by a fine not to exceed five hundred dollars or imprisonment in the County Jail not to exceed six months, or by both. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter, or regulations adopted by the "Environmental Coordinator" pursuant to this Chapter, is committed, continued, or permitted by any such person, and he or she shall be punished accordingly.(Sacramento County Code, § 20.02.080.)

In addition, the County may "carry out or seek other remedies as permitted by law." (Sacramento County Code, § 20.02.090.) For example, the County may seek injunctive relief, issue a stop work order, revoke a permit, or abate a nuisance caused by non-compliance with the conditions of approval. (Id.)

VII. SIGNIFICANT ADVERSE IMPACTS AND FINDINGS

These Findings do not address impacts that are considered less than significant prior to mitigation. These Findings therefore do not address the following impacts because they were determined to be less than significant in the FEIR:

- Land Use – Smart Growth Street Roadway Policy Consistency, Sacramento County Zoning Code Consistency, Marshall/Fair Oaks SPA Consistency, ROW acquisition;

- Public Services – Potable Water, Local and Regional Sewer Facilities, Fire Protection, Public Safety, Solid Waste Services, Schools Services, Park Services, Natural Gas Services, Electrical Power Services, Public Transit Facilities;
- Hydrology and Water Quality – Drainage and Floodplains, Drainage and Infrastructure;
- Traffic and Circulation – Existing Plus Project (31 of 43 segments and 40 of 47 intersections), Cumulative Plus Project (29 of 43 segments and 39 of 47 intersections), Bicycle and Pedestrian Facilities;
- Air Quality – Roadway Project Impacts (fugitive dust, ozone precursors, operational emissions)
- Climate Change – Residential Transportation Sector Emissions,

The FEIR identifies a number of significant or potentially significant environmental impacts that the Project will cause. Some of these effects can be fully avoided through the adoption of feasible mitigation when entitlements are granted. Other effects have no feasible mitigation or can be substantially lessened through feasible mitigation when entitlements are granted, but cannot be fully avoided and therefore, will remain significant and unavoidable.

The Project will result in potentially significant environmental effects with respect to the following issues or resources that can be reduced to less than significant levels and/or avoided with the implementation of mitigation measures:

- Land Use – General Plan Policy LU-34 Consistency, Carmichael Colony NPA Consistency, Winding Way/Hackberry Lane SPA Consistency;
- Public Services- General Plan Policy LU-34 Consistency
- Traffic and Circulation – Existing Plus Project (one segment and six intersections), Cumulative Plus Project (one segments and two intersections);
- Air Quality – Impacts to Air Quality Resulting From Ozone Precursor Emissions and Diesel Particulates Caused by Construction Activities for Redevelopment;
- Noise – Traffic Noise Impacts to Residential Interiors, Traffic Noise Impacts to Non-Residential Interiors, Community Generated Noise;
- Hazardous Materials – Contamination Sites, Monitoring Wells;
- Biological Resources – Native Trees, Streams, Wetlands and Other Surface Waters, Riparian Habitat, Special Status Species;
- Climate Change – Residential Energy Sector Emissions, Commercial Energy Sector Emissions;

- Cultural Resources – Prehistoric and Historic Archaeological Resources

The Project will result in the following significant environmental effects for which there are no feasible mitigation measures or that cannot be fully avoided through the adoption of feasible mitigation measures:

- Traffic and Circulation – Smart Growth Street General Plan Designation, Existing Plus Project (11 segments and one intersection), Cumulative Plus Project (12 segments and one intersection);
- Air Quality – Construction, Operational
- Noise – Traffic Noise Impacts to Residential: Exteriors, Traffic Noise Impacts to Non-Residential: Exteriors
- Cultural resources – Evaluated Historical Architectural Resources, Unevaluated Historical Architectural Resources

Each of these impacts will be considered below.

Land Use

Impact – General Plan Policy LU-34

The proposed Special Planning Area (SPA) calls for a mix of land uses that are generally allowed within the current General Plan designations that apply to the plan area except that the planned residential densities noted in the SPA are greater than those allowed within the portion of the project area currently designated for Low Density Residential uses. Additionally, the proposed project is largely consistent with the Transit Oriented Development (TOD) designation of the General Plan. However, the Plan proposes floor area ratios lower than those required by LU-34 which requires higher densities in proximity to transit stops.

Mitigation Measure

LA-1: Development Consistent With LU-34

The development standards in the Fair Oaks Boulevard Corridor Plan shall be modified to require future development and redevelopment in the project area to be consistent with LU-34 of the Sacramento County General Plan.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with land use policy conflicts. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant level.

Should the Board of Supervisors Find That Mitigation Measure LA-1 is Infeasible the Following Finding Shall be Made

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure.

The Fair Oaks Boulevard Corridor Plan supports transit-oriented development by allowing for increased intensities over what is currently allowed under current zoning. Compliance with LU-14 (LU-34 in the General Plan update) will be addressed as part of any discretionary application. Mandating the intensities under LU-14 for non-discretionary projects is not economically feasible at this time due to increased costs of building to those intensities under current economic conditions, and would create a requirement on non-discretionary projects that is not found in other infill areas of the County. The Board finds that the SPA largely meets the intent of LU-14 by creating the opportunity for transit-oriented development. Thus, the Board of Supervisors finds that project development and redevelopment inconsistent with General Plan Policy LU-34 remains significant and unavoidable.

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to land use policy conflicts.

Impact – Carmichael Colony NPA

Planning Division staff has indicated that the existing NPA will be combined into the proposed SPA and that the guidelines of the NPA would still apply to the affected properties. However, at the time of this writing the Corridor Plan does not address the Carmichael Colony NPA and the proposed SPA provides for the potential for the introduction of development inconsistent with the intent of the existing NPA and creates an opportunity for residential mixed-use development that will conflict with an ordinance adopted for the purposes of avoiding an environmental effect; specifically changing the semi-rural character of the NPA area.

Mitigation Measure

LA-2: Carmichael Colony Neighborhood Preservation Area

The Carmichael Colony NPA guidelines shall be incorporated into the Fair Oaks Boulevard SPA to govern development on the properties which are included in both the NPA and SPA areas in order to avoid potentially significant land use conflicts. Development on these parcels shall be constant with the intent of the Carmichael Colony Neighborhood Preservation Area.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with land use policy conflicts. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Winding Way-Hackberry Lane Special Planning Area

Planning Division staff has indicated that the existing SPA will be combined into the proposed SPA and that the guidelines currently governing development within the existing SPA will be carried over to the new SPA and will still apply to the affected properties. However, at the time

of this writing the Corridor Plan does not address the Winding Way- Hackberry Lane SPA and the proposed SPA provides for the potential for the introduction of development inconsistent with the intent of the existing SPA and creates an opportunity for residential mixed-use development that will conflict with an ordinance adopted for the purposes of avoiding an environmental effect.

