

FINAL
MASTER ENVIRONMENTAL IMPACT REPORT

SACRAMENTO 2040 GENERAL PLAN AND CLIMATE ACTION & ADAPTATION PLAN

SCH# 2019012048
JANUARY 2024



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**Sacramento 2040 General Plan
and Climate Action & Adaptation Plan
Final Master Environmental Impact Report
SCH No. 2019012048**

Prepared for:

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1 Introduction

1.0 Introduction

This Final Master Environmental Impact Report (Final Master EIR) contains the public and agency comments received during the public review comment period for the Sacramento 2040 Project Draft Master EIR. The 2040 General Plan and Climate Action & Adaptation Plan together form the Sacramento 2040 Project and were the subject of the Master EIR.

The EIR is an informational document intended to disclose to the Lead Agency, the City of Sacramento (City), and the public the environmental consequences of approving and implementing the Sacramento 2040 Project or one of the alternatives to the project described in the Draft Master EIR. All written comments received during the public review period (August 24 through October 10, 2023) are addressed in this Final Master EIR. During the public review period, the City received a total of 15 comment letters from public agencies, organizations, and individuals.

The responses in this Final Master EIR clarify, correct, and/or amplify text in the Draft Master EIR, as appropriate. Also included are text changes made at the initiative of the Lead Agency. These changes (summarized in Chapter 3) do not alter the conclusions of the Draft Master EIR.

1.1 Background

In accordance with CEQA, the City released a Notice of Preparation (NOP) on January 28, 2019, for the required 30-day review period. The City issued a revised NOP on October 3, 2019, that updated information specific to the Special Study Areas. The purpose of the NOP was to provide notification that a Master EIR for the project was being prepared and to solicit guidance on the scope and content of the document. The City held a public scoping meeting to take oral comments on February 13, 2019. The Draft Master EIR was circulated for public review and comment for a period of 45 days from August 24 through October 10, 2023.

State and local agencies as well as local organizations and individuals provided written comments on issues evaluated in the Draft Master EIR. This Final Master EIR has been prepared to respond to all comments received, consistent with Sections 15089 and 15132 of the CEQA Guidelines. Responses to each of the comments received are provided in Chapter 4, Comments and Responses, of this Final Master EIR. Based on input the City received from agencies, individuals and the decision makers on the 2040 General Plan and Climate Action & Adaption Plan some of the policies have been revised and new language added to the documents that are included in Chapter 3, Changes to the Draft Master EIR. None of the changes constitute “significant new information” as defined in Section 15088.5(a) of the CEQA Guidelines, which would require recirculation of the Draft Master EIR.

The comments and responses that make up the Final Master EIR, in combination with the Draft Master EIR, as amended by the text changes, constitute the “Master EIR” that will be considered for certification by the City Planning and Design Commission and City Council.

1.2 CEQA Requirements

The contents of a Final EIR are specified in Sections 15089 and 15132 of the CEQA Guidelines, which states that the Final EIR¹ shall consist of:

- a) The Draft EIR or a revision of the Draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

The Lead Agency must provide each agency that commented on the Draft Master EIR with a copy of the Lead Agency's response to their comments a minimum of 10-days before certifying the Final Master EIR.

Section 15088.5(a) of the CEQA Guidelines requires that a lead agency must recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. The Guidelines clarify that “[n]ew 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.”

Examples of significant new information requiring recirculation include:

- a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- b) 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.
- c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- d) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

¹ Note: A Final Master EIR is subject to the same requirements under CEQA as a program level Final EIR.

1.3 Use of the Final Master EIR

The Final Master EIR serves as the environmental document to inform the Lead Agency’s consideration of approval of the Sacramento 2040 Project, either in whole or in part, or one of the alternatives to the project discussed in the Draft Master EIR.

As required by Section 15090 (a) (1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency’s independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such 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.
3. Specific 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.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations shall be supported by substantial evidence in the Lead Agency’s administrative record. The Findings of Fact and Statement of Overriding Considerations has been prepared for the project and is available as part of the staff report prepared as part of the hearing process.

