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**CITY OF WEST SACRAMENTO  
LIBERTY SPECIFIC PLAN**

**FINDINGS OF FACT/STATEMENT OF  
OVERRIDING CONSIDERATIONS**

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D R A F T

City of West Sacramento  
Community Development Department  
1110 West Capitol Avenue, 2nd Floor  
West Sacramento, CA 95691  
Contact: Justin Hardy, Senior Planner  
(916) 617-4645

October 2024

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## SECTION 1. INTRODUCTION

### A. OVERVIEW

Paik Properties (Applicant) commissioned the preparation of the Liberty Specific Plan (LSP) and is seeking approval of the following legislative and discretionary actions from the City of West Sacramento (City). This LSP would implement the City's General Plan 2035 (adopted December 2016) and the Southport Framework Plan (amended 1998) by prescribing specific land use and development regulations. It would be implemented through a variety of actions and approvals by the City (see Project Description below).

The City, as the lead agency, determined that an environmental impact report (EIR) should be prepared to assess the potential environmental consequences associated with implementation of the LSP. The City then published the Draft Environmental Impact Report (DEIR) (State Clearinghouse No. 2016052012) in August 2017. Following publication, the DEIR was available for a review period of 45 days from August 18, 2017, through October 2, 2017. The City then evaluated the comments submitted on the DEIR and published a Final Environmental Impact Report (FEIR) in June 2024.

### B. PURPOSE

The purpose of these findings and statement of overriding considerations is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the LSP. The CEQA statute (Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Title 14, California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an EIR must be prepared. Prior to approval of the project, the adequacy of the EIR must be certified pursuant to Section 15090 of the State CEQA Guidelines. When a certified FEIR identifies one or more significant environmental impacts, prior to project approval, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each identified significant impact (Section 15091 of the CEQA Guidelines).

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

No findings are required for impacts that are less than significant and require no mitigation.

Section 15092 of the State CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible. Note that the EIR refers variously to the project "applicant," "sponsor," or "proponent," including in the mitigation measures cited herein; for purposes of interpreting the EIR, these terms are assumed to be synonymous with "developer."

Only when specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in a statement of overriding considerations, which is included in this document as Section 12.

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### **C. PROJECT DESCRIPTION**

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The Project Applicant, Paik Properties, proposes the adoption of a specific plan with development policies and regulations for an approximately 342-acre in the Southport area of West Sacramento. The LSP proposes 1,503 low-, medium-, and high-density residences, including single-family detached, single-family attached, and multi-family residences. The Project would also include a 2.8-acre recreation area (The Commons) that would contain private recreational amenities, an adjacent neighborhood commercial site with up to 10,000 square feet, and a proposed bus stop on Liberty Drive. Implementation of the LSP would also result in the creation of parks and greenbelts. The LSP also provides for a public roadway circulation system and the installation of backbone infrastructure/utilities.

Upon certification of the FEIR, the City may approve the following actions for the proposed Project:

- Adoption of the Liberty Specific Plan
- Amendment of the General Plan and Southport Framework Plan to ensure consistency with the Liberty Specific Plan
- Rezone of the Liberty property to ensure consistency with the Liberty Specific Plan
- Approval of the Vesting Tentative Subdivision Map
- Approval of the Development Agreement

The Project would apply to exclusively to areas under the jurisdiction of the City—that is, lands that are within the city limits and that are not under the land use jurisdiction of federal or state agencies or tribal entities. Because the Project would have indirect impacts on surrounding areas, some of the EIR’s analyses reach beyond the boundaries of the Project.

### **D. PROJECT OBJECTIVES**

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The City’s objectives for the project consist of the following:

1. Implement/foster the policies and objectives identified in the General Plan.
2. Implement the concepts/designs identified in the Southport Framework Plan and the Southport Design Guidelines.
3. Complete the ultimate build out of the NC-10 detention facility as previously discussed in the Drainage Master Plan.
4. Include the elements laid out in the Metropolitan Transportation Plan/Sustainable Communities Strategy documents.
5. Include a pedestrian access network that internally links all uses and connects to all nearby existing or planned external streets and pedestrian facilities.
6. Expand and enhance the housing in West Sacramento and thus providing opportunities to enhance the City’s role in the region.
7. Promote and implement alternative modes of transportation.
8. Be a model master-planned community with a focus on water use reduction through alternative means.
9. Build an environmentally conscious neighborhood that is architecturally distinctive in the region and within itself.

10. Develop guidelines that allow for a broad and progressive range of architectural designs that contribute to a visually appealing streetscape providing a neighborhood identity. Designs should contribute to a high quality of life and feeling of safety, livability, and sense of neighborhood.
11. Implement the goals and objectives of the City's Climate Action Plan.
12. Identify the funding mechanism for operation and maintenance of all private and public infrastructure, including the longevity of City-maintained and -operated systems.
13. Provide for the implementation in applying regulations and fostering the flood protection goals and objectives.

The developer for the LSP has identified the following objectives:

1. Provide comprehensive planning for Liberty to allow for the development of a predominantly low- to medium-density residential configuration (4.4 DU/gross acre; 9.0 DU/net-net acre) within the Northeast Village of the Southport Framework Plan. This will be accomplished by providing a variety of housing types ranging in density and design.
2. Provide for a wide range of housing opportunities in close proximity to transit and existing and future employment centers in order to help fulfill the City's need to meet its regional housing goals (enhancing jobs-housing balance).
3. Provide greater connectivity for existing residents to neighborhood commercial facilities as well as downtown West Sacramento and Sacramento through the completion of Village Parkway and the Clarksburg Branch Line Trail.
4. Provide a private clubhouse, neighborhood commercial, and public K-8 school site.
5. Provide public recreation opportunities through the development of parks, greenbelts and trails, which meets the City's General Plan Parkland Dedication requirement.
6. Encourage walking and bicycling by creating a comprehensive multi-modal transportation system.
7. Promote community through the creation of a centrally located Commons, designed to provide private recreational amenities, neighborhood commercial, Liberty Orchard and Food Forest, dog park, exercise room, yoga room, outdoor kitchen, event area, and a proposed bus stop on Liberty Drive.
8. Provide greater connectivity to the site and region via new north/south vehicular and transit linkages through the recently-completed two-lane divided roadway facility (Village Parkway) and a second two-lane roadway (Stonegate Drive) to Davis Road.
9. Provide for increased public safety by coordinating closely with City Public Works, WSAFCA, and USACE to determine the alignment of the new setback levee adjacent to the Sacramento River.
10. Strive to become an energy neutral community by incorporating appropriate levels of "green" sustainable technology into Liberty's community, neighborhood, and building designs.
11. In compliance with the City's Water Efficient Landscaping Ordinance (WELo), foster water conservation with landscaping that emphasizes the use of drought-tolerant plant material and limited turf, while recalling the region's rich agricultural history; embrace water efficient techniques and appliances within the homes to further reduce water consumption.
12. Provide for increased public safety by implementing Crime Prevention Through Environmental Design (CPTED) methods at the community and building level.

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## **SECTION 2. ENVIRONMENTAL SETTING**

### **A. LOCATION**

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The site is generally bounded on the east by the Sacramento River levee; on the south by Davis Road; on the west by the Clarksburg Branch Line Trail; and on the north (from east to west) by Linden Road, Bastone Estates, the Linden Acres community, the Linden South subdivision, and the Parlin Ranch residential development.

### **B. EXISTING LAND USE**

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The LSP area consists primarily of undeveloped land, a portion of which is used for agriculture. A large stormwater detention basin and associated pump are located in the northwest corner of the LSP area.

### **C. SURROUNDING LANDS**

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The uses on surrounding lands comprise single-family residences in subdivision tracts and a portion along the northeastern edge on large rural lots, the existing Sacramento River levee to the east, single-family residences on large lots along Davis Road to the south, and single-family residences on large lots and rural/agricultural land across Clarksburg Branch Line trail to the west.

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### SECTION 3. PROCEDURAL HISTORY

1. In November 2016, the Applicant (Paik Properties) prepared the Draft Liberty Specific Plan.
2. In February 2017, the Applicant filed a land use planning and entitlement application with the City of West Sacramento.
3. The City, after reviewing the Draft Liberty Specific Plan, completed an Initial Study Checklist and examined whether any aspect of the Project, either individually or cumulatively, may cause a significant effect on the environment. Based on the Initial Study Checklist, the City determined that there were potentially significant impacts and that an Environmental Impact Report (EIR) should be prepared.
4. A Notice of Preparation (NOP) for the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period from May 5, 2016, through June 6, 2016. In addition, a public scoping meeting was held on May 24, 2016. Areas of community concern (based on comments on the NOP and at the scoping meeting) included the following:
  - a. Aesthetics of site and views of proposed detention basin
  - b. Increase in high-density residential uses
  - c. Air quality concerns due to additional automobiles from the project
  - d. Conversion of agricultural land
  - e. Potential impacts to cultural resources and tribal resources
  - f. Increased demand for public services (e.g., police and fire)
  - g. Demand for new schools
  - h. Concern for threatened and endangered biological species
  - i. An increase in localized flooding in heavy rains due to adding more houses and roads
  - j. Noise impacts to nearby residents
  - k. Potential impacts to existing parks and recreational facilities
  - l. Increased traffic (and traffic-related hazards) in the area including the State highway system
  - m. Water supply and availability
5. The City, as the lead agency, published the Draft Environmental Impact Report (DEIR) for the Project (State Clearinghouse No. 2016052012) in August 2017. The DEIR was available for a review period of 45 days from August 18, 2017, through October 2, 2017. The DEIR was mailed to relevant public agencies, responsible agencies, and all interested parties. According to the DEIR, the project would result in significant impacts in the following resource categories:
  - a. Aesthetics
  - b. Agricultural and forestry resources
  - c. Air quality
  - d. Cultural resources and (tribal cultural resources)
  - e. Geology, soils, and paleontological resources
  - f. Greenhouse gas emissions
  - g. Hazards and hazardous materials
  - h. Hydrology and water quality

- i. Noise
  - j. Population and housing
  - k. Public services
  - l. Recreation
  - m. Transportation/Traffic
6. Mitigation measures reduced many of these impacts to less than significant levels. The following impacts, however, were determined to be significant and unavoidable, even with mitigation measures:
    - a. Aesthetics
    - b. Air quality
    - c. Cultural resources and tribal cultural resources
    - d. Greenhouse gas emissions
    - e. Hydrology and water quality
    - f. Noise
    - g. Population and housing
    - h. Recreation
  7. Copies of the DEIR and documents and reports referenced in the DEIR were available for public review at the City of West Sacramento's Community Development Department at 1110 West Capitol Avenue, West Sacramento, California, 95691, and on the City's website ([www.cityofwestsacramento.org](http://www.cityofwestsacramento.org)). In addition, copies of the DEIR were provided to interested parties.
  8. The City received written comments on the DEIR during the comment periods from agencies, groups, and individuals listed in the FEIR. The FEIR contains responses to these comments, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the DEIR as set forth in FEIR.
  9. The FEIR was distributed in October 2024. The FEIR contains all of the comments received during the public comment period, together with written responses to those comments that were prepared in accordance with CEQA and the CEQA Guidelines.
  10. The City's Planning Commission heard the Project in a duly noticed public hearing on October 17, 2024.
  11. On October 17, 2024, the City's Planning Commission adopted 1) Resolution 24-6PC, which certified the FEIR, approved of the Findings of Fact/Statement of Overriding Considerations, and approved the Mitigation Monitoring and Reporting Program; 2) Resolution 24-7PC, which recommended adoption of the Liberty Specific Plan and associated entitlements; and 3) Resolution 24-8PC, which approved the Vesting Tentative Subdivision Map.
  12. The City Council heard the Project in a duly noticed public hearing on \_\_\_\_\_, 2024.
  13. On \_\_\_\_\_, 2024, the City Council considered the Planning Commission's recommendations and adopted Ordinance 24-13 (adoption of Liberty Specific Plan), Ordinance 24-14 (amendment of Zoning Code and Zoning Map), Ordinance 24-16 (approval of the Development Agreement), Resolution 24-94 (amendment of General Plan 2035), and Resolution 24-95 (amendment of Southport Framework Plan).