Mitigation Measure

LA-3: Winding Way-Hackberry Lane Special Planning Area

The Winding Way- Hackberry Lane SPA guidelines shall be incorporated into the Fair Oaks Boulevard SPA to govern development on the properties which are included in both of the SPA areas in order to avoid potentially significant land use conflicts. Development on these parcels shall be consistent with the intent of the Winding Way/Hackberry Lane SPA.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with land use policy conflicts. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Traffic and Circulation

Impact – Smart Growth Streets

Smart Growth Street roadway improvement standards similar to those included in the Fair Oaks Boulevard Corridor Plan would result in additional through lanes that may be required for congestion relief to be considered infeasible.

Mitigation Measure

No mitigation measures are available; therefore, this impact remains significant and unavoidable.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to Smart Growth Streets and traffic and circulation.

Impact – Existing Plus Project and Cumulative Plus Project Traffic

In the Existing Plus Project condition 12 study roadway segments and seven study intersections would exceed volume thresholds and operate at unacceptable levels of service. Of the road segments to operate at unacceptable levels, seven are located along roadways to be designated as Smart Growth Streets. Of the intersections to operate at unacceptable levels five are located within roadways to be designated as Smart Growth Streets.

Of the 12 road segments that that will be subject to significant impacts, feasible mitigation that would reduce impacts to less than significant is applicable to only one segment. Of the seven intersections that that will be subject to significant impacts, feasible mitigation that would reduce impacts to less than significant levels are applicable to six.

In the Cumulative Plus Project condition the traffic study indicates that 14 study roadway segments and eight study intersections would exceed volume thresholds and operate at unacceptable levels of service. Seven of these segments and four of the intersections are located along roadways to be designated as Smart Growth Streets.

Of the 14 segments that will be subject to significant impacts, feasible mitigation that would reduce impacts to less than significant is applicable to only two segments. Of the eight intersections that will be subject to significant impacts, feasible mitigation that would reduce impacts to less than significant levels are applicable to seven.

The remaining 12 segments and 1 intersection have no feasible mitigation measures to reduce impacts.

Mitigation Measure

TC-1: 1-12 Traffic

Prior to Development Plan Review or issuance of building permits for projects resulting in intensification of use or increased square footage associated with development pursuant to the Fair Oaks Boulevard Special Planning Area Ordinance, the Sacramento County Municipal Services Agency (MSA) shall prepare, or facilitate the preparation of, a phasing plan that identifies thresholds of development for when necessary improvements are required. The phasing plan shall also identify a mechanism to track when thresholds are met so infrastructure improvements are constructed when needed.

If private applicants/developers wish to proceed with development ahead of MSA's phasing plan, project specific analyses (i.e. sewer study, water study, traffic study) will be required to ensure that the existing infrastructure can accommodate the proposed development.

Infrastructure improvements that are needed to accommodate proposed development shall be constructed prior to issuing building permits.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure.

The development of a phasing plan or project specific analyses is currently economically infeasible. In lieu of requiring MSA to develop a phasing plan or saddling individual project proponents with site specific traffic studies at this time the following language shall be added to the phasing plan requirement of the mitigation measure:

The phasing plan or project specific analyses shall not be required for a period of five years from the date of the adoption of the Fair Oaks Boulevard Corridor Plan. The purpose of this five year period is to allow for revitalization projects that support the project objectives to proceed without the need for additional studies or specific improvements, recognizing that build out of the Corridor is long-term; over a 30 plus year timeframe. The Directors of Transportation and Planning shall have the authority to require project specific studies for projects that have a significant effect on transportation systems. This five year period recognizes that several of the needed long-term improvements are identified in the Transportation Development Fee Program, in particular the widening of Cypress Avenue to four lanes.

With the “grace period” projects can move forward ahead of the implementation of identified measures intended to minimize traffic related impacts. Thus, the Board of Supervisors finds that project related traffic impacts remain significant and unavoidable.

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to traffic and circulation.

Mitigation Measure

TC-1:1

Widen Cypress Avenue from Garfield Avenue to Manzanita Avenue to from two lanes to four lanes.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this road segment. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this road segment to less than significant levels.

Mitigation Measure

TC-1:2

Signalize the intersection of College Oak Drive and Winding Way. The signalization shall include setting the east-west approaches to split phasing, setting the north-south approaches to protected phasing, prohibiting westbound-to-eastbound U-turns, and allowing overlap phasing on the northbound-to-eastbound right-turn movement.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:3

At the Walnut Avenue and Winding Way Intersection split the westbound combined through/left-turn lane into an exclusive westbound-to-southbound left-turn lane and an exclusive westbound through lane and set the east-west approaches to protected phasing.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure.

Additional evaluation of the right of way needs for this mitigation measure has shown that the intersection cannot be widened due to the close proximity of Arcade Creek and a number of oak trees. Without this mitigation measure the intersection of Walnut Avenue and Winding Way will continue to operate at LOS F during both peak hours under existing and cumulative plus project

conditions. Thus, the Board of Supervisors finds that project related traffic impacts at the intersection of Walnut Avenue and Winding Way remains significant and unavoidable.

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to traffic and circulation.

Mitigation Measure

TC-1:4

At the Manzanita Avenue and Winding Way intersection add an exclusive eastbound-to-northbound left-turn lane.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:5

At the Manzanita Avenue and Cypress Avenue intersection prohibit northbound-to-southbound U-turns and allow an overlap phasing for the eastbound-to-southbound right-turn movement.

Finding

Changes have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Additional analysis which incorporates right turn on red reductions at the intersection of Manzanita Avenue and Cypress Avenue has revealed that this intersection will operate at LOS E during the PM peak hour under existing plus project conditions. The modeling shows that significance thresholds at this intersection will not be surpassed and mitigation measures are not warranted. Thus, the Board of Supervisors finds that project related traffic impacts without mitigation will remain less than significant.

Mitigation Measure

TC-1:6

Signalize the intersection of Fair Oaks Boulevard and Kenneth Avenue

Or,

Install a two lane roundabout.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that

implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:7

At California Avenue and Fair Oaks Boulevard prohibit westbound-to-eastbound U-turns, split the single lane northbound approach into a combined northbound through/left-turn lane and an exclusive northbound-to-eastbound right-turn lane, and allow an overlap phasing for the northbound-to-eastbound tight-turn movement.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:8

At the Manzanita Avenue and Fair Oaks Boulevard intersection prohibit southbound-to-northbound U-turns and allow an overlap phasing for the westbound-to-northbound right-turn movement.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure.

This mitigation measure is considered infeasible because it will have potential economic impacts to local businesses by limiting/diverting existing pass-by clientele and would be inconsistent with the project's objectives of improving point of ingress and egress to businesses for overall economic growth in the corridor. Without this mitigation measure the intersection of Manzanita Avenue and Fair Oaks Boulevard would operate at LOS F. Thus, the Board of Supervisors finds that project related traffic impacts at the intersection of Manzanita Avenue and Fair Oaks Boulevard remains significant and unavoidable.

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to traffic and circulation.

Mitigation Measure

TC-1:9

Widen Cypress Avenue from Walnut Avenue to Garfield Avenue from two lanes to four lanes.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this road segment. Thus, the Board of Supervisors finds that

implementation of this mitigation measure will reduce this impacts to this road segment to less than significant levels.