1.4 Project Under Review

The City is updating its 2035 general plan and climate action plan, adopted in 2015 to reflect current conditions, new legal requirements for general plans and climate action plans, and changes to reflect the City’s planning vision through 2040. The proposed 2040 General Plan and Climate Action & Adaptation Plan (together, the “Sacramento 2040 Project”) is based on an updated vision statement and guiding principles that were adopted by the City Council on November 12, 2019. The vision and guiding principles for the proposed Sacramento 2040 General Plan are organized into six general categories or themes: (1) Sustainable and Responsible Growth; (2) Resiliency and Climate Action; (3) Safe, Equitable, Inclusive and Just City; (4)

Regional Economic Hub; (5) Livability and Sense of Place; and (6) Interconnected, Accessible City. These guiding principles establish the basis for a framework of Key Strategies to help guide the creation of goals and policies for land use, circulation, open space, conservation, noise, safety, historic and cultural resources, and environmental justice for the entire city, consistent with state law. An update to the Housing Element of the General Plan was prepared separately on a different timeline due to associated legal requirements and is not part of the “project” evaluated in this Master EIR.

As part of the Sacramento 2040 Project, an updated Climate Action & Adaptation Plan has been prepared that includes strategies to help the City address the effects of climate change and to provide the tools for the City to meet state goals to reduce greenhouse gas emissions and achieve carbon neutrality by 2045.

The 2040 General Plan Planning Area includes land within the city limits and the City’s Sphere of Influence (SOI) (outside the city limits), including five special study areas. The Planning Area comprises approximately 113,572 acres (197 square miles) of incorporated and unincorporated land. The 2040 General Plan does not propose expanding the existing SOI boundaries, nor make any changes to the existing land use designations within the SOI.

A detailed project description is contained in the Draft Master EIR in Chapter 2, Project Description. The environmental impact analysis is included in Chapter 4 of the Draft Master EIR.

1.5 Summary of Text Changes

Chapter 3 in this Final Master EIR, Changes to the Draft Master EIR, identifies all changes made to the document by section. These text changes provide additional clarity in response to comments received on the Draft Master EIR, but do not change the significance of the conclusions presented in the Draft Master EIR.

1.6 Responses to Comments

A list of public agencies and individuals commenting on the Draft Master EIR is included in Chapter 2 in this Final Master EIR. During the public comment period, the City received 15 letters from agencies, organizations, and individuals. Section 15088(c) of the CEQA Guidelines specifies that the focus of the responses to comments shall be on the disposition of significant environmental issues. Responses are not required on comments regarding the merits of update or on issues not related to environmental impacts. Comments on the merits or other comments that do not raise environmental issues are noted in the responses and will be reviewed by the City Council before any action on whether to approve the Sacramento 2040 Project. When a comment does not directly pertain to the environmental issues analyzed in the Draft Master EIR, does not address the adequacy of the analysis contained in the Draft Master EIR, or does not challenge a conclusion of the Draft Master EIR, the response will note the comment and provide additional information where possible.

Responses to comments received appear in Chapter 4 of this Final Master EIR. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

1.7 Mitigation Monitoring Program

Section 15097 of the CEQA Guidelines requires mitigation monitoring plans for any mitigation measures. These plans, which are generally adopted upon approval of a project, describe the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

The Mitigation Monitoring Program (MMP) includes all of the mitigation measures required of the project included in the Draft Master EIR. The proposed 2040 General Plan has been prepared with environmental impact reduction as a central theme; and is intended to be self-mitigating through compliance with environmentally protective policies. The Master EIR identified one mitigation measure, NOI-1, Construction Noise that establishes performance requirements for projects that include construction activities ensure construction noise is reduced to a less-than-significant level. A copy of the MMP is provided as an attachment to the Findings of Fact.

If the City chooses to approve the Sacramento 2040 Project or one of the alternatives described in the Draft Master EIR, then the City Council will adopt the MMP at the same time it adopts its CEQA Findings of Fact, as required by Section 21081.6 of the Public Resources Code.

1.8 Review of the Final Master EIR

This Final Master EIR and associated appendices are available for review on the City's website at:

- <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>

A hard copy of the document is available at the following location:

- City of Sacramento, Public Counter, 300 Richards Boulevard, Third Floor, Sacramento, California 95811

1.9 Overview of the Public Participation and Draft Master EIR Review Process

The City notified all responsible and trustee agencies and all known interested groups, organizations, tribes, and individuals that the Draft Master EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft Master EIR:

- A Notice of Completion (NOC) was filed with the State Clearinghouse on January 28, 2019 and on October 3, 2019 along with the NOP stating the City's intention to prepare a Master EIR for the project with the State Clearinghouse for the required 30-day public review period.
- A Notice of Availability (NOA) and copies of the Draft Master EIR were filed with the State Clearinghouse on August 24, 2023 to start the required 45-day public review period. The City posted a legal notice in the Sacramento Bulletin and Sacramento Bee newspapers on August 24, 2023 and emailed a Notice of Availability to agencies, organizations and interested individuals regarding the availability of the Draft Master EIR. Copies of the Draft Master EIR were available for review on the City website

(<https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>); information regarding the 2040 General Plan and Climate Action & Adaptation Plan was available for review on the City's website (www.sac2040gpu.org); hard copies of the Draft Master EIR were available for review during normal business hours at the City of Sacramento Public Counter, 300 Richards Boulevard, Third Floor; and the Sacramento Public Library, 828 I Street (during regular library hours).

2 List of Agencies/ Persons Commenting

The 45-day public comment period for the Draft Master Environmental Impact Report (Draft Master EIR) was held from August 24 through October 10, 2023. During that period, the City of Sacramento (City) received 15 public comment letters from agencies, organizations, and individuals. A complete list of all comment letters received is provided in Table 2-1 below.

2.0 Federal and State Agencies

The City received five (5) comment letters from state agencies during the public comment period and no comment letters from federal agencies. State agencies that commented on the Draft MEIR include Caltrans, the Governor’s Office of Emergency Services, Delta Stewardship Council, and the Regional Water Quality Control Board.

2.1 Local Agencies

The City received three (3) comment letters from local agencies and public service providers during the comment review period. The local agencies and public service providers that commented on the Draft MEIR include RegionalSan, Sacramento Metropolitan Air District, and Regional Transit.

2.2 Organizations

The City received two (2) comment letters from organizations during the comment review period. These organizations include House Sacramento and the Environmental Council of Sacramento or ECOS.

2.3 Tribes

There were no comments received from tribes by the close of the comment review period.

2.4 Individuals

The City received five (5) individual comment letters from members of the public during the comment review period.

Comments received from agencies, organizations, and individuals are provided in Table 2-1 below. In some instances, the same commenter provided more than one comment. To differentiate between the comments, they are listed in the order they were received. The number of each commenter reflects the order in which responses are provided in Chapter 4.

Table 2-1. List of Commenters on the Draft MEIR

Letter Number	Commenter
State Agencies	
1	Caltrans, District 3. Gary Arnold, Branch Chief
2	Caltrans, Division of Transportation Planning/Aeronautics. Tiffany Martinez, Transportation Planner
3	Governor’s Office of Emergency Services. Constantin Raether, Environmental Planner
4	California Water Boards, Central Valley Regional Water Quality Control Board. Peter Minkel, Engineering Geologist
5	Delta Stewardship Council. Jeff Henderson, AICP, Deputy Executive Director
Local Agencies	
6	RegionalSan, Sacramento Regional County Sanitation District. Robb Armstrong, Regional San Development Services & Plan Check
7	Sacramento Metropolitan Air Quality Management District. Molly Wright, Air Quality Planner/Analyst
8	Regional Transit. Sarah Poe, Planner, SacRT
Organizations	
9	House Sacramento. Kevin Dumler, Director
10	ECOS Environmental Council of Sacramento. Susan Herre, AIA, AICP, President of the Board of Directors and Judith Lamare, Founder, Friends of Swainson’s Hawks
Individuals	
11	Howard Levine (October 2, 2023)
12	Howard Levine (October 5, 2023)
13	Sigrid Waggener, Manatt, Phelps & Phillips, LLP
14	Tim Vendlinski
15	Evan Edgar, Edgar and Associates, Principal Civil Engineer

3 Changes to the Draft Master EIR

3.0 Introduction

After release of the public Draft Master EIR, changes were made as a part of the ongoing policy refinement process to some proposed 2040 General Plan policies, including the addition of new policies, implementing actions and other text that were not specifically stated in the Draft Master EIR project description or elsewhere in the Draft Master EIR. These edits are now included in the proposed 2040 General Plan. The changes to 2040 General Plan policy and text are described below. These changes do not alter the Draft Master EIR analysis and conclusions.

New text is indicated in underline and text to be deleted is reflected by ~~strike through~~, unless otherwise noted in the introduction preceding the text change. Text changes are presented in the section and page order in which they appear in the Draft Master EIR. The changes represent minor clarifications/amplifications of the analysis contained in the Draft Master EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft Master EIR.