## SECTION 4. RECORD OF PROCEEDINGS

The record of proceedings used by the City in making its decision regarding the Project includes the following documents:

1. The Initial Study prepared for the Project;
2. The Notice of Preparation (NOP) and all other public notices issued by the County in conjunction with the Project;
3. All comments received in response to the NOP;
4. The August 2017 DEIR, including all technical appendices;
5. All comments and correspondence received on the DEIR;
6. The October 2024 FEIR prepared for the Project, including any appendices;
7. The Mitigation Monitoring and Reporting Program (MMRP) for the Project;
8. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City and consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
9. All documents submitted to the City by the Applicant, other public agencies, and members of the public in connection with the Project, through the close of the public hearing for the Project;
10. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
11. Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
12. The City of West Sacramento General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
13. The City of West Sacramento Municipal Code, including the Zoning Code;
14. All resolutions and ordinances adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions and ordinances; and
15. Any other materials required for the record of proceedings pursuant to Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, California 95691.

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## SECTION 5. FINDINGS REQUIRED UNDER CEQA

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

The mandates and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions.

The first such finding is that “[c]hanges 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).)

The third potential 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 final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).)

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.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet project objectives can be sufficient evidence demonstrating infeasibility of an alternative).)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City 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.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.)

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 measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, where the court of appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to a less-than-significant level.

CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]." The findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

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

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

In these Findings, the City addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Nonetheless, the City also addresses 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.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[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*, 52 Cal.3d at p. 576.)

## **SECTION 6. LEGAL EFFECT OF FINDINGS**

These Findings constitute the City's evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds the Applicant and any other responsible parties to implement those measures. Note that the EIR refers variously to the project "developer," "sponsor," or "proponent," including in the mitigation measures cited herein; for purposes of interpreting the EIR, these terms are assumed to be synonymous with "Applicant" or "applicant." These Findings, in other words, are not merely informational or advisory, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) and/or ordinance(s) approving the Specific Plan and associated actions (Public Resources Code, § 21081.6, subd. (b).) In addition, the adopted mitigation measures are conditions of approval.

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## **SECTION 7. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

The City prepared a Mitigation Monitoring and Reporting Program (MMRP) for the Project and approved the MMRP by the same resolution that has adopted these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City finds that all mitigation measures contained in the MMRP are feasible and, where indicated, will mitigate the significant impacts of the Project to less than significant impacts. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

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## **SECTION 8. SIGNIFICANT ADVERSE IMPACTS AND MITIGATION MEASURES**

This section and those following summarize the significant environmental impacts of the Project identified in the EIR and provide findings as to those impacts, as required by CEQA and the CEQA Guidelines. The Findings set forth below are made and adopted by the City Council as its findings under CEQA. The Findings provide written analysis and conclusions of the City Council regarding the environmental impacts of the Project, mitigation measures, Project design features, and Project alternatives, which, in the City Council's view, justify approval of the Project.

These Findings summarize the environmental findings in the EIR concerning potentially significant impacts before and after mitigation and do not repeat the full discussions of environmental impacts contained in the EIR. Instead, they provide a brief description of the impacts, describe the applicable mitigation measures that are adopted by the City Council, and state the recommended findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions is set forth in the EIR. These Findings hereby incorporate by reference the analysis in the EIR and conclusions and in making these findings, the City Council ratifies, adopts, and incorporates the evidence, analysis, explanation, findings, responses to comments and conclusions of the EIR except where they are specifically modified by these Findings.

The City Council hereby adopts and incorporates as conditions of approval, the mitigation measures set forth in the Findings below to reduce or avoid the potentially significant and significant impacts of the Project. In adopting these mitigation measures and Project design features, the City Council intends to adopt each of the mitigation measures and Project design features recommended in the DEIR and FEIR. In comments on the DEIR, measures were suggested by various commenters as proposed additional mitigation measures. With respect to the measures that were proposed in the comments, and not adopted in the FEIR, the responses to comments in the FEIR explain why the proposed mitigation measures are not recommended for adoption. The City Council hereby adopts and incorporates by reference the reasons stated in the responses to comments contained in the FEIR as its grounds for rejecting adoption of these proposed mitigation measures.

### ***A. IMPACTS FOUND TO BE LESS-THAN-SIGNIFICANT AFTER MITIGATION***

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The City Council finds that the following impacts are "less-than-significant" with the application of mitigation measures outlined in the EIR. This Finding is more particularly set forth as to each relevant issue or resource below:

#### **Section 3.2: Agricultural and Forestry Resources**

##### **Impact AG-1: Conversion of Important Farmland to nonagricultural use**

The LSP area contains important farmland: approximately 37 acres of Prime Farmland, in an area currently zoned and planned for urban development. The future urbanization of those lands would remove them from agricultural production. Land conversion in the LSP area would consequently have a significant impact on farmland. Mitigation Measure AG-1, which requires the applicant to provide for the protection of agricultural land elsewhere in the West Sacramento area, would reduce this impact to a less-than-significant level.

- **Mitigation Measure AG-1:** Provide compensatory agricultural land protection  
The development agreement to be entered into by the City and developer will require that the developer provide for a minimum 1:1 conservation of agricultural land in the West Sacramento area prior to the issuance of grading permits or recordation of final maps, whichever comes first.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

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- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
  - Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
  - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure AG-1 would reduce the significant impact associated with Impact AG-1 to a less-than-significant level because the loss of agricultural land resulting from Project implementation would be offset by contribution to a program that would conserve agricultural land elsewhere in the region.

### Section 3.6: Geology, Soils, and Paleontological Resources

**Impact GEO-2:** Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides

Construction in areas with potential to experience seismic-related ground failure, such as strong ground shaking, landsliding, and liquefaction, could expose people or structures to potential substantial adverse effects. If structures constructed under the LSP were not properly designed and sited to withstand strong ground shaking conditions, these structures could fail and cause harm to people or property in the immediate area. The risk of strong ground shaking in the LSP area is low for California, but liquefaction or seismic settlement could pose risk because of local soil properties and shallow groundwater, which could result in significant impacts. Implementation of Mitigation Measure GEO-2 would reduce this impact to a less-than-significant level.

- **Mitigation Measure GEO-2:** Update geotechnical report and incorporate design measures recommended in the LSP project Geotechnical Engineering Report  
Prior to the issuance of the first structural building permit, the applicant prepare an updated geotechnical report and incorporate its structure and foundation design recommendations into building designs.

**With Mitigation the Effects are found to be:** Less-than-Significant

#### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure GEO-2 would reduce the significant impact associated with Impact GEO-2 to a less-than-significant level because it would produce definitive information concerning geological risk and specify building design solutions that would mitigate that risk.

**Impact GEO-5:** Location on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property

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While a geotechnical engineering report was prepared for the LSP project site and made specific recommendations for slab designs to address expansive soils, the report is out of date, so the impact is potentially significant. Updating the report, as required by Mitigation Measure GEO-2, would, however, reduce the impact to less-than-significant level.

- **Mitigation Measure GEO-2:** Update geotechnical report and incorporate design measures recommended in the LSP project Geotechnical Engineering Report

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure GEO-2 would reduce the potentially significant impact associated with Impact GEO-5 to a less-than-significant level because it would produce definitive information concerning geological risk and specify building design solutions that would mitigate that risk.

**Impact GEO-7:** Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature

The LSP area is immediately underlain by young geologic deposits of Holocene age, which are unlikely to contain fossils. However, these young deposits are underlain by Pleistocene deposits of the Modesto and Riverbank Formations, which are highly sensitive for paleontological resources. If fossils are present where development is planned, they could be damaged by construction activities. Damage of paleontological resources would constitute a significant impact. Implementation of Mitigation Measures GEO-7a through GEO-7c would reduce this impact to a less-than-significant level.

- **Mitigation Measure GEO-7a:** Retain a qualified professional paleontologist to monitor significant ground-disturbing activities  
Project applicants will retain a qualified professional paleontologist to monitor activities with the potential to disturb sensitive paleontological resources.
- **Mitigation Measure GEO-7b:** Educate construction personnel in recognizing fossil material  
Project applicants will ensure that all construction personnel receive training provided by a qualified professional paleontologist experienced in teaching non-specialists to ensure that they can recognize fossil materials in the event any are discovered during construction.
- **Measure GEO-7c:** Stop work if material substantial fossil remains are encountered during construction  
If substantial fossil remains (particularly vertebrate remains) are discovered during ground-disturbing activities, activities within 100 feet of the find will stop immediately until a state-registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and a qualified professional paleontologist can recommend appropriate treatment.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

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- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
  - Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
  - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measures GEO-7a, b, and c would reduce the significant impact associated with GEO-7 to a less-than-significant level because construction activity oversight would ensure that work would not proceed if fossils were discovered until appropriate measures were instituted to avoid damage to them.

### Section 3.8: Hazards and Hazardous Materials

**Impact HAZ-1:** Creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

Years of agricultural use, the historical presence of various ASTs, and the former presence of a heating oil tank create the potential for soil contamination by pesticide residuals and other contaminants. Because soils on the site have not been fully assessed, without further study and mitigation, the potential for contact by workers or the public with these contaminated soils could represent a significant impact. Implementation of Mitigation Measure HAZ-1, which requires testing of soils and remediation if contamination levels exceed standards, would, however, reduce this impact to a less-than-significant level.

- **Mitigation Measure HAZ-1:** Conduct sampling and analysis of soils in specific areas of the LSP area  
Project applicants will hire a qualified environmental professional to conduct a preliminary investigation and screening for residual pesticides and petroleum hydrocarbon product. If soils contain pesticides or petroleum hydrocarbon products in excess of established thresholds, remediation will be implemented. In addition, surface soils in areas of sensitive land use will be sampled and evaluated for potential residual pesticides. If soils contain pesticides or petroleum hydrocarbon products in excess of established thresholds, remediation will be implemented.

**With Mitigation the Effects are found to be:** Less-than-Significant

#### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure HAZ-1 would reduce the significant impact associated with Impact HAZ-1 to a less-than-significant level because soil sampling would reveal if any contamination of concern is evident and require remediation to levels that are safe for proposed uses.

**Impact HAZ-3:** Release of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

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The LSP provides for an elementary school (K–8) to be built in the LSP area. One school (River City High School) is located to the northwest of the project site approximately 0.1 mile away. Due to years of agricultural use, there is the potential for soil contamination by pesticide residuals. Soils on the site where the school is planned have not been fully assessed and without further study and mitigation, the potential for contact by workers or the public with these contaminated soils could represent a significant impact. By addressing this knowledge gap, implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level.

- **Mitigation Measure HAZ-1:** Conduct sampling and analysis of soils in specific areas of the LSP area

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure HAZ-1 would reduce the significant impact associated with Impact HAZ-3 to a less-than-significant level because soil sampling would reveal if any contamination of concern is evident and require remediation to levels that are safe for school uses.

**Section 3.9: Hydrology and Water Quality**

**Impact WQ-3:** Potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite

The LSP's inclusion of open space, incorporation of LID measures, and adherence to the SWMP would help address potential increases in stormwater runoff and help minimize the potential for erosion and sedimentation effects, but implementation of the LSP would still have the potential to substantially alter erosion and sedimentation of receiving waterbodies without additional mitigation. Mitigation Measure WQ-3 would address erosion and sedimentation of receiving waterbodies and would reduce this impact to a less-than-significant level.