Mitigation Measure

TC-1:10

At the intersection of Auburn Boulevard and Winding Way add a northeastbound exclusive through lane. Additionally, the inside of the three northeastbound lanes at the intersection of Auburn Boulevard and Winding Way should become an exclusive northeast bound-to-northwestbound left-turn lane at the intersection of Auburn Boulevard and the I-80 ramps.

Or,

Add a second exclusive southwestbound-to-southeastbound left-turn.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:11

At the intersection of Garfield Avenue and Cypress Avenue add eastbound and westbound through lanes.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic at this intersection. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impacts to this intersection to less than significant levels.

Mitigation Measure

TC-1:12

At the Manzanita Avenue and Cypress Avenue intersection split the southbound combined through/right-turn lane into an exclusive southbound through lane and an exclusive southbound-to-westbound right-turn lane.

Finding

Changes have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Additional analysis which incorporates right turn on red reductions at the intersection of Manzanita Avenue and Cypress Avenue has revealed that this intersection will operate at LOS E during the PM peak hour under cumulative plus project conditions. The modeling shows that significance thresholds at this intersection will not be surpassed and mitigation measures are not

warranted. Thus, the Board of Supervisors finds that project related traffic impacts without mitigation will remain less than significant.

Impact – Public Transit

The Plan would result in the construction of public transit facility improvements in the Plan area. These improvements would add to the ridership of the public transit system in the Plan area and also support planned transit improvements in the Sacramento Regional Transit Master Plan (Sacramento Regional Transit District 2009).

However, as detailed in the Land Use Chapter of this document, the proposed project is inconsistent with FAR requirements detailed within General Plan Policy LU-34. Densities proposed in the plan are less than those required by LU-34 which is intended to, in part, support transit supportive uses. In this regard, the plan is in conflict with an adopted policy supporting alternative transportation. Mitigation Measure LA-1, in the Land Use Chapter of this document, is applicable to this as well.

Mitigation Measure

LA-1: Development Consistent With LU-34

The development standards in the Fair Oaks Boulevard Corridor Plan shall be modified to require future development and redevelopment in the project area to be consistent with LU-34 of the Sacramento County General Plan.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with land use policy conflicts. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant level.

Should the Board of Supervisors Find That Mitigation Measure LA-1 is Infeasible the Following Finding Shall be Made

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure.

The Fair Oaks Boulevard Corridor Plan supports transit-oriented development by allowing for increased intensities over what is currently allowed under current zoning. Compliance with LU-14 (LU-34 in the General Plan update) will be addressed as part of any discretionary application. Mandating the intensities under LU-14 for non-discretionary projects is not economically feasible at this time due to increased costs of building to those intensities under current economic conditions, and would create a requirement on non-discretionary projects that is not found in other infill areas of the County. The Board finds that the SPA largely meets the intent of LU-14 by creating the opportunity for transit-oriented development. Thus, the Board of Supervisors finds that project development and redevelopment inconsistent with General Plan Policy LU-34 remains significant and unavoidable.

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to land use policy conflicts.

Air Quality

Impact – Fugitive Dust

Because the proposed project covers a large area in which construction could occur on multiple sites at any given time the amount of construction activity on any given day within the project area cannot be predicted and could be greater than 15 acres. Therefore, even with Rule 403 which would reduce project fugitive particulate matter impacts, impacts to air quality from fugitive dust emissions would be considered a short-term significant and unavoidable impact.

Mitigation Measure

No mitigation measures are available; therefore, this impact remains significant and unavoidable.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to fugitive dust.

Impact – Ozone Precursor Emissions and Diesel Particulates

Implementation of the Project could include construction activities on numerous sites on any given day. Therefore, calculating the daily emissions is not possible. However, given the size of the project area, exceedance of SMAQMD standards is possible.

Mitigation Measure

AQ-1: Construction Ozone Precursor Emissions and Diesel Particulates

Development proposals that exceed the SMAQMD NO_x screening levels shown in Table AQ-12, or any similar screening standard adopted by SMAQMD at the time of project application, shall be required to prepare construction emission estimates based on projected construction timelines and equipment lists prior to approval of improvement plans. When emissions exceed the SMAQMD construction thresholds of significance (currently of 85 pounds per day of NO_x) or the applicable standard in place at the time of application, the following measure shall be implemented (or the current SMAQMD-recommended mitigation in effect at the time of project application):

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which construction activity does not occur. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance;

and,

The contractor shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction; and the project sponsor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

If, after the 20 percent NO_x reduction afforded by implementation of the above, the SMAQMD thresholds of significance are still exceeded, then that development shall pay SMAQMD off-site mitigation fees to reduce the project's net construction NO_x emissions below the significance threshold. The off-site mitigation fees shall be paid to SMAQMD prior to the approval of improvement plans or the issuance of grading permits. Developers should contact the SMAQMD for assistance in assessing the fee, based on the current rate of \$16,000/ton of NO_x or the prevailing rate in effect at the time of construction.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with air quality and ozone precursor emissions and diesel particulates. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Operational Emissions

The modeling results indicate that the project's mass emissions of ROG, and NO_x exceed the SMAQMD threshold of 65 lbs/day in the summer and winter.

Under proposed General Plan policy, developments which meet or exceed thresholds of significance for ozone precursor pollutants shall be deemed to have a significant environmental impact and an Air Quality Management Plan shall be provided. The goal of the review is to achieve a 15 percent reduction of emissions from the base-case level. A plan has been prepared for this project.

Even with a 15% reduction in operational emissions, the estimated ROG and NO_x levels would exceed the operational threshold of 65 lbs/day.

Mitigation Measure

AQ-2: Operational Emissions

All development projects within the Fair Oaks Boulevard Corridor SPA shall comply with the SMAQMD endorsed Fair Oaks Boulevard Corridor Operational Air Quality Management Plan (8-06-2009), which requires implementation of reduction measures that will achieve a minimum of 15 percent reduction in operational and area source emissions, consistent with General Plan Policy.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts to air quality resulting from operational emissions.

Noise

Impact – Traffic Noise Impacts to Residential Exteriors

While it is encouraged that outdoor living areas are shielded to the extent possible to reduce impacts due to excessive noise levels, it is foreseeable that in some instances it may be infeasible to reduce impacts to a less than significant level consistent with General Plan policy.

Mitigation Measure

No mitigation measures are available; therefore, this impact remains significant and unavoidable.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to traffic noise and residential exteriors.

Impact – Traffic Noise Impacts to Residential Interiors

Interior noise levels for residential units at the 70 dB contour and farther away are considered to be in compliance with the 45 dB indoor General Plan standard because at least a 25 dB reduction in noise is provided by standard construction methods. Interior noise levels can be mitigated without the use of exterior noise barriers that may be inconsistent with the intent of the SPA. However, due to the fact that interior noise levels are considered paramount to individuals sleep patterns, health and overall well-being, additional mitigation is provided to reduce noise levels to the extent feasible.

Mitigation Measure

NO-1: Traffic Noise Impact at Residential Receptors

To ensure compliance with General Plan Noise Element standards for residential interiors, as indicated in Table I of the Sacramento County General Plan (Table NS-3 of this EIR), the following measure shall apply:

All new residential units constructed within the Plan area to be located at the 70 dB contour or greater shall utilize sound resistant construction materials and methods as determined by a

qualified acoustical consultant such that interior noise levels do not exceed the applicable noise level standards per Table NS-3 of this EIR.