3.1 Updates to the Project Description

Since completion of the Draft Master EIR the City has further revised policy language based on input from the public and City decisionmakers. In summary, minor text changes were made for clarification, including the descriptions for four land use designations, the description of building intensity standards, as well as updates to three maps (Figure 2-1, Figure 2-3, and Figure 2-4). Please see specific updates to the Project Description provided below.

3.2 Changes to the Draft Master EIR

The following new policies are proposed to be added to the 2040 General Plan Master EIR. As noted above, additional edits were made as a part of the ongoing policy refinement process to the 2040 General Plan policies which included the addition of new policies and implementing actions, shown by element below in underline. The majority of new policies and actions were included in response to public comments received during the public review process. Three new policies and one implementing action were also added to better support the General Plan's transition to using Floor Area Ratio maximums to regulate development. All new policies and implementing actions align with City Council-adopted Vision and Guiding Principles as well as Key Strategies. Additionally, these additions are not expected to change projected development capacity or anticipated environmental impacts. As a result, these additions do not require recirculation.

3 Land Use and Placemaking Element

Policy LUP-3.2: Sliding Floor Area Ratio Scale. Additional building area may increase proportionally to the number of units proposed on a lot, consistent with Figure LUP-5, up to the maximum FAR established by Map LUP-6.

Policy LUP-3.3: Allowed Net Building Area. The City shall permit up to 2,000 square feet of net building area per lot or the maximum allowed by the Sliding FAR Scale (Figure LUP-5), whichever is greater.

Policy LUP-3.4: Exemption from Sliding Floor Area Ratio Scale for Remodels and Additions. Remodels and additions to existing single-unit, duplex, and neighborhood-scale multi-unit dwellings are exempt from the limits established by the Sliding Floor Area Ratio Scale (Figure LUP-5).

Policy LUP-4.14: Elimination of Vehicle Parking Minimums. The City shall not require new or existing development to provide off-street vehicle parking spaces.

Policy LUP-4.15: Vacant Property. The City shall develop regulations, mechanisms, programs, or incentives to facilitate the development or temporary active use of vacant buildings and property.

Policy LUP-4.16: Compatibility Between Light Industrial and Residential Uses. The City shall develop appropriate design guidelines and development standards to promote compatibility between light industrial and larger employment uses and surrounding residential uses.

Policy LUP-6.12: Reconnecting Communities. The City shall support efforts and opportunities to reconnect communities that were disconnected by large infrastructure projects and developments, including but not limited to freeway facilities, railways, and buildings.

Policy LUP-8.15: Setbacks from Rivers and Creeks. The City shall ensure adequate building setbacks from rivers and creeks, increasing them where possible to protect natural resources.

Implementing Action LUP-A.2: Local Bonus Program. The City shall amend the Planning and Development Code to establish a local bonus program for development projects providing regulated affordable housing, including those with less than 5 units that would not qualify under the state density bonus law (CA Govt Code Sections 65915-65918).

Implementing Action LUP-A.6: Future High-Frequency Transit Routes. Every 5 years to coincide with updates of the General Plan, the City shall review and update land use designations and development intensities where new high-frequency transit routes and bus rapid transit routes have been adopted by transit agencies.

4 Historic and Cultural Resources Element

Policy HCR-1.19: Access to Energy Retrofits. The City shall continue to work with federal, State, and regional agencies and partners to seek funding opportunities for economically disadvantaged property owners to pursue climate-adaptive energy retrofit and electrification of existing historic buildings.

6 Environmental Resources and Constraints Element

Policy ERC-2.6: Wetland Protection. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and Federal regulations protecting wetland resources, and if applicable, threatened or endangered species. Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net loss of value and/or function.

Policy ERC-2.7: Annual Grasslands. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and Federal regulations protecting foraging habitat for those species known to utilize this habitat.

Policy ERC- 2.8: Wildlife Corridors. The City shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provides movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall, be replaced with habitat of equivalent value or enhanced to enable the continued movement of species.

Policy ERC- 2.9: Habitat Assessments. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either:

- (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or
- (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the project site. Survey Reports shall be prepared and submitted to the City and the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with state and federal law.

Policy ERC-2.10: Agency Coordination. The City shall coordinate with State and Federal resource agencies (e.g., California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, and United States Fish and Wildlife Service (USFWS) to protect areas containing rare or endangered species of plants and animals.