**Mitigation Measure WQ-3:** Implement a hydromodification management plan (HMP) in accordance with the City's stormwater permit

The applicant will be required to implement an HMP that is specific to the buildout phases of the LSP in accordance with the City's stormwater permit. The HMP should indicate how project size, location within the watershed, and points of discharge to any receiving waterbody will be evaluated within the context of the identified management objectives to determine analysis requirements. The HMP should also contain scalable BMP designs (based on conservative assumptions and consistent with prevailing watershed conditions) that can be applied by small projects where appropriate to avoid overly burdensome requirements for site-specific analysis.

**With Mitigation the Effects are found to be:** Less-than-Significant

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## Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure WQ-3 would reduce the significant impact associated with Impact WQ-3 to a less-than-significant level by determining site-specific potential for erosion and sedimentation and establishing requirements to address newly-determined risk.

### Section 3.12: Noise

**Impact NOI-1:** Exposure of persons to or generation of noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.

Under Impact NOI-1, the DEIR evaluates the potential noise-related impacts of the project according to four sources of noise: construction noise on existing land uses; construction noise on new uses; traffic noise; and stationary source noise. Impacts associated with stationary sources were determined to be less than with mitigation. Following is a summary of the DEIR's conclusions for this source:

**Stationary Source Noise:** Specific Plan development would have the potential to result in increased operational noise levels by introducing new stationary noise sources near noise-sensitive land uses on land that is currently vacant and void of noise for the most part. HVAC equipment, booster pumps, and storm drain pumps are the primary stationary mechanical noise sources associated with the specific plan. Activity at new outdoor recreational facilities would be a stationary source of noise as well. The impacts associated with these sources are summarized below.

**Heating Ventilation and Air Conditioning (HVAC) Systems:** Implementation of Mitigation Measure NOI-1b would reduce noise levels at nearby residences to allowable (less than 55 dBA Leq during daytime hours and 45 dBA Leq during nighttime hours) levels. Therefore, this impact would be less than significant with implementation of Mitigation Measure NOI-1b (Implementation of Noise Control Measures to Reduce HVAC Noise during Project Operation), which calls for the Project Sponsor to design Project HVAC systems in all project phases to limit noise to the applicable standard at the property line of nearby noise sensitive receptors.

**Outdoor Recreation Facilities:** The DEIR concludes that the noise associated with outdoor recreation facilities would result in a less-than-significant impact based on project design features required by the Specific Plan. The primary focus of this analysis is the Community Park proposed in the northeastern part of Liberty. To insulate existing and future residences from noise associated with the Community Park, the Specific Plan calls for construction of a 6-foot masonry sound wall along the northern portion of the Community Park and another sound wall along the property line of new residences west of Village Parkway. These sound walls, along with Specific Plan commitments to prohibit activities at the Community Park between 10:00 p.m. and 7:00 a.m. window, would ensure noise levels will comply with the applicable standards.

**LSP Booster and Storm Drain Pumps:** The LSP would include a new 2.1 million gallon above ground reservoir tank and new booster pump station and a new storm drain pump station. While these facilities could result in noise that would exceed City standards, the implementation of Mitigation

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Measure NOI-1c would reduce the potential impact to a less-than-significant level. Mitigation Measure NOI-1c requires that the design the Project pump systems and other mechanical equipment systems reduce noise to the limit specified in the applicable City standards at the property line of nearby noise sensitive receptors.

**Impact NOI-2:** Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels

**Construction Vibration:** Although vibration-generating construction activity would only be located in a given location for a short-period of time (one to two days at a time within impact distances of a single residence), and although vibration would not be expected to be “distinctly perceptible” at nearby residences according to the Caltrans vibration annoyance potential criteria guidelines, construction vibration may not comply with the allowable limits at nearby residential land uses, and would therefore be considered potentially significant. Implementation of Mitigation Measure NOI-2 would reduce vibration impacts, would ensure that project construction would comply with the City’s General Plan, and would reduce this impact to a less-than-significant level.

- **Mitigation Measure NOI-2:** Implementation of a Construction Vibration Control Plan to Reduce Vibration at Adjacent Residential Land Uses during Project Construction  
The project applicant shall develop for City approval a construction vibration control plan to control construction vibration levels at the adjacent residences. The plan shall be submitted for City review and approval prior to earthmoving activities.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3))

**Basis for Finding:** Implementation of Mitigation Measure NOI-2 would reduce the significant impact associated with Impact NOI-2 to a less-than-significant level because it will result in a site-specific vibration control plan that identifies measures to control vibration at residences adjacent to the project site.

**Section 3.14: Public Services**

**Impact PS-1:** Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities

The following measures and compliance with regulatory requirements (e.g., preparation of a stormwater pollution prevention plan for projects implemented under the LSP) will ensure that impacts related to construction and operation of the new public facilities discussed in this impact would be less than significant. Potential impacts could include impacts on cultural or paleontological resources at construction sites, impacts related to geologic hazards, and erosion at construction sites.

- **Mitigation Measure CUL-2:** Require appropriate treatment for inadvertent discovery of archaeological resources

- **Mitigation Measure CUL-3:** Implement appropriate treatment for discovery of human remains
- **Mitigation Measure GEO-2:** Update geotechnical report and incorporate design measures recommended in the LSP project Geotechnical Engineering Report
- **Mitigation Measure GEO-7a:** Retain a qualified professional paleontologist to monitor significant ground-disturbing activities
- **Mitigation Measure GEO-7b:** Educate construction personnel in recognizing fossil material
- **Mitigation Measure GEO-7c:** Stop work if substantial fossil remains are encountered during construction
- **Mitigation Measure WQ-3:** Implement a Hydromodification Management Plan (HMP) in accordance with the City's Stormwater Permit

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measures CUL-2, CUL-3, GEO-2, GEO-7 (a, b, and c), and WQ-3 would reduce the significant impact associated with Impact PS-1 to a less-than-significant level because they would ensure that any new public facility constructed as part of implementation of the LSP would be required to avoid impacts on cultural or paleontological resources and impacts related to geologic hazards, including sedimentation and erosion.

**Section 3.16: Transportation/Traffic**

**Impact TRA-1:** Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit

The project would have a significant impact because of the decreased LOS at the intersection of Stonegate Drive and Linden Road under the project when compared with existing conditions and when compared with 2035 conditions under the general plan. The project also would result in increased ADT of more than 25% on 10 existing roadway segments, which would be a significant impact under the City's Traffic Impact Guidelines. Mitigation Measure TRA-1b would require the project applicant to monitor traffic volume increases as LSP development goes forward and implement traffic calming measures on affected roadways to shift cut-through traffic from neighborhood roadways to collector and arterial roadways such as Village Parkway.

Implementation of Mitigation Measures TRA-1a and TRA-1b would reduce the impact related to decreased LOS at the intersection of Stonegate Drive and Linden Road and to roadway segment ADT to a less-than-significant level.

- **Mitigation Measure TRA-1a:** Pay fair share contribution toward installation of a traffic signal at the intersection of Stonegate Drive and Linden Road.

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Mitigation Measure TRA-1a would require the project applicant to pay a fair share toward installation of a traffic signal at this intersection, which currently is controlled by stop signs at the four corners. The signal would improve the LOS to a level of C or better, which would reduce the impact related to intersection LOS to a less-than-significant level.

- **Mitigation Measure TRA-1b:** Address traffic increases on neighborhood roadways  
The City will require the project applicant to fund monitoring of traffic volume increases and safety issues on neighborhood roadways. Neighborhood traffic levels must be evaluated at 40% and 80% occupancy of LSP.

The City will cap issuance of building permits at 599 units until a neighborhood traffic analysis is completed and mitigation measures associated with the analysis are implemented or adequately funded to the satisfaction of the City Traffic Engineer. Any traffic calming implementation measures identified at the 40% level (599 units) shall be constructed prior to the issuance of the 1,200<sup>th</sup> building permit (80% of project buildout). Traffic calming identified at the 80% level shall be constructed prior to issuance of the 1,400<sup>th</sup> building permit. Residential traffic calming measures funded by the project applicant, or subsequent developer, will be implemented as necessary on Trinity Way, Lassen Street, Sierra Road, Tamarack Road, Mojave Drive, Stonegate Drive, and Davis Road.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measures TRA-1c and TRA-1b would reduce the significant impact associated with Impact TRA-1 to a less-than-significant level because they would address decreased LOS at the intersection of Stonegate Drive and Linden Road by requiring installation of a traffic signal (1a) and address neighborhood traffic impacts by require ongoing analysis and implementation of traffic calming measures as warranted (1b).

**Impact TRA-5:** Result in inadequate emergency access

The proposed project would have approximately 10 points of access to areas north, west, and south of the LSP area. All roadways would be designed and constructed in accordance with city standards, which account for emergency access. Temporary detours or road closures during construction of infrastructure improvements and development associated with the LSP could, however, restrict access for emergency vehicles in and around the LSP area. Any activities that result in restricted emergency access would have a significant impact. Mitigation Measure TRA-5 would require preparation of a traffic management plan to ensure emergency access during project construction. With implementation of Mitigation Measure TRA-5, the project would have a less-than-significant impact on emergency access.

- **Mitigation Measure TRA-5:** Implement site-specific traffic management plan during construction  
The project applicant will prepare a site-specific construction traffic management plan (TMP) that addresses the specific steps to be taken before, during, and after construction to minimize effects on transportation and emergency access in the LSP area and nearby affected areas. The project applicant

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will be responsible for developing the TMP in consultation with the City, which will review and approve the TMP prior to issuing a grading permit.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure TRA-5 would reduce the significant impact associated with Impact TRA-5 to a less-than-significant level because it would establish a site-specific plan for managing construction-related traffic, including measures to ensure emergency access is maintained.

**Impact TRA-6:** Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities

As proposed, the LSP would leave a gap in the bicycle and pedestrian network along Linden Road between Spruce Way and LSP development along Linden Road near Village Parkway. This gap would affect walkability and neighborhood connectivity, conflicting with adopted City policies. In addition, proposed Class II bike lanes on Village Parkway, Davis, Road, and Linden Road may not provide the connections envisioned in the West Sacramento Bicycle, Pedestrian, and Trails Master Plan. The LSP would result in potentially significant impacts as a result of these policy conflicts.

Mitigation Measure TRA-6a would require construction of an ADA accessible sidewalk along Linden Road. In addition, Mitigation Measure TRA-6b would require construction of a short, ADA accessible sidewalk on Linden Road connecting the Clarksburg Branch Trail with the entrance to River City High School. Furthermore, Mitigation Measure TRA-6c would require construction of Class II bicycle lanes on Village Parkway, Davis Road, and Linden Road in accordance with the West Sacramento Bicycle, Pedestrian, and Trails Master Plan. Implementation of Mitigation Measures TRA-6a, 6b, and 6c would provide the accessibility and connectivity mandated by City policies in the general plan and in the West Sacramento Bicycle, Pedestrian, and Trails Master Plan. These measures would address potential policy conflicts and reduce the associated impact to a less-than-significant level.

Mitigation Measure TRA-1b would require implementation of traffic calming measures on residential roadways, which would slow vehicle speeds and reduce through traffic on residential roadways, thus increasing bicycle and pedestrian safety on internal LSP streets. Mitigation Measure TRA-5 would require implementation of a traffic management plan, which, among other things, would require alternate access routes via detours to maintain continual circulation for bicyclists and pedestrians in and around construction zones. These provisions would help with bicycle and pedestrian circulation and safety.

The LSP does not ensure the provision of bus route extensions or new bus routes to serve residents and workers in the LSP area. Mitigation Measure TRA-6d would require the project applicant to participate financially in the provision of bus capital facilities and service. With implementation of Mitigation Measure TRA-6d, the project would have a less-than-significant impact related to policies regarding public transit.