Compliance with the above measure must be accompanied by an acoustical analysis, prepared by a qualified acoustical consultant and verified by the Department of Environmental Review and Assessment, substantiating that the General Plan Noise Element standard cited above is met.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic noise and residential interiors. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Traffic noise Impacts to Non-Residential Exteriors

Although it is encouraged to provide some shielding through site design for non-residential uses (i.e. churches, office buildings, schools, and industrial uses), there are foreseeable noise impacts that can not be mitigated to less than significant levels without compromising the proposed plan.

Mitigation Measure

No mitigation measures are available; therefore, this impact remains significant and unavoidable.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to traffic noise and non-residential exteriors.

Impact – Traffic Noise Impacts to Non-Residential Interiors

Depending on the particular land use, noise exposure levels may exceed applicable standards. Interior noise levels can be mitigated without the use of exterior noise barriers in ways that are consistent with the intent of the SPA.

Mitigation Measure

NO-2: Traffic Noise Impact at Non-Residential Receptors

To ensure compliance with General Plan Noise Element standards for non-residential interiors, as indicated in Table I of the Sacramento County General Plan (Table NS-3 of this EIR), the following measure shall apply:

All new non-residential construction within the Plan area to be located at the 70 dB contour or greater shall utilize sound resistant construction materials and methods as determined by a qualified acoustical consultant such that interior noise levels do not exceed the applicable noise level standards per Table NS-3 of this EIR.

Compliance with the above measure must be accompanied by an acoustical analysis, prepared by a qualified acoustical consultant and verified by the Department of Environmental Review and Assessment, substantiating that the General Plan Noise Element standard cited above is met.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with traffic noise and non-residential interiors. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Community generated Noise

Community generated noise will inevitably be produced by the myriad of activities in the SPA; and the associated noises will be perceived differently by individuals. Since it is the intent of the SPA to encourage mixed uses within the plan area in a cohesive way, provisions should be in place within the SPA which would protect the Plan Area receptors as well as immediately adjacent residential properties from excessive noise generators or mitigate such noises.

Mitigation Measure

NO-3: Community Generated Noise

To ensure compliance with General Plan Noise Element standards for non-transportation sources, the following policy shall be added to the SPA:

No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential area, as humanly perceptible (without instruments), that is louder than the noise which could be generally expected from uses permitted in that area.

Finding

Implementation of the mitigation measure will avoid the potentially significant impacts associated with community generated noise. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Hazardous Materials

Impact – Hazardous Materials

Because of the duration the Fair Oaks Boulevard area and roadways have been developed and utilized, some of the sites in the project area have been contaminated or likely are contaminated with hazardous materials including aerial deposited lead (ADL). Underground storage tanks, at past and existing service stations, have leaked and contaminated soils in a number of places within the project area. Dry cleaning operations have resulted in chemical contamination in both soils and groundwater on several parcels within the plan area. Soils along Fair Oaks Boulevard may be contaminated with ADL from automobiles utilizing the roadway. Future development of these contaminated areas, including construction related to the proposed Roadway Project, provides the opportunity for sensitive receptors to be subjected to these hazardous materials.

Mitigation Measures

HM-1: Contaminated Parcels Within the Plan Area

Prior to the issuance of any building or grading permits on the parcels included in Table HM-1 of the EIR, the applicant shall consult with the Sacramento County Environmental Management Department (EMD), to obtain a site evaluation and to determine the need for a Phase II Environmental Site Assessment, Soil Management Plan or a Health Risk Assessment. If said analyses are required, all necessary site remediation recommendations, in consultation with EMD, shall be completed by the property owner prior to the issuance of any building or grading permit.

HM-2: Contaminated Parcels Along the Roadway Project

Prior to the acquisition of additional right-of-way or construction related to the proposed Roadway Project on the properties included in Table HM-1, the Sacramento County Department of Transportation shall coordinate directly with EMD and property owners to determine the need for a Phase II Environmental Site Assessment, Soil Management Plan or a Health Risk Assessment. All necessary site remediation recommendations, in consultation with EMD, shall be completed prior to right-of-way acquisition or roadway construction by the property owner.

HM-3: Roadway Project Contingency Plan

The Sacramento County Department of Transportation shall develop a contingency plan in the event that construction activities related to the Roadway Project uncover unforeseen contamination that may hinder the progress of the project. This plan should include steps to contain any contamination, consultation with regulatory agencies and a work plan to evaluate and characterize and remediate any contamination. In addition, the Sacramento County Department of Transportation shall consult with the County Counsel's Office regarding potential liabilities if contamination is encountered during construction activities.

HM-4: Exposure to Aerially Deposited Lead

At the Roadway Project Plans, Specs and Engineering (PS&E) stage, soil lead testing shall be conducted within the limits of work in order to characterize the lateral and vertical extent and concentration of Aerially Deposited Lead (ADL).

- a. Samples should be collected at various depths to determine the vertical extent of contamination and associated concentrations.
- b. Analyze for Total Threshold Limit Concentration (TTLC). If it is greater than 1,000 mg/kg, it is hazardous waste.
- c. If it is less than 1,000 mg/kg, it needs to be analyzed by the Waste Extraction Test (WET), unless it is less than 50 mg/kg (cannot fail WET below this concentration).
- d. Analyze by WET for Soluble Threshold Limit Concentration (STLC). If it is greater than 5 mg/l, it is considered hazardous waste. If it is less than 5 mg/l it is not considered hazardous waste.
- e. If the soil is not hazardous waste, but is contaminated at levels above background, implement a lead compliance plan and lead awareness training pursuant to Title 8 of the California Code of Regulations (Section 1532.1).
- f. During construction soils that are contaminated should be stockpiled for subsequent disposal characterization.

- g. An acceptable disposal plan shall be implemented if the project will generate excess soils. Excess soil that is considered hazardous waste shall be removed by a hazardous material contractor in accordance with EPA, Cal-OSHA, SMAQD, and Caltrans standards, and shall be properly disposed of at an appropriate offsite disposal facility. Caltrans handling procedures for material with ADL include dust control, spillage prevention, and air quality monitoring during excavation.
- h. A Lead Awareness Training program shall be provided to the construction workers at the project site.

HM-5: Monitoring Wells

The Department of Transportation shall coordinate with EMD to identify and relocate any monitoring wells that may be impacted within the Roadway Project boundaries if go a rounds or other well accommodations are found to be infeasible.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with hazardous materials. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Biological Resources

Impact – Oak Trees (Roadway Improvements)

Implementation of the Roadway Project would require the removal of six oak trees totaling 91 inches dbh.

Mitigation Measures

BR-1: Roadway Project Oak Tree Removal

The removal of oak trees 2, 4, 7, 8, 9, 10 for the Fair Oaks Boulevard Corridor Plan Roadway Project shall be compensated by planting native oak trees (valley oak/*Quercus lobata*, interior live oak/*Quercus wislizenii*, and blue oak/*Quercus douglasii*) equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Department of Environmental Review and Assessment. A total of 91 inches of native oak tree loss shall be compensated.