Policy ERC-2.11: Natomas Basin Habitat Conservation Plan. The City shall continue to participate in and support the policies of the Natomas Basin Habitat Conservation Plan for the protection of biological resources in the Natomas Basin.

Policy ERC- 2.12: Support Habitat Conservation Plan Efforts. The City shall encourage and support regional habitat conservation planning efforts to conserve and manage habitat for special status species. New or amended Habitat Conservation Plans should provide a robust adaptive management component sufficient to ensure that habitat preserves are resilient to climate change effects/impacts and to ensure their mitigation value over time. Provisions should include but are not limited to: greater habitat ranges and diversity; corridors and transition zones to accommodate retreat or spatial shifts in natural areas; redundant water supply; elevated topography to accommodate extreme flooding; and flexible management and fee structure.

Policy ERC-2.13: Climate Change-related Habitat Shifts. The City shall support the efforts of The Natomas Basin Conservancy and other habitat preserve managers to adaptively manage wildlife preserves to ensure adequate connectivity, habitat range, and diversity of topographic and climatic conditions are provided for species to move as climate shifts.

Policy ERC-2.14: Climate Change-related Habitat Restoration and Enhancement. The City shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the city. The City shall support the efforts of Sacramento County to improve the resilience of habitat areas in the American River Parkway.

Policy ERC-4.7 Operation Emissions. The City shall require development projects that exceed Sacramento Metropolitan Air Quality Management District (SMAQMD) reactive organic gas (ROG) and nitrogen oxide (NO_x) operational thresholds to incorporate design or operational features that reduce emissions equal to 15 percent from the level that would be produced by an unmitigated project.

Policy ERC-9.12: Regenerative Food System. The City shall encourage regenerative agriculture practices in urban agriculture uses, including carbon-sequestering practices.

7 Environmental Justice Element

Implementing Action EJ-A.4: Community-Led Planning. Pilot a community-led planning grant program focused on addressing the needs of people within disadvantaged and/or historically underserved communities. The planning process would include documenting community vision for a specific neighborhood, concerns keeping the people in that neighborhood from thriving, and potential actions to increase community resiliency, equity, and/or inclusive economic development. These actions could include regulatory fixes to City ordinances, education and training on City programs and opportunities, infrastructure improvements, or others. Pending funding and staff availability, the planning effort should be accompanied by funding and staff time to address some near-term implementation as well as include a final document (or action plan) with a list of short and longer-term actions that can be used to support grant applications, advocacy to government officials, and guide ongoing community collaborations.

8 Mobility Element

Policy M-4.9: Safe Routes to School. The City shall assess opportunities to develop and support Safe Routes to School programming.

11 Community Plan Areas and Special Study Areas

Policy CC LUP-8: Temporary Alley Closures. The City shall discourage temporary alley closures for private use in an effort to develop an active and cohesive alley system that better integrates pedestrian, bicycle, and vehicular access.

Policy NN-YPRO-2: Organized Sports and Recreational Facilities. The City shall develop and maintain quality facilities (including sports courts and fields) for a variety of organized sports to ensure active recreation opportunities are met for the growing community needs in North Natomas.

Policy NS-LUP-3 Engage North of I-80. The City shall engage the neighborhoods north of I-80 in an effort to assess community needs and identify the appropriate level of planning study required for the area.

Policy NS-M-5: High-Frequency Transit. The City should encourage and collaborate with the Sacramento Regional Transit District (SacRT) to plan and implement high-frequency, connected, and convenient transit to the North Natomas Community Plan Area and the wider city.

Policy NS-M-6 Street Improvements. The City shall continue to seek funding to carry out improvements as prioritized in the Transportation Priorities Plan for streets that lack sidewalks and street lighting, are under heavy use by pedestrians, or will not be improved through new development and assessment districts.

Policy NS-PFS-7: Assessment Districts. The City shall encourage property owners to form assessment districts in order to support the provision of infrastructure.

Policy SN-YPRO-6: Connections to East Levee Road Trails. The City shall explore options to improve connectivity to the East Levee Road trails.

Executive Summary

The following revisions are made to Table ES-1, Impacts and Mitigation Measures starting on page ES-3.

Minor corrections are made to Table ES-1 starting on page ES-11.