- **Mitigation Measure TRA-1b:** Address traffic increases on neighborhood roadways (see above)

- **Mitigation Measure TRA-5:** Implement site-specific traffic management plan during construction (see above)
- **Mitigation Measure TRA-6a:** Construct ADA accessible sidewalk improvements on Linden Road  
The project applicant shall construct ADA accessible sidewalk improvements on Linden Road to link proposed development on Linden Road at Village Parkway with the existing sidewalk, providing a continuous ADA accessible path from the project frontage on Linden Road to the neighboring community
- **Mitigation Measure TRA-6b:** Complete Safe Routes to School access to River City High School  
The project applicant shall construct an ADA accessible sidewalk on the south side of Linden Road for approximately 75 feet, completing the connection between the Clarksburg Branch Line Trail and the entrance to River City High School. The project applicant also shall install thermoplastic crosswalk markings, as well as advance warning traffic signs and road markings, at the intersection of Redwood Avenue and Linden Road, as approved by the City Traffic Engineer.
- **Mitigation Measure TRA-6c:** Provide Class II bicycle facilities on Village Parkway, Davis Road, and Linden Road  
The project applicant shall design Village Parkway, Davis Road, and Linden Road improvements to account for construction of Class II bicycle lanes in both directions, in accordance with the West Sacramento Bicycle, Pedestrian, and Trail Master Plan. The project applicant shall install thermoplastic bicycle lane markings and traffic signs on Village Parkway, Linden Road, and Davis Road, as approved by the City Traffic Engineer and managing civil engineer.
- **Mitigation Measure TRA-6d:** Participate in financing for transit system capital improvements and annual operations  
The Comprehensive Development Phasing Plan and Comprehensive Financing Plan shall require the project applicant to participate in a mechanism to finance capital costs for an enhanced transit system and annual operations that is based on a nexus study, is regional in nature, is proportionate, fair and equitable, and complies with all applicable laws and ordinances.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Mitigation Measures TRA-1b, 5, 6a, 6b, 6c, and 6c would reduce the significant impact associated with Impact TRA-6 to a less-than-significant level because they would ensure implementation of projects and activities that would establish consistency with City traffic safety and transportation service

**Section 3.17: Utilities and Service Systems**

**Impact UT-4: Potential to result in insufficient water supplies to serve the project from existing entitlements and resources, or a need for new or expanded entitlements (less than significant with mitigation)**

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Water supply would be sufficient to meet the increased demand associated with the LSP, although infrastructure necessary to transmit and store water for use by the project is required. Without such infrastructure, this impact would be significant, but with implementation of Mitigation Measure UT-1 it would be less than significant

**Mitigation Measure UT-1: Design and Construct Water Transmission and Storage Infrastructure**

The project applicant will design and construct water transmission and storage infrastructure necessary to accommodate demand associated with development of the LSP area.

**With Mitigation the Effects are found to be:** Less-than-Significant

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Implementation of Mitigation Measure UT-1 would reduce the significant impact associated with UT-4 to a less-than-significant level because it would ensure the funding necessary to construct the transmission and storage facilities required to provide water to the LSP area.

***B. IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE***

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The City Council finds that the following impacts are “significant and unavoidable,” even with the application of mitigation measures outlined in the EIR. This Finding is more particularly set forth as to each relevant issue or resource below:

**Section 3.1: Aesthetics**

**Impact AES-1:** Substantial degradation of the existing visual character or quality of the site and its surroundings, including scenic vistas [No Mitigation]

Development under the LSP would result in new urban, suburban, recreational, and commercial/retail development on undeveloped lands, some of which are used for agriculture. New development could alter topography, remove vegetation, and change land uses, affecting the existing visual character of views, including views of scenic vistas.

Viewers bordering the LSP, such as rural residents or travelers along Davis Road who currently have views over the agricultural lands, may perceive visual changes associated with buildout of the LSP area as negative, because the development would reduce the amount of visually accessible open space. These visual changes may be considered to reduce visual quality and overall landscape composition and vividness compared to existing land uses. Impacts on the existing visual character and quality of views, including scenic vistas, would, therefore, be significant. No mitigation beyond the proposed LSP policies is available because intense conversion of undeveloped land to developed uses is an unavoidable aspect and consequence of the LSP. Accordingly, impacts would be significant and unavoidable.

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### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for urban development that will reduce the effects identified under Impact AES-1. These are described in detail in the DEIR under each of those impacts. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that will inevitably alter the existing visual character of undeveloped areas that are designated to accommodate future development. This is the case with the LSP, which will implement the City's General Plan by facilitating development that addresses the City of West Sacramento's obligations under State law.

**Impact AES-3:** Creation of a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area

Development under the LSP would increase light and glare in the LSP area by introducing reflective surfaces and by increasing the amount of interior and exterior nighttime lighting that would affect daytime and nighttime views. While LSP design guidelines would limit light pollution and glare, development in the LSP area would introduce new sources of light and glare on lands where no sources of artificial light and glare are currently present.

Although little can be done to reduce residential interior lighting, all other development (i.e., civic, institutional, commercial, retail) can use interior lighting that greatly reduces light spill compared to that associated with traditional interior lighting. Implementation of Mitigation Measure AES-3a would reduce impacts associated with nonresidential interior lighting. Exterior lighting that is not properly shielded can result in backscatter that can negatively affect views of the nighttime sky by increasing ambient light glow. Improper shielding can also result in light trespass when light spills over and unintentionally lights other properties. The LSP states that exterior lighting in the LSP area would use pole heights that respect the pedestrian scale and would not exceed the maximum height desired for an area, and that greenbelts/trails would be lit in an understated fashion, using bollards where feasible and appropriate. While the LSP indicates that low-level, warm-colored white lighting should be used, a specific color-temperature level is not specified. Implementation of Mitigation Measure AES-3a would reduce this effect by ensuring that BRWL LED lighting is not used.

Glare would result from increases in reflective surfaces such as building and car windows, lighting, and conversion of agricultural lands to developed uses. Implementation of Mitigation Measure AES-3b would reduce impacts associated with glare, but not to a less-than-significant level. Accordingly, impacts associated with light and glare would be significant and unavoidable.

- **Mitigation Measure AES-3a:** Apply minimum lighting standards  
Development within the LSP shall minimize the impacts of artificial lighting. An interior and exterior lighting policy that achieves the following will be implemented for all new buildings except for residential structures. Technologies to reduce light pollution evolve over time and design measures that are currently available may help but may not be the most effective means of controlling light

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pollution once the project is designed. Therefore, all design measures used to reduce light pollution will employ the technologies available at the time of project design to allow for the highest feasible reduction in light pollution.

- **Mitigation Measure AES-3b:** Design building surfaces to reduce glare  
New buildings built under the LSP will be designed in a manner that reduces the potential for these features to create glare. Large surface areas of reflective metals increase the potential for glare and will be avoided. This will be implemented through design review.

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for urban development that will reduce the effects identified under Impact AES-3 and the DEIR includes mitigation measures that would provide further reduction. The California Government Code requires local governments to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that will introduce new sources of light or glare that would adversely affect daytime or nighttime views in previously undeveloped areas that are designated to accommodate future development. This is the case with the LSP, which will implement the City's General Plan by facilitating development that addresses the City of West Sacramento's obligations under State law.

**Section 3.3: Air Quality**

**Impact AQ-2:** Potential to violate any air quality standard or contribute substantially to an existing or projected air quality violation

**Construction Emissions**

Construction of the proposed LSP would result in the temporary generation of ozone precursors (ROG, NOX), CO, and PM emissions that could result in short-term impacts on ambient air quality in the LSP area. According to the thresholds outlined by YSAQMD (2007), emissions from the construction of any project, including a project developed under the LSP, in excess of 10 tons per year of ROG and NOX or 80 pounds per day of PM10 would result in a potentially significant air quality impact. Additionally, all construction projects must abide by YSAQMD rules adopted to reduce emissions throughout the region. These rules would reduce the potential for substantial pollutant emissions from construction of the LSP.

Compliance with YSAQMD rules and West Sacramento General Plan policies would generally reduce the amount of criteria pollutant emissions from development of the proposed LSP. They would not, however, be quantifiable in all cases, and would not ensure that emissions from construction activities would be below the applicable thresholds. Construction modeling was therefore conducted, using LSP land use data and available construction scheduling and phasing assumptions. Based on this modeling, annual NOX and daily PM10 emissions associated with LSP construction could exceed YSAQMD's thresholds of significance, resulting in a potentially significant impact. Mitigation Measures AQ-2a, AQ-2b and AQ-2c, described below, are needed in order to reduce NOx and PM10 emissions associated with LSP construction.

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Implementation of Mitigation Measures AQ-2a, AQ-2b, AQ-2c would reduce NO<sub>x</sub> emissions below YSAQMD's threshold. Mitigated maximum daily PM<sub>10</sub> emissions would, however, still exceed the applicable threshold of significance. There is no additional feasible mitigation to reduce construction emissions beyond Mitigation Measures AQ-2a, AQ-2b, and AQ-2c and the policies outlined in the City's General Plan. As such, buildout of the LSP would result in a significant and unavoidable construction-related air quality impact resulting from emissions of PM<sub>10</sub>.

### **Operational Emissions**

Buildout of the LSP has the potential to result in operational air quality impacts from "area" source emissions related to consumer product use and landscaping equipment, energy emissions from natural gas use, and mobile source emissions from vehicle traffic. Implementation of the LSP would result in operations-related air quality emissions that exceed the applicable YSAQMD project-level thresholds for ROG (annual), NO<sub>x</sub> (annual), and PM<sub>10</sub> (daily). The analysis accounts for some potential reductions in air quality emissions that would be achieved through LSP policies. Additional reductions may be achieved by policies not quantified as part of this analysis. Even with implementation of these strategies, however, operational air quality emissions would exceed the applicable annual and daily YSAQMD project-level thresholds. Accordingly, operational criteria pollutant emissions associated with development under the LSP are identified as significant.

The LSP includes numerous goals, objectives, and policies that would help reduce air quality emissions generated by the LSP. These measures may reduce emissions otherwise resulting from the project, although emission reductions are not quantifiable at planning level of project design. Mitigation Measure AQ-2d, which promotes the use of green consumer products, including low-VOC paints, could also help reduce operational criteria pollutant emissions. Reductions achieved by this measure also cannot be quantified, since project developers cannot guarantee that such products will be used in all instances, although such use can and would be encouraged. There is no additional feasible mitigation to reduce operational emissions beyond Mitigation Measure AQ-2d and the policies outlined in the LSP. Accordingly, operational sources under the LSP would result in a significant and unavoidable air quality impact.

- **Mitigation Measure AQ-2a:** Require Tier 4 engines on off-road construction equipment
- **Mitigation Measure AQ-2b:** Implement construction dust control mitigation measures described in YSAQMD's CEQA Handbook
- **Mitigation Measure AQ-2c:** Implement a program to encourage carpooling and alternative transit for construction workers during project construction
- **Mitigation Measure AQ-2d:** Promote Green Consumer Products  
Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of West Sacramento to develop electronic correspondence to be distributed to new residential and commercial tenants that encourages the purchase of consumer products that generate lower than typical VOC emissions.

### **Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

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**Basis for Finding:** Avoidance of this impact is infeasible for legal and technological reasons. The LSP and the City's General Plan include numerous policies and standards for air quality that will reduce the effects identified under Impact AQ-2 and the DEIR includes mitigation measures that would further benefit air quality conditions. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that would introduce new sources of air pollutant emissions that could violate air quality standards or contribute to an existing or projected air quality violations. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law. It would not be feasible to limit construction activity on the project site to levels that would fall within daily emissions thresholds, as this would require grading and construction activities to be conducted in smaller phases that would lengthen the period of project construction and result in greater impacts in other areas, such as noise from construction affecting offsite uses. It is not feasible to provide additional physical separation between construction activity on the project site and adjacent existing residences, the result of which would be an undeveloped strip of land separating the project at its circumference.

**Impact AQ-3:** Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors) [No Mitigation]

By its very nature, regional air pollution is a cumulative impact. Emissions from past, present, and future projects contribute to unfavorable air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative negative air quality impacts. YSAQMD has identified project-level thresholds to evaluate impacts to air quality. The thresholds have been adopted to prevent further deterioration of ambient air quality, which is influenced by emissions generated by projects within a specific air basin (noting that the Yolo County is currently a nonattainment area for PM, CO, and ozone). The project-level thresholds, therefore, consider relevant past, present, and reasonably foreseeable future projects within SVAB.