Equivalent compensation based on the following ratio is required:

- one preserved native oak tree <6 inches dbh on site = 1 inch dbh
- one D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- one 15-gallon tree = 1 inch dbh
- one 24-inch box tree = 2 inches dbh
- one 36-inch box tree = 3 inches dbh

Replacement tree planting shall be completed prior to the issuance of building permits or a bond shall be posted by the applicant in order to provide funding for purchase, planting, irrigation, and 3-year maintenance period, should the applicant default on replacement tree mitigation. The bond shall be in an amount equal to the prevailing rate of the County Tree Preservation Fund.

Prior to the approval of Improvement Plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings and < 6-inch dbh trees to be preserved;
2. Method of irrigation;
3. If planting in soils with a hardpan/ duripan or claypan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
4. Planting, irrigation, and maintenance schedules;
5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period.
6. Designation of 20 foot root zone radius and landscaping to occur within the radius of oak trees, 6 inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site, or within 15 feet of a building foundation or swimming pool excavation. The minimum spacing for replacement oak trees shall be 20 feet on-center. Examples of acceptable planting locations are publicly owned lands, common areas, and landscaped frontages (with adequate spacing). Generally unacceptable locations are utility easements (PUE, sewer, storm drains), under overhead utility lines, private yards of single family lots (including front yards), and roadway medians.

Oak trees <6 inches dbh to be retained on-site shall have at least a 20-foot radius suitable root zone. The suitable root zone shall not have impermeable surfaces, turf/lawn, dense plantings, soil compaction, drainage conditions that create ponding, utility easements, or other overstory tree(s) within 20 feet of the tree to be preserved. Trees to be retained shall be determined to be healthy and structurally sound for future growth, by an ISA Certified Arborist subject to Department of Environmental Review and Assessment approval.

If oak tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

BR-2: Roadway Project Oak Tree Protection

With the exception of the oaks noted to be removed and compensated for through Mitigation Measure BR-1, all native oak trees that are 6 inches dbh or larger within 100 feet of the Roadway Project limits of work, which may be impacted by utility installation and/or improvements associated with roadway improvements, shall be preserved and protected as follows:

1. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of the tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the

root zone and defines the minimum protected area of the tree. Removing limbs which make up the dripline does not change the protected area.

2. Chain link fencing or a similar protective barrier shall be installed one foot outside the driplines of the oak trees prior to initiating project construction, in order to avoid damage to the trees and their root systems. Where minor encroachment is being allowed for pedestrian improvements within the dripline of Oak 3, prior to initiating construction, protective fencing shall be installed a maximum of one foot outside the work areas in order to minimize damage to the tree canopy and root system.
3. Any removal of paving or structures (i.e. demolition) that occurs within the dripline of a protected oak tree shall be done under the direct supervision of a certified arborist. To the maximum extent feasible, demolition work within the dripline protection area of the oak tree shall be performed by hand. If the certified arborist determines that it is not feasible to perform some portion(s) of this work by hand, then the smallest/lightest weight equipment that will adequately perform the demolition work shall be used.
4. No signs, ropes, cables (except cables which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the oak trees.
5. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the dripline of the oak trees.
6. Any soil disturbance (scraping, grading, trenching, and excavation) is to be avoided within the dripline of the oak trees except for the minimum necessary to construct the proposed pedestrian improvements within the dripline of Oak 3. Where this is necessary, an ISA Certified Arborist will provide specifications for this work, including methods for root pruning, backfill specifications and irrigation management guidelines.
7. Before grading, excavation or trenching within five feet outside the driplines of protected oak trees, root pruning shall be required at the limits of grading or excavation to cut roots cleanly to a depth of the excavation or 36 inches (whichever is less). Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades or other approved root-pruning equipment under the supervision of an ISA Certified Arborist.
8. All underground utilities and drain or irrigation lines shall be routed outside the driplines of oak trees. If lines must encroach upon the dripline, they should be tunneled or bored under the tree under the supervision of a certified arborist.
9. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
10. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of the oak tree.
11. No sprinkler or irrigation system shall be installed in such a manner that it sprays water within the dripline of the oak tree.
12. Tree pruning required for clearance during construction must be performed by an ISA Certified Arborist or Tree Worker.

13. Landscaping beneath the oak tree may include non-plant materials such as boulders, decorative rock, wood chips, organic mulch, non-compacted decomposed granite, etc. Landscape materials shall be kept two (2) feet away from the base of the trunk. The only plant species which shall be planted within the dripline of the oak tree are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with oak trees and the roadway project. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Oak Trees (Development and Redevelopment)

The degree of impacts to native trees that will result from development and redevelopment associated with the SPA is uncertain at this time. The SPA's proposed change to land use designations within the plan area does not in itself require the removal of any on-site native or non-native trees. As specific parcel redevelopment and development plans are not part of the proposed SPA project, impacts associated with development on native trees can not be determined at this time.

Mitigation Measures

BR-3: SPA Development and Redevelopment Oak Tree Protection and Compensation

Prior to execution of redevelopment/ development projects within the SPA area, the project proponent(s) shall submit an arborist report for the project impact areas when appropriate habitat exists. The report shall include the species, diameter, dripline, and health of the trees, and shall be prepared by an ISA certified arborist. The report shall include an exhibit that shows the trees and their driplines in proximity to the project improvements. The report shall identify any tree that will be removed and shall quantify any encroachment from project equipment or facilities within driplines of native oaks.

- A) With the exception of the oak trees removed and compensated for through Part B below, all healthy native oak trees that are 6 inches dbh or larger on the project site, all portions of adjacent off-site healthy native oak trees that are 6 inches dbh or larger which have driplines that extend onto the project site, and all off-site healthy native oak trees that are 6 inches dbh or larger which may be impacted by utility installation and/or improvements associated with this project, shall be preserved and protected as follows:
 1. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of the tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of the tree. Removing limbs which make up the dripline does not change the protected area.
 2. Chain link fencing or a similar protective barrier shall be installed one foot outside the driplines of the oak trees prior to initiating project construction, in order to avoid damage to the trees and their root systems.

3. Any removal of paving or structures (i.e. demolition) that occurs within the dripline of a protected oak tree shall be done under the direct supervision of a certified arborist. To the maximum extent feasible, demolition work within the dripline protection area of the oak tree shall be performed by hand. If the certified arborist determines that it is not feasible to perform some portion(s) of this work by hand, then the smallest/lightest weight equipment that will adequately perform the demolition work shall be used.
4. No signs, ropes, cables (except cables which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the oak trees.
5. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the dripline of the oak trees.
6. Any soil disturbance (scraping, grading, trenching, and excavation) is to be avoided within the dripline of the oak trees. Where this is necessary, an ISA Certified Arborist will provide specifications for this work, including methods for root pruning, backfill specifications and irrigation management guidelines.
7. Before grading, excavation or trenching within five feet outside the driplines of protected oak trees, root pruning shall be required at the limits of grading or excavation to cut roots cleanly to a depth of the excavation or 36 inches (whichever is less). Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades or other approved root-pruning equipment under the supervision of an ISA Certified Arborist.
8. All underground utilities and drain or irrigation lines shall be routed outside the driplines of oak trees. If lines must encroach upon the dripline, they should be tunneled or bored under the tree under the supervision of a certified arborist.
9. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
10. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of the oak tree.
11. No sprinkler or irrigation system shall be installed in such a manner that it sprays water within the dripline of the oak tree.
12. Tree pruning required for clearance during construction must be performed by an ISA Certified Arborist or Tree Worker.
13. Landscaping beneath the oak tree may include non-plant materials such as boulders, decorative rock, wood chips, organic mulch, non-compacted decomposed granite, etc. Landscape materials shall be kept two (2) feet away from the base of the trunk. The only plant species which shall be planted within the dripline of the oak tree are those which are tolerant of the natural semi-arid

environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

- B) To the maximum extent feasible, all on-site healthy native oak trees shall be protected and preserved. Any substantial (>20%) encroachment and/or removal of native oak trees shall be compensated by planting native trees (valley oak/*Quercus lobata*, interior live oak/*Quercus wislizenii*, blue oak/*Quercus douglasii*), equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Department of Environmental Review and Assessment. On-site preservation of native oak trees that are less than 6 inches (<6 inches) dbh, may also be used to meet this compensation requirement. Encroachment of over 20 percent within the dripline radius of native trees will require compensatory mitigation based on the percentage of encroachment multiplied by the dbh. Encroachment over 50 percent will require compensation for the entire tree. Equivalent compensation based on the following ratio is required:

- one preserved native oak tree < 6 inches dbh on-site = 1 inch dbh
- one D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- one 15-gallon tree = 1 inch dbh
- one 24-inch box tree = 2 inches dbh
- one 36-inch box tree = 3 inches dbh

Replacement tree planting shall be completed prior to the issuance of building permits or a bond shall be posted by the applicant in order to provide funding for purchase, planting, irrigation, and 3-year maintenance period, should the applicant default on replacement tree mitigation. The bond shall be in an amount equal to the prevailing rate of the County Tree Preservation Fund.

Prior to the approval of Improvement Plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings and < 6-inch dbh trees to be preserved;
2. Method of irrigation;
3. The Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
4. Planting, irrigation, and maintenance schedules;
5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period.
6. Designation of 20 foot root zone radius and landscaping to occur within the radius of oak trees < 6-inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site, or within 15 feet of a building foundation

or swimming pool excavation. The minimum spacing for replacement oak trees shall be 20 feet on-center. Examples of acceptable planting locations are publicly owned lands, common areas, and landscaped frontages (with adequate spacing). Generally unacceptable locations are utility easements (PUE, sewer, storm drains), under overhead utility lines, private yards of single family lots (including front yards), and roadway medians.

Oak trees <6 inches dbh to be retained on-site shall have at least a 20-foot radius suitable root zone. The suitable root zone shall not have impermeable surfaces, turf/lawn, dense plantings, soil compaction, drainage conditions that create ponding, utility easements, or other overstory tree(s) within 20 feet of the tree to be preserved. Trees to be retained shall be determined to be healthy and structurally sound for future growth, by an ISA Certified Arborist subject to Department of Environmental Review and Assessment approval.

If oak tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with oak trees and development and redevelopment. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Streams, Wetlands and Other Surface Waters

The potential wetland features on project site including the drainage swales tributaries and channels could be removed or otherwise altered due to construction related activities in accordance with the proposed SPA. Consultation with the U.S. Army Corps of Engineers would be required if these wetland features or others in the SPA area are impacted as a result of development or redevelopment. At that time, through consultation, a determination as to whether the particular impacted wetland is a Waters of the United States, or an isolated wetland, will be made. Regardless of this determination, if any wetlands within the SPA are impacted, compensation will be required per the County's no net loss of wetland acreage policy.

Mitigation Measure

BR-4: Waters of the U.S.

Prior to execution of redevelopment/ development projects within the SPA area, the project proponent(s) shall submit a wetland delineation for the project impact areas when appropriate habitat exists. The wetland delineation shall be prepared by a qualified biologist.

When a construction level project is proposed in the future, and Waters of the U.S. are impacted on the project site, to compensate for their loss one of the following measures shall be implemented:

1. Preserve or create wetlands sufficient to result in no net loss of wetland acreage, and protect their required watersheds as is necessary for the continued function of

wetlands on the project site. The project design, configuration, and wetland management plan shall provide reasonable assurances that the wetlands will be protected and their long-term ecological health maintained.

2. Where a Section 404 Permit has been issued by the Corps of Engineers, or an application has been made to obtain a Section 404 Permit, the Mitigation and Management Plan required by that permit or proposed to satisfy the requirements of the Corps for granting a permit may be submitted for purposes of satisfying Paragraph 1, provided a no net loss of wetlands is achieved.
3. Pay to the County an amount based on a rate of \$35,000 per acre of the unmitigated/uncompensated wetlands, which shall constitute mitigation for purposes of implementing adopted no net loss policies and CEQA required mitigation. The payment shall be collected by the Department of Planning and Community Development at the time of Improvement Plan or Building Permit approval, whichever occurs first, and deposited into the Wetlands Restoration Trust Fund.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with streams, wetlands and other surface waters. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Riparian Habitat

Several waterways within the plan area including the drainage swale located in the Manzanita District, the tributaries to Verde Cruz and Carmichael creeks, and the drainage channel to Carmichael creek contain riparian habitat. The degree of impacts to riparian habitat that will result from development and redevelopment associated with the SPA is currently uncertain. As specific parcel redevelopment and development plans are not part of the proposed SPA project, impacts associated with development within riparian habitat can not be determined at this time.

Mitigation Measure

BR-5: Riparian Habitat

Where appropriate riparian habitat exists, the project proponent(s) of redevelopment/development projects within the SPA area shall submit a biological resources report prepared by a qualified biologist or botanist delineating the extent of on-site riparian habitat and:

1. Prior to initiating project construction, install chain link fencing or a similar protective barrier at the limits of any on site riparian zone as dictated by the biological assessment in order to protect and preserve the riparian habitat. No earthwork shall be conducted within the protection area and fencing shall remain in place for the duration of all construction work.

Or,

2. Where preservation is found to be infeasible, prior to the issuance of building, grading or other improvement permits, also prepare a re-vegetation plan for any altered riparian habitat, consistent with General Plan Policies that compensates for riparian habitat

removals. The re-vegetation plan shall include an implementation program and quantifiable success criteria.

- Disturbed riparian herbaceous areas of the project site shall be re-planted with a combination of creeping wild rye seed, willow plants, or other suitable native species. Replanting shall compensate the removal of riparian vegetation. All tree stock shall be standard six inch tree pots (6" x 16" containers), and shall be chosen from the following native species:

Acer negundo californicum (California box elder)

Alnus rhombifolia (White alder)

Fraxinus latifolia (Oregon ash)

Juglans californica var. hindsii (California black walnut)

Populus fremontii (Fremont cottonwood)

Quercus lobata (Valley oak)

Salix lasiolepis (arroyo willow)

S. exigua (narrow leaf sandbar willow)

- The tree plantings shall be monitored for three years from the date of planting. The success criteria for tree survival shall be 80 percent throughout the monitoring period. If at anytime during the monitoring period the survival rate falls below the success criteria, in-kind replacement trees shall be planted to achieve the success criteria. Any new trees required shall be monitored for three years after planting.