Environmental Impact	Applicable Regulations	Proposed 2040 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
4.3 Air Quality					
4.3-1: Implementation of the 2040 General Plan could conflict with or obstruct implementation of an applicable air quality plan.	Sacramento Valley Regional Ozone and PM-attainment plans,	Policies LUP-2.2, LUP-4.1 and LUP-5.3, M-1.1, M-1.2, M-1.4, M-1.6 , M-1.11, M-1.12 through M-1.15, M-1.17, M-1.18, M-1.20, M-1.22, M-1.25, M-4.1 , ERC-8.1, and CAAP	LTS	None required	LTS
4.3-2: Implementation of the 2040 General Plan could result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment.	SMAQMD Guidelines, Rules, and Regulations	Policies ERC-4.3, ERC-4.5, ERC-4.7 and ERC-8.1, LUP-2.2, LUP-4.1, LUP-5.1, LUP-5.3, EJ-1.4, ERC-8.1, M-1.13, M-1.20, M-1.28, M-1.30, M-1.33, M-1.35, M-45.8 , and CAAP	LTS	None required	LTS
4.3-3: Implementation of the 2040 General Plan could expose sensitive receptors to substantial pollutant concentrations.	CARB land use guidance and SMAQMD protocols	Policies M-45.9 , ERC-4.3, ERC-4.4, ERC-4.7 , and CAAP	LTS	None required	LTS
4.3-5: The 2040 General Plan, in combination with past, present and reasonably foreseeable future projects, could result in a cumulatively considerable impact to air quality.	CARB air toxic control measures and SMAQMD Guidelines, Rules, and Regulations	Policy EJ-1.4 <u>and ERC-4.7</u>	LTS	None required	LTS

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
4.4 Biological Resources					
4.4-1: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for special-status plants.	Federal Endangered Species Act (ESA), California Endangered Species Act (CESA), California Fish and Game Code, and CEQA Section 15380	Policies ERC-2.1, ERC-2.2, and ERC-6.3, <u>ERC-2.9 through ERC-2.14</u>	LTS	None required	LTS
4.4-2: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for special-status invertebrates.	Federal ESA, CESA, California Fish and Game Code, and CEQA Section 15380	Policies ERC-2.1, ERC-2.2, <u>ERC-2.7 through ERC-2.14</u> , ERC-6.3, and LUP-1.11.	LTS	None required	LTS
4.4-3: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for special-status fish species.	Federal ESA, Clean Water Act (CWA), CESA, California Fish and Game Code, CEQA Section 15380	Policies ERC-1.1 through ERC-1.3, ERC-2.1, ERC-2.2, <u>ERC-2.8 through ERC-2.14</u> , ERC-6.3, and PFS-4.2.	LTS	None required	LTS
4.4-4: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for	Federal ESA, CESA, California Fish and Game Code, and CEQA Section 15380	Policies ERC-2.1, and ERC-2.2, <u>ERC-2.7 through ERC-2.14</u>	LTS	None required	LTS

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
special-status reptiles and amphibians.					
4.4-5: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for special-status birds.	Federal ESA, Federal Migratory Bird Treaty Act, CESA, California Fish and Game Code; and CEQA Section 15380	Policies ERC-2.1, ERC-2.2, <u>ERC-2.7 through ERC-2.14</u> , ERC-3.2, ERC-3.3, and ERC-3.6	LTS	None required	LTS
4.4-6: Implementation of the 2040 General Plan could contribute to degradation of the environment or reduction of habitat or population below self-sustaining levels for special-status mammals.	Federal ESA, CESA, California Fish and Game Code, and CEQA Section 15380	Policies ERC-2.1, ERC-2.2, <u>ERC-2.7 through ERC-2.14</u> , ERC-3.2, ERC-3.3, ERC-3.6	LTS	None required	LTS
4.4-7: Implementation of the 2040 General Plan could result in loss or modification of riparian habitat.	CEQA, California Fish and Game Code, Clean Water Act Section 404	Policies ERC-2.1, ERC-2.2, <u>ERC-2.8, ERC-2.10 through ERC-2.14</u> , and ERC-6.3	LTS	None required	LTS
4.4-8: Implementation of the 2040 General Plan could adversely affect state or federally protected wetlands and/or waters of the United States through direct removal, filling, or hydrological interruption.	Clean Water Act Section 404, California Wetlands Conservation Policy 1993, Porter-Cologne Water Quality Control Act, and California Fish and Game Code	Policies ERC-2.1, and ERC-2.2 , <u>and ERC-2.6</u>	LTS	None required	LTS