YSAQMD's project-level thresholds for NOX (annual) and PM10 (daily) would be exceeded during construction without the incorporation of mitigation. Mitigation measures would reduce construction-related NOX emissions to less than significant levels, but would not reduce construction-related PM10 emissions below YSAQMD's threshold. Total operational emissions for the proposed LSP would exceed the YSAQMD's ROG (annual), NOX (annual) and PM10 (daily) emissions thresholds. These emissions would be cumulatively considerable.

The comprehensive suite of proposed LSP policies would reduce the severity of growth-oriented criteria pollutants as compared with projects not committed to similar strategies and policies. Development under the LSP is still, however, expected to generate construction and operational emissions in excess of YSAQMD's project-level thresholds. Even with implementation of Mitigation Measures AQ-2a, AQ-2b, and AQ-2c, which would reduce construction-related NOX emissions to below significance thresholds, construction-related emissions of PM10 would exceed thresholds. Even with implementation of Mitigation Measure AQ-2d, which promotes the use of green consumer products (and is not quantifiable), operational emissions of ROG, NOX and PM10 would exceed thresholds. Accordingly, ROG, NOX, and PM10 emissions associated with development under the proposed LSP are identified as cumulatively considerable and significant and unavoidable.

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### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for air quality that will reduce the effects identified under Impact AQ-3 and the DEIR includes mitigation measures that would further benefit cumulative air quality conditions. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that would introduce new sources of air pollutant emissions that could violate air quality standards or contribute to an existing or projected air quality violations. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law. It would not be feasible to limit construction activity on the project site to levels that would fall within daily emissions thresholds, as this would require grading and construction activities to be conducted in smaller phases that would lengthen the period of project construction and result in greater impacts in other areas, such as noise from construction affecting offsite uses. It is not feasible to provide additional physical separation between construction activity on the project site and adjacent existing residences, the result of which would be an undeveloped strip of land separating the project at its circumference.

#### **Impact AQ-4:** Exposure of sensitive receptors to substantial pollutant concentrations [No Mitigation]

Project construction has the potential to result in both fugitive (dust) and exhaust PM emissions. Exhaust-related PM emissions would consist of diesel particulate matter (DPM). Most of the fugitive emissions are generated by project site grading and earthmoving activities. Construction of the LSP would generate DPM, resulting in the exposure of nearby existing sensitive receptors (e.g., residences) to increased DPM concentrations. Similarly, new residents occupying the LSP area prior to completion of all phases of the LSP may be exposed to a portion of construction-generated DPM. Cancer health risks associated with exposure to diesel exhaust are typically associated with chronic exposure, in which a 70-year exposure period is assumed. In addition, DPM concentrations, and, thus, cancer health risks, dissipate as a function of distance from the emissions source.

Proposed LSP policies related to indoor air quality would reduce operational health risks to future residents, and Mitigation Measure AQ-2a would reduce DPM exhaust and dust emissions from construction activities (and would subsequently reduce associated health risks to existing and future receptors). Additionally, all construction projects must abide by YSAQMD rules adopted to reduce emissions throughout the region. These rules would reduce the potential for substantial pollutant emissions, including DPM, from construction of the LSP. There may, however, be instances where project-specific conditions preclude the reduction of health risks below adopted thresholds. Health impacts from DPM exposure are, therefore, considered to be significant and unavoidable.

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### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for air quality that will reduce the effects identified under Impact AQ-4 and the DEIR includes mitigation measures that would minimize exposure of sensitive receptors to unacceptable air pollutant concentrations. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that would introduce new sources of air pollutant emissions that could affect sensitive receptors. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law.

### Section 3.5: Cultural Resources

**Impact CUL-2:** Potential to cause a substantial adverse change in the significance of an archaeological resource or tribal cultural resource (TCR) pursuant to Section 15064.5

An archaeological inventory of the LSP area conducted for the DEIR included consultation with Native American tribes, a records search at the NWIC, a sacred lands file search by the NAHC, historic map research, and a pedestrian survey. The inventory did not identify any historical resources within the LSP area. There is, however, potential for previously unidentified buried archaeological resources to be unearthed during ground-disturbing development. Consequently, it is possible that future site preparation and construction activities proposed under the LSP may result in direct or indirect impacts on both prehistoric and historic archaeological resources. AB 52 consultation with the United Auburn Indian Community and Yocha Dehe Wintun Nation identified areas of sensitivity for the potential to find unknown tribal cultural resources (TCRs). Yocha Dehe Wintun Nation agreed that the standard mitigation measures for inadvertent discovery of cultural resources would be sufficient. During the consultation, mitigation measures were recommended by the United Auburn Indian Community and the City has included them as Mitigation Measures CUL-2 and CUL-3. Even with implementation of these measures, however, the impact would be significant and unavoidable.

- **Mitigation Measure CUL-2:** Require appropriate treatment for inadvertent discovery of archaeological resources

The City will require, through permit or tentative map conditions or contractual obligations, that in the event of any inadvertent discovery of archaeological resources and/or tribal cultural resources, all such finds will be subject to PRC 21083.2, PRC 21084.3 and State CEQA Guidelines 15064.5. Before the start of any project-related earthmoving activities, the applicant/property owner shall retain a qualified archaeologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering cultural resources. Cultural resources sensitivity training will be documented including dates and a list of attendees and will be submitted to the City Community Development Department for review.

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- **Mitigation Measure CUL-3:** Implement appropriate treatment for discovery of human remains. The City will require, through permit and tentative map conditions, that in the event that human remains are discovered, all work shall cease in the vicinity (minimum of 100 feet) of the find and the Yolo County coroner will be notified immediately. If the coroner determines the remains to be Native American in origin, the coroner will be responsible for notifying the NAHC, which will appoint a most likely descendant (MLD). The project applicant, County, and MLD will make all reasonable efforts to develop an agreement for the dignified treatment of human remains and associated or unassociated funerary objects. The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD will have 48 hours after notification by the NAHC to make their recommendation. If the MLD does not agree to the reburial method, the project will follow State law, which states, “the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City’s General Plan include numerous policies and standards for cultural resources that will reduce the effects identified under Impact CUL-2 and the DEIR includes mitigation measures that would reduce the potential for adverse change on cultural resources, including archaeological and tribal cultural resources. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could affect cultural resources. This is the case with the LSP, which will implement the City’s General Plan by facilitating development in previously undeveloped areas that could contain cultural resources in order to address the City of West Sacramento’s obligations under State law.

**Impact CUL-3:** Disturbance of any human remains, including those interred outside of formal cemeteries

The LSP area was inhabited by Native Americans during pre-European times. Accordingly, Native American burials may be found in the future on sites where no record of such burials exists. Buried human remains that were not identified during previous research and field studies could be inadvertently unearthed during ground-disturbing activities, possibly resulting in damage to the human remains. Consequently, human remains could be damaged or destroyed by future development related to buildout of the LSP. In the absence of regulations, this impact would be significant. State regulations relating to the treatment of burials will reduce the potential for significant impacts. Implementation of measures required under state law, including CEQA, as well as Mitigation Measure CUL-3, would reduce impacts on human remains, but not to a less-than-significant level.

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))

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- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
  - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for mitigation of cultural resource impacts that will reduce the effects identified under Impact CUL-3 and the DEIR includes mitigation measures that would reduce the potential for disturbance of human remains. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could disturb human remains. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas that could contain such remains in order to address the City of West Sacramento's obligations under State law.

### Section 3.7: Greenhouse Gas Emissions

**Impact GHG-1:** Generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment

Construction associated with the LSP would result in the temporary generation of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. Emissions would originate from mobile and stationary construction equipment exhaust and employee and haul truck vehicle exhaust. Modeling conducted for the DEIR indicates that construction activities under the LSP would generate approximately 2,462 metric tons CO<sub>2</sub>e in a worst-case year over the buildout period. Thus, construction emissions would exceed the draft annual threshold of 1,100 metric tons CO<sub>2</sub>e. This is a potentially significant impact.

The LSP requires 65 percent of construction waste to be recycled (CALGreen Tier 1 Construction Waste Recycling). In addition, the City of West Sacramento General Plan includes policies that may reduce construction-related emissions. Compliance with these policies would reduce the amount of GHG emissions from future development under the proposed LSP. Additional reductions would be achieved by implementation of the City's Climate Action Plan (CAP), including encouragement of alternatively fueled and electrified equipment. Mitigation Measure GHG-1 will reduce construction-related GHG emissions, consistent with YSAQMD (2007) recommendations. Also, Mitigation Measure AQ-2c, encouraging carpooling for construction workers, would reduce GHG emissions during project construction. Since this measure encourages voluntary carpooling, it is not possible to quantify the precise level of emissions reductions as it is unknown how many total trips would actually be eliminated on a daily or annual basis during project construction.

While the LSP and General Plan update policies and Mitigation Measures GHG-1 and AQ-2c would reduce GHG emissions, it is not possible to quantify the precise level of emissions reductions that would be achieved. Annual emissions associated with development of the LSP may therefore exceed 1,100 metric tons CO<sub>2</sub>e even with mitigation. As such, buildout of the LSP would result in a significant and unavoidable GHG impact.

- **Mitigation Measure GHG-1:** Implement Best Management Practices to Reduce Construction-Related GHG Emissions
- **Mitigation Measure AQ-2c:** Encourage carpooling and alternative transit for construction workers during project construction

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**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for air quality that will reduce the effects identified under Impact GHG-1 and the DEIR includes mitigation measures that would reduce GHG emissions. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could contribute to GHG emissions. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law, and this development could compromise the City's ability to meet GHG emission reduction goals.

**Impact GHG-2:** Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs [No Mitigation]

The LSP includes numerous policies to reduce operational and construction-related GHG emissions. Moreover, the LSP is consistent with the City's CAP, which was adopted to support overall AB 32 reduction targets. Accordingly, GHG emissions associated with the LSP in 2020 would not conflict with AB 32.

The LSP would allow development of residential uses to help meet forecasted demand within West Sacramento. Consistent with SACOG goals, the LSP would create a mixed-use and pedestrian/bicycle-friendly community. The LSP would also provide convenient and secure bicycle parking, as well as dedicated parking for neighborhood electric vehicles. These policies would support alternative transportation within the community, which could help reduce per capita GHG emissions from passenger vehicles consistent with SACOG's MTP/SCS.

While the LSP policies are consistent with the City's CAP policies and anticipated long-term statewide strategies to reduce GHG emissions, they are not adequate on their own to reduce project-level emissions to a level below the 2035 efficiency indicator. It is possible that future adopted state and federal actions would reduce project emissions below a level consistent with the state's 2030 and 2050 reduction targets, but this cannot be known at this time; accordingly, it is conservatively assumed that the project's emission levels would be inconsistent with the goals in SB 32 and EO S-3-05.

Based on the above findings, the LSP is consistent with AB 32 and SACOG's MTP/SCS, but the project's emission levels would be inconsistent with the goals of SB 32 and EO S-3-05. Therefore, this impact would be significant and unavoidable.

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))

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- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
  - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for air quality that will reduce the effects identified under Impact GHG-2 and the DEIR includes mitigation measures that would reduce GHG emissions, but not enough to achieve compliance with State goals. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could contribute to GHG emissions. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law, and this development could compromise the City's ability to meet GHG emission reduction goals.