Or,

3. Any mitigation required by the state or federal permitting agencies that compensates for the loss of riparian vegetation, functions and values and that provides for a native re-vegetation plan consistent with or exceeding the requirements of measure 1 above shall be deemed mitigation sufficient to reduce impacts to a less than significant level and may be utilized in place of items 1 and 2 above.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with riparian habitat. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Special Status Species

Although, there are no known special status species within the project area and no raptor nest were observed during site surveys, there are a number of large trees on the project site which may provide suitable nesting habitat for protected raptor species that may be disturbed by project development and redevelopment.

The SPA's proposed change to land use designations within the plan area does not in itself introduce a potential for disturbing nest sites. However, as specific parcel redevelopment and development occurs throughout the site in accordance with the SPA and the Roadway Project is constructed along Fair Oaks Boulevard protected raptor nests may be disturbed by project related construction.

Mitigation Measure

BR-6: Raptor Nesting Habitat

Where appropriate raptor nesting habitat exists, if construction, grading, or project-related improvements are to occur between March 1 and September 15, a focused survey for raptor nests on the site and on nearby trees shall take place within ½ mile of the project site and shall be conducted by a qualified biologist within 14 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with special status species. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Climate Change

Impact – Residential Energy Sector Emissions

The proposed SPA will lead to additional residential development that will ultimately aggravate an existing climate change problem. Using URBEMIS modeling and standard residential energy use estimates, it was determined that GHG emissions were 0.54 MT per capita over the 1.31 MT per capita standard as determined by Sacramento County. With a reduction due to implementation of the Air Quality Management Plan the per capita reduction required for future residential projects is 0.26 MT CO₂ per capita.

Mitigation Measure

CC-1: Residential Energy Sector Emission Reductions

Add a policy to the SPA requiring that future applicants for residential projects reduce residential emissions by 0.26 MT CO₂ per capita. Applicants shall submit a plan detailing a set of quantitative and/or qualitative measures that achieve the reduction in CO₂ emissions per capita. This mitigation may be modified to conform with current Sacramento County climate change standards, including but not limited to a Green Building Program and Climate Action Plan. Additionally, applicants may choose to submit revised, project-specific, residential energy-use emissions factors; however, the applicant will be required to provide adequate data to support the revised emission factor.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with residential energy sector emissions. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Impact – Commercial Energy Sector Emissions

The proposed SPA will lead to additional commercial development that will ultimately aggravate an existing climate change problem. Using URBEMIS modeling, it was determined that GHG

emissions were 3.59 MT per Kft² over the 8.08 MT per Kft² standard. With a reduction due to implementation of the Air Quality Management Plan the per Kft² reduction required for future commercial projects is 1.82 MT per Kft².

Mitigation Measure

CC-2: Commercial Energy Sector Emission Reductions

Add a policy to the SPA requiring that future applicants for commercial projects reduce commercial emissions by 1.82 MT CO₂ per Kft². Applicants shall submit a plan detailing a set of quantitative and/or qualitative measures that achieve the reduction in CO₂ emissions per Kft². This mitigation may be modified to conform with current Sacramento County climate change standards, including but not limited to a Green Building Program and Climate Action Plan. Additionally, applicants may choose to submit revised, project-specific, commercial energy-use emissions factors; however, the applicant will be required to provide adequate data to support the revised emission factor.

Finding

Implementation of the mitigation measures will avoid the potentially significant impacts associated with commercial energy sector emissions. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

Cultural Resources

Impact – Evaluated Historical Architectural Resources

Six properties older than 50 years of age appear to meet criteria of the California Register and are considered historical resources for the purposes of CEQA. At present there are no plans to impact the six eligible properties. If future projects propose impacts to these significant properties, impacts would be considered significant even with mitigation.

Mitigation Measure

CR-1: Evaluated Historical Architectural Resources

Significant historical architectural resources within Fair Oaks Boulevard Corridor Plan shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. In the instance that demolition of a significant historical architectural resource is proposed, the applicant shall have a qualified architectural historian prepare a historical report with archival prints of the structure, including architectural details, for CRHR Criterion 3 eligible properties and/or preparation of public interpretation documents (video, articles, local history) for treatment of CRHR Criterion 1 eligible properties. All documentation shall be archived with the Sacramento Archives and Museum Collection Center (SAMCC) and the County of Sacramento.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to evaluated architectural resources.

Impact – Unevaluated Historical Architectural resources

The SPA contains several potential resources that have not been subject to a prior review. Given the sensitivity of the area for historical structures there is a potential for additional resources to be located within the plan area that have not been previously evaluated. Loss of any significant resources is a significant impact even with mitigation.

Mitigation Measure

CR-2: Unevaluated Historical Architectural Resources

Properties that have not been subject to a previous architectural evaluation and are at least 50 years or older shall have a historic architectural study performed by a qualified, professional architectural historian if potential historic structures present on the project site are subject to demolition or otherwise impacted. The resulting report should include results of a background literature search and field survey, an historic context statement, and analysis of the potential significance of the noted resource, and recommendations for preservation and/or mitigation. If the structure is considered significant and demolition is proposed, mitigation documentation, as detailed in Mitigation Measure CR-1, shall be prepared, reviewed and endorsed by the Planning Department.

Finding

For the reasons set forth in Section X below, the Project is approved despite the significant and unavoidable impacts related to unevaluated architectural resources.

Impact – Prehistoric and Historic Archaeological Resources

Archaeologically the Corridor Plan area appears to be of low sensitivity. The development of Carmichael within the Corridor Plan area has modified the natural landscape extensively. The sole prehistoric site is no longer accessible since the property has been developed. The site record places the site in an "eroding arroyo" west of Manzanita Avenue in the Manzanita District. The creek or "arroyo" has since been channelized and the area developed. The current status of the resources and its precise location are presently unknown.

Historic archaeological potential is present wherever older dwellings are or once were. The most sensitive locations will be associated with dates before World War I, while properties with dates that precede World War II may also retain features of potential archaeological interest. Three parcels contained houses around the turn of the century and some potential remains were observed from the street during the current survey (the location of these parcels is on file at the Division of Environmental Review and Assessment, 827 7th Street, Room 220, Sacramento, CA 95814). Prior to land disturbance on these three parcels and the parcel where the recorded resource (discussed above) is located, an archaeological survey should be conducted and a report shall be prepared that discloses impacts and mitigation to reduce impacts.