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
4.4-9: Implementation of the 2040 General Plan could result in loss of sensitive natural communities.	Federal ESA, CEQA, California Fish and Game Code, and Clean Water Act Section 404	Policies ERC-2.1 through ERC-2.3, <u>and ERC-2.7</u>	LTS	None required	LTS
4.4-10: The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could contribute to a regional loss of special-status plant or wildlife species or their habitat. Without mitigation this is a significant impact.	CEQA, California Fish and Game Code, and Clean Water Act Section 404	Policies ERC-1.1 through ERC-1.3, ERC-2.1, ERC-2.2, <u>ERC-2.7 through ERC-2.14</u> , ERC-3.2, ERC-3.3, and ERC-6.3, LUP-1.11, and PFS-4.2.	Significant and Unavoidable (SU)	None available	SU
4.4-11: The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could contribute to a regional loss of sensitive natural communities including wetlands and riparian habitat. Without mitigation this is a significant impact.	CEQA, Clean Water Act Section 404, California Fish and Game Code Section 1602, National Pollutant Discharge Evaluation System (NPDES) Construction General Permit	Policies ERC-2.1, ERC-2.2, ERC-2.3, <u>ERC-2.6 through ERC-2.14</u> , and ERC-6.3	SU	None available	SU

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
4.6 Energy					
4.6-1: Implementation of the 2040 General Plan could result in wasteful, inefficient, or unnecessary consumption of energy resources.	Electrification Ordinance, California Code of Regulations (CCR) Title 24, California Air Resources Board (CARB) regulations	Policies ERC-4.3, ERC-4.5, ERC-8.1, ERC-9.3, ERC-9.4 and ERC-9.9, <u>HCR-1.19</u> , LUP-2.2, LUP-2.5, LUP-2.6, LUP-4.1, and LUP-10.1, <u>LUP-4.13</u> , M-1.1, M-1.3, M-1.4, M-1.6, M-1.13, M-1.20, M-1.22, M-1.23, M-1.28, M-1.30, M-1.33, M-1.35 through 1.37, M-4.7 and M-4.8	LTS	None required	LTS
4.8 Greenhouse Gas Emissions					
4.8-1: Implementation of the 2040 General Plan could generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.	California Fire Code (Title 24, Part 9, California Code of Regulations)	Policies ERC-4.3, ERC-4.5, <u>ERC-9.12</u> , M-1.1, M-1.2, M-1.14, M-1.17	LTS	None required	LTS
4.9 Hazards and Public Safety					
4.9-5: Implementation of the 2040 General Plan could expose people or structures to loss, injury or	California Fire Code (Title 24, Part 9, California Code of Regulations)	Policies PFS-2.1 and PFS-2.10 <u>PFS-1.8</u>	LTS	None required	LTS

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
death involving wildland fires.					
4.10 Hydrology, Water Quality and Flooding					
4.10-3: The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could degrade water quality or conflict with state water quality objectives, due to increases in sediments and other contaminants generated by construction and/or operational activities.	NPDES Construction General Construction Permit and NPDES MS4 Permit	None <u>ERC-1.1 through ERC-1.4, ERC-5.2</u>	LTS	None required	LTS
4.10-4: Potential for the 2040 General Plan combined with past, present and reasonably foreseeable future projects could increase exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.	NPDES MS4 Permit	None <u>ERC-6.1 through ERC-6.12</u>	LTS	None required	LTS
4.11 Noise					
4.11-5: The 2040 General Plan, in combination with past, present and reasonably foreseeable future projects, could result in a cumulatively		None <u>ERC-4.3, ERC-10.1 through ERC-10.11, LUP-1.14, LUP-8.5</u>	PS	None available	SU