### Section 3.9: Hydrology and Water Quality

**Impact WQ-7:** Placement of housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map

The new development proposed under the LSP would take place within the existing levee system surrounding the city. Like existing development, this new development would not meet current 100-year and 200-year level of flood protection requirements due to levee deficiencies. While WSAFCA continues to implement new projects under the WSLIP to enhance the levee system and to provide 200-year level of flood protection, the LSP area could still be subject to flooding until such improvements are completed. Unless construction of housing as a part of development of the LSP were to be phased such that it did not occur until the flood protection goal is achieved, this impact would be significant. The developer will be required to comply with Mitigation Measure WQ-7a and Mitigation Measure WQ-7b. Even with compliance, however, the impact is significant and unavoidable until the West Sacramento Levee Improvement Project (WSLIP) is complete and the required flood protection for development protected by the levee system is obtained. New development prior to the completion of the WSLIP is necessary to ensure sufficient impact fees to complete the WSLIP.

- **Mitigation Measure WQ-7a:** Implement Specific Plan Phasing Plan to phase housing construction after the 100- and 200-year flood protection goals have been met or require payment of in-lieu fees towards making physical improvements to the existing levee system prior to the issuance of the first grading permit to fund flood protection measures currently underway through WSAFCA.

**Mitigation Measure WQ-7b:** Implement the following measures: (1) provide notice within any deed to property within the development that the property is protected from flooding by a levee and that the property can be subject to flooding if the levee fails or is overwhelmed; (2) provide notice to future homebuyers and tenants regarding the status of flood protection within the community, the purchase of flood insurance by property owners, and evacuation plans; (3) ensure construction meets FEMA standards and the City's Floodplain Management Ordinance standards; (4) ensure levee setbacks are consistent with local, regional, State, and Federal design and management standards; and (5) ensure the development is undertaken in a manner that does not jeopardize the City's eligibility under the National Flood Insurance Program (NFIP) or the FEMA Community Rating System (CRS). Require Specific Plan Phasing Plan to phase housing construction after the 100- and 200-year flood protection goals have been met.

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### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The City and WSAFCA are committed to providing flood protection through the WSLIP, which is dependent on financial contributions from development called for under the City's General Plan and which would be implemented by the LSP. Under the California Government Code, the City is obligated to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, the City must plan for and permit development that will be subject to flooding risk, at least until WSLIP improvements are complete.

### Section 3.12: Noise

**Impact NOI-1:** Exposure of persons to or generation of noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.

Under Impact NOI-1, the DEIR evaluates the potential noise-related impacts of the project according to four sources of noise: construction noise on existing land uses; construction noise on new uses; traffic noise; and stationary source noise. Impacts associated with the first three sources are considered significant and unavoidable, even with mitigation. Following are summaries of the DEIR's conclusions for these sources:

**(1) Construction Noise Impacts on Existing Land Uses:** Construction noise levels would fluctuate, depending on the construction phase, equipment type, duration of use, distance between noise sources and noise sensitive receptors, and the presence or absence of barriers or structures that may provide shielding. Construction-related material haul trips would raise ambient noise levels along truck routes, depending on the number of haul trips made and the types of vehicles used. Because noise levels would exceed City standards at nearby residences, noise impacts from construction impact is considered significant and unavoidable even with the implementation of all feasible mitigation, including Mitigation Measure NOI-1a.

**Mitigation Measure NOI-1a:** Prepare and Implement a Construction Noise Control Plan to Reduce Construction Noise at Noise-Sensitive Land Uses: The project sponsor shall develop a noise control plan that includes measures to reduce construction noise to a level that complies with applicable city standards. Noise-reducing construction practices that will be employed to reduce construction noise from construction activities shall be identified by the project sponsor, and shall be reviewed for adequacy and approved by the City prior to the issuance of grading permits.

**(2) Construction Noise Impacts on Onsite Land Uses:** Construction noise would also affect new onsite receptors because new residences would be occupied with completion of the earlier phases while construction would still be occurring on other parts of the project site (later phases). As noted above, project-related construction activities would be expected to exceed the City's Noise Ordinance standards during daytime hours. Project construction could, therefore, result in noise levels at on-site noise sensitive receptors in excess of the City Noise Ordinance thresholds and is considered significant and unavoidable even with the implementation of all feasible mitigation, including Mitigation Measure NOI-1a.

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**Mitigation Measure NOI-1a:** Prepare and Implement a Construction Noise Control Plan to Reduce Construction Noise at Noise-Sensitive Land Uses: The project sponsor shall develop a noise control plan that includes measures to reduce construction noise to a level that complies with applicable city standards. Noise-reducing construction practices that will be employed to reduce construction noise from construction activities shall be identified by the project sponsor, and shall be reviewed for adequacy and approved by the City prior to the issuance of grading permits.

**(3) Traffic Noise:** Operation of the proposed project would result in increases in traffic and associated traffic noise in the vicinity of the project site as compared to existing conditions. Implementation of the specific plan would result in traffic noise increases exceeding allowable level for residential receptors along 6 analyzed roadway segments, and traffic noise impacts from the LSP would be significant. As none of the 6 roadway segments predicted to have traffic noise impacts are located on the project site, these impacts cannot be reduced to less-than-significant levels (because no mitigation measures would be able to reduce the increase in noise due to project-added traffic). As such, traffic noise impacts resulting from LSP implementation would be considered significant and unavoidable.

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for noise that will reduce the effects identified under Impact NOI-1 and the DEIR includes mitigation measures that would reduce exposure of people to excessive noise. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could contribute to noise. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law, and this development could expose existing and future residents of the LSP and nearby areas to construction noise that exceeds permissible levels.

**Impact NOI-3:** Potential to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project [No Mitigation]

Implementation of the Specific Plan could result in greater than the allowable increases in permanent ambient traffic noise levels in the project vicinity. Project-related traffic is expected to result in with-project noise levels that are greater than existing noise levels; the increases are expected to be in excess of the applicable allowable increase thresholds from the General Plan 2035 Noise Element for 6 roadway segments. No mitigation is available to reduce these traffic noise impacts to less than significant levels; therefore, traffic noise would result in a substantial permanent increase in ambient noise levels, and this impact is considered to be significant and unavoidable.

Note that noise associated with HVAC systems, booster and storm drain pumps, and outdoor recreation facilities would be mitigated to a less-than-significant level with implementation of MM-NOI-1c.

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### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for noise that will reduce the effects identified under Impact NOI-3 and the DEIR includes mitigation measures that would reduce exposure of people to excessive noise. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could contribute to noise. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law, and this development could expose existing and future residents of the LSP and nearby areas to traffic noise that exceeds permissible levels.

**Impact NOI-4:** Potential to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project [No Mitigation]

Although construction activities associated with new development would be temporary, and the related noise impacts would be short-term, implementation of the LSP would result in exposure of noise-sensitive land uses to temporary noise levels from construction activities associated with development of the city (as described for Impact NOI-1). This would be expected to result in a substantial temporary or periodic increase in ambient noise levels, and this impact would be potentially significant.

Implementation of the LSP is expected to exceed the City's noise ordinance standards related to non-transportation noise, as described under Impact NOI-1. Mitigation Measure NOI-1a would reduce the noise associated with project construction and help minimize the negative effects of construction noise on nearby noise sensitive land uses. It may, however, not be possible to ensure that construction noise levels are reduced to below the applicable thresholds since construction is expected to occur very near off-site noise sensitive land uses (e.g., within 10–25 feet of residential property lines). As such, project construction would result in a substantial temporary increase in noise even with the incorporation of all feasible mitigation, and this impact is considered significant and unavoidable.

### Finding(s) per Public Resources Code, Section 21081

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The LSP and the City's General Plan include numerous policies and standards for noise that will reduce the effects identified under Impact

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NOI-4 and the DEIR includes mitigation measures that would reduce exposure of people to excessive noise. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. To accomplish this, local governments must plan for and permit development that could contribute to noise. This is the case with the LSP, which will implement the City's General Plan by facilitating development in previously undeveloped areas in order to address the City of West Sacramento's obligations under State law, and this development could expose existing and future residents of the LSP and nearby areas to non-transportation-related construction noise that exceeds permissible levels.

### **Section 3.13: Population and Housing**

**Impact POP-1:** Potential to induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure) [No Mitigation]

Adoption of the LSP would enable the development of approximately 342 acres with 1,503 residential units, as well as support retail and commercial uses and municipal, civic, and public services. Development of the LSP area would also require infrastructure improvements, including new potable waterlines, wastewater collection system upgrades, extension of public roadways, and development of additional pedestrian facilities. The purpose of the LSP is to accommodate future population growth. Consequently, the LSP would result in substantial population growth in the LSP area relative to existing conditions. This would constitute a significant and unavoidable impact, and no mitigation is available to reduce this impact to a less-than-significant level.

#### **Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to "adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The LSP implements the City's General Plan, which provides for the long-term development of the city. Government Code Section 65580, et seq. requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the City's share of the regional housing need. This requires the City to authorize future development to occur, and the LSP facilitates such development by implementing the General Plan.

### **Section 3.15: Recreation**

**Impact REC-2:** Construction or expansion of recreational facilities that might have an adverse physical effect on the environment [No Mitigation]

The LSP includes construction of a sports and recreation center, a private recreation facility, and additional neighborhood parks. Potential impacts from the construction of these facilities would be similar to the construction-related impacts of the other components of the LSP. Parks and recreation facility construction

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would, therefore, have the same significant and unavoidable impacts as other construction activities, as described above for aesthetics, air quality, cultural resources, greenhouse gas emissions, hydrology, and noise.

**Finding(s) per Public Resources Code, Section 21081**

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. (a)(1))
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. (a)(2)).
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. (a)(3)).

**Basis for Finding:** Avoidance of this impact is infeasible for legal reasons. The Government Code requires local governments in California to provide for long-term development through their general plans and implementing ordinances and plans (including specific plans). This includes requirements to identify adequate sites for housing and to otherwise plan for sufficient development to meet regional housing needs. In doing so, the City is committed to ensuring that residents have access to recreational opportunities. To accomplish this, the City of West Sacramento must plan for and permit development that could result in environmental impacts, including impacts associated with construction of recreational facilities.

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## **SECTION 9. PROJECT ALTERNATIVES**

Where a significant impact can be avoided or substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; Laurel Hills Homeowners Association, *supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) However, where a significant impact cannot be avoided or substantially lessened solely by the mitigation measures, the lead agency must consider the feasibility of alternatives. (Public Resources Code, § 21002; Laurel Hills Homeowners Association, *supra*, 83 Cal.App.3d at p. 521.)

If any alternatives are environmentally superior with respect to the significant unavoidable impacts of the Project, then the City Council is to determine whether the alternatives are feasible and meet most of the Project objectives. The City Council may reject an alternative if it determines that an alternative is either infeasible, not environmentally superior with respect to the unavoidable significant impacts of the Project or fails to attain the basic project objectives. The City Council may then approve the proposed Project as mitigated after adopting a statement of overriding considerations.

The City Council has used the Project Objectives identified in Section 1.D (page 1-2) as the basis for comparing project alternatives and determining the extent that the objectives would be achieved relative to the Project.

In preparing the DEIR, the City identified and screened a broad range of potential alternatives to the Project. The following criteria were used to screen potential alternatives.

- Does the alternative meet most or all of the project objectives?
- Is the alternative potentially feasible?
- Would the alternative substantially reduce one or more of the significant impacts associated with the project?

Based on the State CEQA Guidelines, “feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines Section 15364). CEQA does not require that an EIR determine the ultimate feasibility of a selected alternative, but rather that an alternative be potentially feasible. Accordingly, no economic studies were prepared regarding the economic feasibility of the selected alternatives.

The following discussions first explain the alternatives that were considered but rejected and then the alternatives that were carried forward for comparison with the Project.

### ***A. ALTERNATIVES CONSIDERED BUT REJECTED***

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#### **Alternative Locations**

State law requires the city to adopt a long-range, comprehensive general plan. The Southport Framework Plan is one component of the City’s plan. The Southport Framework Plan has identified the Project site for residential development at a range of densities, a park, a locally-serving commercial area, and an elementary school site. The Project contains those same features and, while it does not share the same development pattern with the Framework Plan, would support approximately the same number of residences as anticipated for this site by the Framework Plan.