Mitigation Measures

CR-3: Prehistoric and Historic Archaeological Resources

A cultural resources survey will be required prior to any project development of four properties located within the Corridor Plan Area (An exhibit denoting the parcels is on file with the Department of Environmental Review and Assessment, 827 7th Street, Room 220, Sacramento,

CA 95691) not previously subject to intensive investigation. If ground disturbing activities are planned within or adjacent to the boundaries of any identified archeological site, the following shall be required:

1. The site area will be inspected by a qualified, professional archaeologist to assess the condition of the property and determine the current status of the deposit.
2. Based on this review and, as appropriate, a subsurface testing program will be developed and implemented to determine if the property meets criteria to be listed on the California Register of Historic Resources or the National Register of Historical Places. The course of the testing program should be clearly delineated in a research design which outlines prehistory of the area; research domains, questions, and data requirements; research methods inclusive of field and laboratory studies; report preparation; and significance criteria.
3. Following field investigations, a technical report describing the evaluation program should be prepared. At a minimum this report shall include the elements discussed in the research design, as well as a description of the recovered site assemblage and a significance evaluation. If, based on the results of the testing program, a site is not determined to be an important archaeological resource, than effects to it would have been reduced to less than significant.
4. If, based on the results of the field investigations, resources were identified as being significant the following mitigation would apply:
 - a. Total Avoidance: Redesign the proposed project as to preserve and protect all significant cultural resources. This would reduce impacts to less than significant levels.

OR, if a redesign is determined infeasible by the Department of Environmental Review and Assessment, then,
 - b. Data Recovery: After all design options have been exhausted that would result in the preservation of significant resources, institute a data recovery program to the satisfaction of the Department of Environmental Review and Assessment.

CR-4: Undiscovered Cultural Resources

Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Department of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.

At that time, the Department of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Findings

Implementation of the mitigation measures will avoid the potentially significant impacts associated with prehistoric and historic archaeological resources. Thus, the Board of Supervisors finds that implementation of this mitigation measure will reduce this impact to less than significant levels.

VIII. ALTERNATIVES

The Final EIR considered three possible alternatives to the proposed Project. The alternatives are as follows:

- No Project
- Reduced Density Alternative
- Six Lane Alternative

Alternative 1 – No Project Alternative

Under the No Project Alternative, property owners within the Plan area would be capable of constructing projects consistent with existing entitlements. Existing entitlements are those uses allowed under existing zoning. Zoning within the Plan area consists of AC, BP, GC, LC, SC, O, RD-2, RD-5, RD-10, RD-20, RD-30, RD-40, SPA, and NPA. Uses allowed within these zones generally consist of commercial, retail, office, or residential uses.

Finding

The No Project Alternative does not meet the objectives of the Plan in that it does not support commercial and neighborhood vitality through the development of an active and safe Boulevard with Smart Growth Street components. Also the No Project Alternative will not improve walking, transit or driving connections in the plan area and the surrounding community or revitalize Fair Oaks Boulevard as a centerpiece for the community.

In turn, this alternative does not contain the environmental benefits that can result from reaching these objectives and focusing on more intensive redevelopment and infill. These objectives focus on the redevelopment of an existing, aging area currently containing large segments of homogeneous development with mixed-use development and other “smart growth” strategies which inherently lead to improved environmental conditions.

Alternative 2 – Reduced Density Alternative

Under the Reduced Density Alternative there would be a reduction in maximum density allowances for commercial, office and residential uses in the SPA. The SPA could still be made up of the same mixture of uses; however, density would be lowered such that traffic and air quality impacts would be reduced. The required density limits to achieve a reduced traffic volume and reduced operational air quality emissions would have to be determined through further traffic impact analyses and air quality modeling; however it can be logically assumed that a density reduction would result in a traffic volume and air quality emissions levels that would be less than those of the proposed project.

Finding

The Reduced Density Alternative does not meet the objectives of the Plan in that it does not support intensities that would result in the revitalization of Fair Oaks Boulevard as a community centerpiece with mixed use and smart growth street designs. Additionally, the Reduced Density Alternative would not improve walking connections within the project area or between the project area and the surrounding community or encourage walking or the use of transit.

In turn, this alternative does not contain the environmental benefits that can result from reaching these objectives and focusing on intensive redevelopment and infill. These objectives focus on the redevelopment of an existing, aging area currently containing large segments of homogeneous development with mixed-use development and other "smart growth" strategies which inherently lead to improved environmental conditions.

Alternative 3 – Six Lane Alternative

Under the Six Lane Alternative, Fair Oaks Boulevard and Manzanita Avenue within the project area, which are proposed to be developed as a four lane roadways, would be developed as six lane roadways. The SPA area could still be made up of the same mix of uses and densities proposed; however, the roadways would be widened to support the greater traffic volumes generated from the proposed land use intensification and traffic from outside of the project area.

Finding

The Six Lane Alternative will not meet the objectives of the Plan in that it will not alleviate congestion along the Boulevard without adding additional through lanes and will not promote walking or the use of transit. Additionally, this alternative will not improve walking or driving connections within the plan area or between the plan area and the surrounding community.

In turn, this alternative does not contain the environmental benefits that can result from "smart growth" strategies which inherently lead to improved environmental conditions.

IX. FINDINGS AND STATEMENT OF FACTS SUPPORTING THE FINDINGS

With reference to the above listed significant adverse impacts related to the proposed project and as authorized by the Public Resources Code Sections 21000, et sequitur and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the Sacramento County Board of Supervisors makes the following findings for which there is substantial evidence in the record:

Findings

With regard to the significant adverse impacts upon land use (*with* mitigation measure LA-1), public transit (*with* mitigation LA-1), ozone precursor emissions and diesel particulate, interior traffic noise, community generated noise, hazardous materials, biological resources, climate change, and prehistoric and historic archaeological resources, the Sacramento County Board of Supervisors finds that the impacts can be reduced to less than significant levels with the implementation of mitigation measures. With regard to significant adverse impacts related to land use (*without* mitigation measure LA-1), traffic and circulation, public transit (*without* mitigation measure LA-1), fugitive dust, operational emissions, exterior traffic noise and historical architectural resources the Sacramento County Board of Supervisors finds the impacts significant and unavoidable. The project will meet all of the project objectives.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the disclosure of the significant impacts described above, the Sacramento County Board of Supervisors has determined, pursuant to Section 15093 of the State of California CEQA Guidelines, that the benefits of the project outweigh the adverse impacts and that the project should be approved. The Board of Supervisors of the Sacramento County specifically finds and makes the statement of overriding considerations that there are specific social, economic and other reasons for approving this project, notwithstanding the disclosure of the significant adverse impacts, as described and evaluated in the Draft and Final Environmental Impact Reports for the subject project.

The specific social, economic and other reasons for approving this project, which override the unavoidable impacts identified in the findings, are as follows:

Supporting Facts

The Project is consistent with the SACOG Blueprint.

The Project implements the Carmichael Community Action Plan policies to accelerate the pace of pedestrian friendly improvements and to encourage rehabilitation of existing high density and commercial areas.

The Project is intended to revitalize and enhance Fair Oaks Boulevard and Manzanita Avenue by transforming it into a vibrant mixed-use commercial and residential district.

The Project encourages more quality building design, landscaping and site improvements.

The Project focuses on the redevelopment of an existing developed, aging area with mixed-use development and other "smart growth" strategies which have been demonstrated to have the ability to significantly reduce impacts to air quality, water quality, open space/biological resources, and public health.

The Project encourages a strong pedestrian and bicycle friendly environment and encourages the use of transit.

DATE: 9/26/11

By: Roberta MacClash
Chair of the Board of Supervisors
of Sacramento County, California

ATTEST: Cyndi Lee
Clerk, Board of Supervisors