The City has previously, through the Southport Framework Plan, identified the Project site as suitable for a similar level of residential development, with associated commercial and educational uses. Consideration of an

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alternative location for this development would have required reconsideration of the fundamental pattern of land use set out in the Framework Plan and, by implication, the General Plan. That rendered the alternative location alternative infeasible. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d. 553 [“an EIR is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy”])

### **Single-Family Residences Only**

This alternative would have limited residential development within the Specific Plan to single-family residences. The proposed duplex and triplex lots would instead have been reconfigured to accommodate single family residences. The pattern of development, including street locations and locations of parks, commercial area, “the commons,” and educational facilities, would otherwise have remained the same.

The City has previously, through the Southport Framework Plan, identified this site as suitable for multi-family residential development, represented by Framework Plan designations of HR (High Density Residential – 12.1 to 25 du/acre) and MR (Medium Density Residential – 5.1 to 12 du/acre) and zoning classifications of R-2 and R-3. The Framework Plan establishes a mix of housing types by Village in order to provide for affordable housing opportunities within Southport (see Section 5.3 of the Framework Plan). Eliminating a range of housing types from a development of this size would have required reconsideration of the fundamental pattern of land use and opportunities for affordable housing set out in the Framework Plan and, by implication, the City’s General Plan. Further, it would have reduced the ability of the City to meet the share of regional housing need identified in its Housing Element. Those considerations made this alternative infeasible. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d. 553 [“an EIR is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy”])

### **Reduced Density**

This alternative, suggested during scoping meetings on the EIR, would have limited the allowable residential densities (i.e., dwelling units per acre) within the Project to no greater than what is currently allowed under the Southport Framework Plan. This is already the case. Although the Project would change the distribution of land uses within the site in comparison to the Framework Plan, the proposed HR and MR land use designations have the same density as the corresponding Framework Plan designations. Therefore, this alternative was not considered further.

### **Limited Local Street Connections**

This alternative would have eliminated the proposed connections between LSP streets and Trinity Way, Lassen Street, Mojave Drive, Colusa Road, and Apache Street. As a result, the Project would have connected only to Stonegate Drive and Village Parkway. While there is no express policy in the Southport Framework Plan requiring new development to provide connections to adjoining roads, Figure 4, Northeast Quadrant Land Use Map, of the Framework Plan envisions that development of the Project site will include connections to Stonegate Drive, Mojave Drive, and Village Parkway. Eliminating a street connection to Mojave Drive would have required reconsideration of the fundamental pattern of land use set out in the Framework Plan. Eliminating the local street connections would have conflicted with Policy M-1.9 Eliminate Gaps of the General Plan which states: “The City shall strive to eliminate roadway, bikeway, and pedestrian way gaps between neighborhoods and districts to create a completely connected city.” It would also have conflicted with Policies M-3.1 Safe and Efficient, which states, “The City shall ensure that the roadway system, street designs, and access provide for redundant (i.e., multiple routes), safe, and efficient movement of goods and people” and M-3.8 Connected Grid, which states, “The City shall preserve and continue to promote grid-based roadway systems, where appropriate, that distribute traffic evenly and avoids excessive traffic in any given area.” These conflicts with adopted policies made this alternative infeasible. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d. 553 [“an EIR is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy”])

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## **Public Park Alternative**

This alternative would have required that all parks within the Project be public parks. The Project includes one private park, “The Commons,” which is a 2.8-acre private recreation center and pool. In addition, the Project includes 14.3 acres of private greenbelts. The Project would also include the following public parks: 13.3 acres of neighborhood parks; a 9.1-acre sports and recreation center; and 10.8 acres of public greenbelts. The Commons would be maintained by the Homeowners Association. The public parks would be maintained by the City and would be open to all residents. Both public and private parks can be used to meet the City’s standards for park and recreation land. The Parks Master Plan calls for 2 acres of neighborhood park/1,000 residents (8.4 acres for LSP) and 3 acres of community park/1,000 residents (12.6 acres for LSP). The Project includes more neighborhood park acreage than required (albeit smaller parks than the Park Master Plan standard) and less community park acreage than required (also smaller than the Park Master Plan standard).

When accepting park and recreation facilities as a public parks, the City must consider its long-term costs of operations and maintenance. The alternative of making all of the parks within the Project public parks is infeasible. The private greenbelts, in particular, would require extensive maintenance activities due to their linear form, increasing the cost of maintenance substantially. Similarly, the Commons would add to the City’s maintenance costs for parks within the development.

In addition, the parks proposed as part of the park, including both public, meet the needs of the future residents of the LSP. This will avoid overloading other City parks and causing environmental impacts on those parks. In addition, the public parks that will be available within the LSP will reduce pressure on other city parks, and the associated wear and tear on those parks. As a result, this alternative would not have substantially reduced any of the Project’s impacts and was rejected on those grounds.

## **Sutterville Bridge Alternative**

During the scoping meetings for the EIR, some members of the public suggested that building a bridge across the Sacramento River connecting Southport to Sutterville Road in Sacramento should be examined as a means of reducing traffic congestion on Jefferson Boulevard and Village Parkway. The termini of the suggested crossing would be at the Sutterville Road/I-5 interchange on the east side of the Sacramento River and at a point in the vicinity of Linden Road on the river’s west side. No bridge design was suggested by the public commenters, but—based on previous analyses conducted by the City—it would likely be one of the following types:

- Fixed bridge with a 55-foot vertical clearance to comply with U.S. Coast Guard Navigable Waterways design requirements (similar to Pioneer Bridge height). The cost of a two-lane bridge of this type was grossly estimated to be from \$60-150 million in 2011. (City of West Sacramento 2011)
- Fixed bridge with a 30-foot vertical clearance, assuming an exception to the U.S. Coast Guard Navigable Waterways design requirements. The cost of a two-lane bridge of this type was grossly estimated to be from \$40-130 million in 2011. (City of West Sacramento 2011)
- Moveable bridge similar to Tower Bridge or I Street Bridge. The cost of a two-lane bridge of this type was grossly estimated to be from \$105-165 million in 2011. (City of West Sacramento 2011)

A preliminary feasibility study of potential new Sacramento River crossings was completed in February 2011 on behalf of the cities of West Sacramento and Sacramento, which are interested in sponsoring and funding (in conjunction with other sources) the construction of one or more new crossings. The study examined several potential crossing sites, including I Street, Broadway, and Sutterville Road (City of West Sacramento 2011). The study concluded that although a bridge at Sutterville Road/I-5 would reduce vehicle miles travelled, miles of congested roads, and projected GHG emissions within the Sacramento region by the year 2035, it would likely increase traffic volumes through existing residential neighborhoods in Southport. The Sacramento City Council at its October 18, 2011, directed its staff to proceed with additional feasibility studies of the potential crossings,

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with the exception of Sutterville Road. The Sutterville bridge alternative was eliminated from further consideration and study at that time. (City of Sacramento, Resolution 2011-577)

The City of Sacramento is on record as opposed to a Sutterville bridge. The city's political and financial support is necessary in order for the bridge to be feasible. Therefore, absent such support, this alternative was determined to be infeasible.

## **B. ALTERNATIVES ANALYZED IN THE EIR**

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The EIR examined four alternatives to the proposed Project to determine whether any of these alternatives could meet the Project's objectives, while avoiding or substantially lessening its significant impacts. The following alternatives were examined:

- Alternative 1—No Project Alternative
- Alternative 2—Northern Buffer Alternative
- Alternative 3—No Flex Block Alternative
- Alternative 4—No Apache and Benton Street Connections

In addressing the No Project Alternative, the City followed the direction of the State CEQA Guidelines that: the no project analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. (CEQA Guidelines, § 15126(d)(4).)

The City Council finds that a good faith effort was made to evaluate in the DEIR a sufficient number of reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives or might be more costly. The City Council also finds that a sufficient number of reasonable project alternatives were reviewed, analyzed, and discussed in the review process of the DEIR and the ultimate decision on the Project.

### **Alternative 1—No Project Alternative**

The No Project Alternative consists of retaining the current Southport Framework Plan land use designations. Future development would occur consistent with the policies, and land use densities and building intensities in the Southport Framework Plan and General Plan.

Because the project is not making a substantial change to the total number of residences as projected in the Southport Framework Plan, most of its impacts are effectively the same as the project's. The key areas of difference consist of the following:

- The No Project Alternative would not have a sports park. As a result, it would be expected to have a smaller light and glare impact from park lighting. Its noise impact would likewise be less than the project because of the absence of a sport park.
- The No Project Alternative would retain large lots at its northern/southern edge. As a result, it would have less conflict with existing low density residential development along Linden/Davis Road than the project.
- The No Project Alternative would lack the project's internal bicycle and pedestrian circulation system. That system will simplify non-vehicle movement within the project and from within the project to the Clarksburg Branch Pedestrian and Bike Trail (also the project would be required to pave the portion of the trail to Davis Road which provides a dustless all weather coaction route). As a result, the No Project Alternative would have a marginally greater number of internal vehicle trips than the project. Further, it would likely

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have a marginally greater number of vehicle trips than the project to the nearby Southport Town Center for shopping.

### **Alternative 2—Northern Buffer Alternative**

Alternative 2 would reduce the residential density along a portion of the northern end of the project site to a one-acre minimum parcel size as currently identified in the West Sacramento General Plan Land Use Element and the City's Zoning Map. Development within the remainder of the project would remain as proposed. The intent of this alternative is to minimize conflict with existing large lot residential development along Linden/Davis Road.

Most of the impacts of Alternative 2 are effectively the same as the project's. The key areas of difference consist of the following:

- Alternative 2 would locate large lots along its northern/southern edge. As a result, it would have less conflict with existing low-density residential development along Linden/Davis Road than the Project.
- The aesthetic impact of Alternative 2 would be marginally smaller than the Project's impact because future development would look similar to and have similar light and glare levels as existing residences along Linden/Davis Road.
- Alternative 2 would have fewer residences than the project because of the reduction in density along the northern/southern edges of the project. As a result of having fewer residential units, Alternative 2 would have marginally lower air quality, biological resources (to the extent that future one-acre development retains existing habitat and not mass graded), noise, and traffic impacts than the project.

### **Alternative 3—No Flex Block Alternative**

This alternative consists of the proposed project without the "flex blocks" proposed along its central axis. In contrast to standard zoning requirements which limit the type of residential units that may be built on a site, a flex block allows a range of dwelling types from low-density detached to higher-density attached residential units, as long as the aggregate number of units within the block does not exceed the MR (Medium Density Residential) density of 5.1 to 12 dwelling units per acre. Alternative 3 would limit the range of dwelling types to have less flexibility in the type of residential development than the project, the total number of residential units would not be different. The project would be limited to 1,503 units as analyzed in the EIR with or without flex blocks.

- Alternative 3 would result in a relatively uniform density within the project's central residential area. This would avoid the potential for aesthetic conflicts between single-family and multiple-family residential buildings within the central residential area because of differences in building form and massing. The aesthetic impact of the LSP as a whole would not change; remaining significant and unavoidable.
- The relatively uniform density under Alternative 3 would reduce the potential for localized traffic congestion that might occur at peak hours as a result of higher concentrations of multi-family residences within the flex blocks. The traffic impact of the LSP as a whole would not change.

### **Alternative 4—No Apache and Benton Street Connections**

Under this alternative Apache and Benton Streets would not be extended south along their existing alignments into the Liberty Specific Plan. Instead, a short street would connect the two streets within the Specific Plan and connections to the existing Apache and Benton Streets would be limited to pedestrian walkways.

- Vehicle traffic generated by the project would not move northward along Apache and Benton Streets. This would avoid adding to existing very low levels of traffic along Apache and Benton Streets and on Colusa Road, Cherokee Road, and Trinity Way west of Stonegate Drive.

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- This portion of the project would gain its primary access to Jefferson Boulevard at Davis Road and would not have convenient northern access to Jefferson Boulevard by way of Stonegate Drive and Linden Avenue. As a result, access to the northwestern portion of the project site would be from the south. This change would result in a small increase in traffic on the southern portion of Stonegate Avenue as it traverses the project site. The extensions of Apache and Benton Streets are consistent with the original Parlin Ranch Subdivision Map (where the Parlin Ranch temporary detention facility was constructed).

### ***C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE***

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Pursuant to CEQA Guidelines section 15126.6 (e)(3), the City finds that Alternative 2, the Northern Buffer Alternative, is the environmentally superior alternative. It would have fewer residential units than the Project because of the reduction in density along the northern and southern edges of the project. As a result, Alternative 2 would have marginally lower air quality, biological resources (to the extent that future one-acre development retains existing habitat and not mass graded), noise, and traffic impacts than the Project. It would also have less conflict with existing low-density residential development along Linden/Davis Road than the Project. Notwithstanding these marginally lower impacts, Alternative 2 would not mitigate or substantially lessen the significant unavoidable impacts resulting from the Project, and neither would the other alternatives considered in the DEIR.

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## **SECTION 10. OTHER IMPACTS AND CONSIDERATIONS**

### **Growth-Inducing Impacts of the Proposed Project**

The LSP will directly result in substantial growth in West Sacramento. The LSP would amend the General Plan, the Southport Framework Plan land use designations, the Southport Framework Plan, and the Parks Master Plan. The proposal would develop approximately 342 acres with 1,503 residential units, including single-family detached, single-family attached, and multi-family residences. The LSP area is described in the current adopted Housing Element as a vacant site with planned projects or approved entitlements for 1,552 housing units of various densities. Although configurations and specific land uses would differ from the designs set forth in the Southport Framework Plan, that document envisioned intensive development in the area now being considered for the LSP.

With an estimated 2.57 persons per household by 2035 in West Sacramento, the 1,503 housing units would result in a population increase from existing conditions of approximately 3,863 by 2035. According to forecasts prepared by the Sacramento Area Council of Governments (SACOG), West Sacramento's population is anticipated to increase by 33,096 between 2010 and 2035. The development of up to 1,503 housing units could meet up to approximately 25 percent of the City's regional housing need allocation between 2013 and 2021, as defined by SACOG.

In addition to the proposed residential development, the LSP area would support retail and commercial uses and municipal, civic, and public services. The small amount of additional employment associated with these proposed uses, combined with the residential growth in the LSP area, is not expected to substantially alter the existing condition of the area's jobs/housing balance and is assumed to be within the forecast projections of SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). Because the LSP comprises primarily residential uses, the limited commercial development would not induce substantial population growth.

Development of the LSP area would require infrastructure improvements, including new potable water lines, a recycled water line extension, wastewater collection system upgrades, stormwater drainage facility improvements and extensions, extension of public roadways, and development of additional pedestrian facilities. The infrastructure would be sized to facilitate infill development in West Sacramento. If the Project constructs the necessary infrastructure to extend water, sewer, gas and electricity to support the specific plan area, the modest constraint to growth afforded by lack of water and sewer service would be removed. More substantively, if planned improvements to roadways surrounding the LSP Area are constructed, the additional capacity of improved roadways would remove a constraint to growth.

The purpose of the LSP is to accommodate future population growth. Consequently, the LSP would result in substantial population growth in the LSP area relative to existing conditions.

### **Cumulative Effects of the Proposed Project**

Pursuant to CEQA Guidelines section 15130, sub. (b), a "discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great a detail as is provided for the effects attributable to the project alone. The DEIR analyzed the cumulative effects of the proposed Project and other alternatives to determine a) whether the overall long-term impacts of the Project combined with all other past, present, and reasonably foreseeable future projects would be cumulatively significant, and b) to ascertain whether the Project itself would result in cumulatively considerable impacts. The analysis was conducted in accordance with both the list and plan methods in an effort to generate the most reliable future projections possible. The proposed Project would result in cumulatively considerable contributions to the following categories of impact, as described in the DEIR:

- Aesthetics

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- Agricultural and Forestry Resources
  - Air Quality
  - Cultural Resources
  - Greenhouse Gas Emissions
  - Population and Housing
  - Utilities and Service Systems

There would be no Project contribution to cumulative impacts from adoption of the No Project Alternative, because no new development would occur in the area covered by the LSP.

### **Significant Irreversible Environmental Changes Involved if the Project is Implemented**

Approval and implementation of actions related to the project would be typical of these sorts of land use planning and regulatory actions. They will result in an irretrievable commitment of nonrenewable resources such as fossil fuel-based energy supplies and construction-related materials as a result of development that would occur pursuant to the LSP. The energy resource demands would be used for construction, heating and cooling of buildings, transportation of people and goods, heating and refrigeration, lighting, and other associated energy needs.

Environmental changes with implementation of the project would occur as the physical environment is altered through continued commitments of land and construction materials to urban and rural development. Agricultural land would be converted to urban use. There would be an irretrievable commitment of labor, capital, and materials used in construction and a permanent loss of open space over time. Nonrenewable resources would be committed primarily in the form of fossil fuels and would include oil, natural gas, and gasoline used to support the additional development associated with implementation of the LSP.

The consumption of other nonrenewable or slowly renewable resources would result from the development associated with the project. These resources would include, but are not be limited to, lumber and other forest products, sand and gravel, asphalt, steel, copper, and water.

Development under the LSP would result in the construction of structures, facilities, or infrastructure on lands that are currently undeveloped and in agriculture. Development of lands generally would result in their future and permanent commitment to urban uses.

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## SECTION 11. RECIRCULATION NOT REQUIRED

The revisions made by the Final EIR in this section are intended to reflect the streamlining provisions of CEQA for projects consistent with the General Plan, and do not raise substantive changes that would rise to the level of “significant new information” requiring recirculation. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

Here, the changes to the DEIR offer clarifying information to the reader, remedy typographical mistakes, and do not result in an exacerbation of existing impacts or create new impacts. Therefore, recirculation of the EIR is not required.

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## **SECTION 12. STATEMENT OF OVERRIDING CONSIDERATIONS**

This statement of overriding considerations describes the project benefits that outweigh its environmental impacts. It is adopted in accordance with Public Resources Code section 21081(b) and CEQA Guidelines Section 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

The EIR for the Liberty Specific Plan examines the changes to the existing environment that would occur as result of implementation of the Specific Plan. The significant, unavoidable impacts listed below are detailed in the respective sections of the DEIR and summarized in Section 8 of this document.

- Aesthetics
- Air quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Noise
- Population and Housing
- Recreation

These impacts are outweighed individually and collectively by the benefits of the Project, as described below.

### ***A. PROJECT BENEFITS AND SUPPORTING FACTS***

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The following statements identify the reasons why, in the City of West Sacramento's judgement, the benefits of the Project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the Project can be found in the findings presented in Section 8 of this document; in the Liberty Specific Plan itself; and in the record of proceedings. Each of the overriding considerations set forth below constitutes a separate and independent basis for finding that the benefits of the Project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of West Sacramento finds that the Project will have the following economic, social, technological, and environmental benefits:

1. Implementation of the LSP will result in the development of 1,503 low-, medium-, and high-density residences, including Estate Lots up to a half acre, single-family detached homes, duplexes, triplexes,

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accessory dwelling units, apartments, condominiums, and senior housing. These units will contribute to the City's ability to meet regional housing needs, as required by State law.

2. The Project will include a pedestrian-friendly 2.8-acre centrally located recreation area (The Commons) and an adjacent neighborhood commercial site with up to 10,000 square feet of leasable space.
3. The Project will create parks, greenbelts, trails connecting all the neighborhoods within the Project, and an integrated bike and trail system connecting to the regional Clarksburg Branch Line Trail and the Sacramento River.
4. The Project will preserve a majority of the existing, healthy, and mature trees to the maximum extent physically and financially feasible. The larger tree grove areas have been thoroughly designed into park areas, greenbelts, and private individual lots to preserve existing trees to the maximum extent practicable.
5. The Project will provide for a public roadway circulation system and the installation of backbone infrastructure and utilities.
6. The Project will implement the planning goals and policies of the City of West Sacramento General Plan, the Southport Framework Plan, the SACOG Regional Blueprint, and the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).
7. The Project will enable development that will contribute funding necessary for completion of the West Sacramento Levee Improvement Program (WSLIP).
8. The Project will create short-term construction jobs that would provide income to local residents.
9. The Project will accommodate permanent residents who will spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base.
10. The Project will comply with all federal, state, regional, and local energy conservation regulations by employing the latest technologies feasible in an effort to become an energy neutral community.
11. The Project will employ green building-scale features, including pre-wiring for electric vehicle charging and solar photovoltaic (PV) systems on each roof, drought-tolerant landscaping, underground irrigation systems, and energy efficient appliances.

Notwithstanding the disclosure of significant unavoidable environmental impacts, the City Council has determined, pursuant to Section 15093 of the State of California CEQA Guidelines, that the benefits of the Project, as cited above, outweigh the adverse impacts and that the Project should be approved. The City Council 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 cumulative impacts, as described and evaluated in the DEIR and FEIR for the Project.

## **B. CONCLUSION**

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After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City Council of the City of West Sacramento, find that the significant unavoidable impacts may be considered "acceptable" due to the specific considerations listed herein, which outweigh the impacts.

The City Council has considered the information presented in the EIR, as well as public testimony, and the record of proceedings in which the Liberty Specific Plan was considered. Recognizing that significant unavoidable impacts exist in aesthetics, air quality, cultural resources, greenhouse gas emissions, hydrology and water quality, noise, population and housing, and recreation, the Council nevertheless finds that the benefits in adopting the Liberty Specific Plan outweigh the impacts of the Project. Having included all feasible mitigation measures either in the EIR or as policy commitments in the Specific Plan and having recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the Project, as stated above,

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are determined to be unto themselves separate overriding considerations, independent of other benefits, and warrant adoption of the Liberty Specific Plan.

Based on the foregoing findings, the City Council hereby determines that:

1. All significant environmental impacts due to the adoption of the Liberty Specific Plan have been eliminated or substantially lessened where feasible.
2. There are no feasible alternatives to the Project that would mitigate or substantially lessen the significant unavoidable environmental impacts of the Project while attaining most or all of the Project objectives.
3. Any remaining unavoidable significant environmental impact are acceptable due to the factors stated herein.

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**SECTION 13. APPROVALS**

NOW, THEREFORE, the City Council does now take the following actions regarding the process of environmental review utilized for the review of the Project:

1. The City Council finds that the above statements are true and correct; and
2. The City Council certifies that it has been presented with both the DEIR and FEIR (collectively, the “EIR”) and that it has reviewed and considered the information contained in the EIR prior to making the approvals set forth in Section III above. The EIR was prepared at the direction of the City and reflects the City’s independent judgment; and
3. The City Council finds that the preparation of the EIR represents a good faith effort to achieve completeness and full environmental review. The City Council further certifies that the EIR reflects its independent judgment and analysis. The City Council bases these Findings on such review and other substantial evidence in the record; and
4. Pursuant to CEQA Guidelines section 15090, the City Council certifies that the EIR has been completed in compliance with CEQA and the State CEQA Guidelines; and
5. The City Council finds that the alternatives considered in the EIR provided the City Council with a basis for considering ways in which the objectives of the activities identified in the EIR as the “proposed Project” could be achieved with less environmental impact. For that reason, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the Guidelines; and
6. The City Council hereby adopts and incorporates into the Project all Mitigation Measures within the responsibility and jurisdiction of the City, as discussed in Section 8 above;
7. The City Council hereby adopts the Mitigation and Monitoring Reporting Program discussed in Section 7 above, and elsewhere; and
8. Having certified the EIR, independently reviewed and analyzed the EIR, and incorporated Mitigation Measures into the Project, the City Council hereby adopts these Findings and Statement of Overriding Considerations in their entirety.

DATED: \_\_\_\_\_, 2024

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

Martha Guerrero, Mayor  
City of West Sacramento

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