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
considerable impact to the ambient noise and vibration environment.					
4.13 Public Utilities					
4.13-4: Implementation of the 2040 General Plan could require the construction of new utilities or the expansion of existing utilities, the construction of which could cause significant environmental impacts.	Water Management Planning Act, 2020 Urban Water Management Plan, Regional San Connection Fee Combined System Development Fee, SMAQMD District Rules and Regulations pertaining to construction Emissions, Sacramento City Code Chapters 13.08 and 15.30	Policies PFS-3.2, PFS-2.5 , <u>PFS-3.5</u> , PFS-3.6, PFS-3.8, PFS-3.10, PFS-3.14, PFS-6.3, PFS-6.4, ERC-5.4, and ERC-5.6, <u>ERC-9.4</u> , and <u>M-1.27</u> , CAAP	LTS	None required	LTS
4.13-7: Implementation of the 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could require the construction of new utilities or the expansion of existing utilities which could cause significant environmental impacts.	Water Management Planning Act, 2020 Urban Water Management Plan, Regional San Connection Fee Combined System Development Fee, SMAQMD District Rules and Regulations pertaining to construction Emissions, Sacramento City Code Chapters 13.08 and 15.30	Policies PFS-3.2, PFS-2.5 , <u>PFS-3.5</u> , PFS-3.6, PFS-3.8, PFS-3.10, PFS-3.14, PFS-6.3, PFS-6.4, ERC-5.4, and ERC-5.6, <u>ERC-9.4</u> , <u>M-1.27</u> , CAAP	NI	None required	NA
4.14 Transportation					
4.14-2: Implementation of the 2040 General Plan could adversely affect existing and planned public		Policy <u>M-2.1</u> , <u>M-2.14</u> , <u>M-2.17</u>	LTS	None required	LTS

Environmental Impact	Applicable Regulations	Proposed 2020 GP Policies/CAAP	Significance After Policy Implementation	Mitigation Measure	Level of Significance After Mitigation
transit facilities or services or fail to adequately provide access to transit.					
4.14-3: Implementation of the 2040 General Plan could adversely affect existing and planned bicycle and pedestrian facilities or fail to adequately provide access for bicycle and pedestrians.	City of Sacramento Bicycle Master Plan	None <u>M-1.2, M-1.11, M-1.13 through M-1.19 and M-4.9</u>	LTS	None required	LTS

The following sets forth the text changes that have been made to the Draft Master EIR, by chapter.

Chapter 1, Introduction and Scope of the Master Environmental Impact Report

The following information is added after the second paragraph under Section 1.2.1 on page 1-5.

The 2040 General Plan Planning Area is defined as the land area addressed by the 2040 General Plan, including land within the city limits, land area included in the City’s Sphere of Influence (SOI) (outside the city limits), and the five special study areas. The five special study areas (see Figure 2-1 in Chapter 2, Project Description) and land within the City’s SOI encompass areas that are not within the City’s land use jurisdiction, and the 2040 General Plan does not propose to annex or assign land uses to any of these areas.

For the purposes of the Master EIR, the analysis of impacts includes land areas in which the City has land use jurisdiction and where new land uses are proposed or redevelopment and reinvestment could intensify the uses over what currently exists. The Master EIR includes, to the extent appropriate for a cumulative impact analysis, physical changes in the environment that could occur in the Planning Area, and elsewhere. The discussion in each technical Section in Chapter 4 identifies the scope of the cumulative analysis.

Chapter 2, Project Description

The following figures included in the Project Description have been updated and are provided at the end of this chapter. Figure 2-1, General Plan Planning Area, on page 2-5 has been updated to show the entire Sphere of Influence. Figure 2-3, on page 2-11 has been updated to remove the planning area boundary and Figure 2-4, General Plan Land Use Map on page 2-25 has been updated incorporate public comments on the General Plan and staff initiated technical corrections.

Changes to the descriptions for the Employment Mixed-Use, Industrial Mixed-Use, Open Space, and Parks and Recreation land use designations are made for clarity, which are found on pages 2-20 through 2-22. The changes are shown below:

The **Employment Mixed-Use (EMU)** designation is intended to buffer residential uses from more intense industrial and service commercial activities and to provide compatible employment uses near higher-density and mixed-use in proximity to housing. This designation provides for a range of light industrial and high technology uses. ~~Generally, the~~ EMU designation generally applies to industrial areas that are next to residential neighborhoods, including McClellan Airfield, Pell-Main Industrial Park, Cannon Industrial Park, and portions of the Sacramento Railyards, River District, and the Power Inn Business Improvement District.

Allowable uses include the following:

- Light/advanced manufacturing, production, distribution, repair, testing, printing, research, and development
- Service commercial uses that do not generate substantial noise or odors
- Accessory office uses
- Retail and service uses that provide support to employees

- Compatible residential uses such as live-work spaces or employee housing
- Hotels and motels
- Care facilities
- Assembly facilities
- Compatible public and quasi-public uses

The **Industrial Mixed-Use (IMU)** designation provides for manufacturing, warehousing, and other employment-generating uses that may produce loud noise or odors and tend to have a high volume of truck traffic. Building intensities in this designation tend to be lower, and uses may require staging and support spaces, often outdoors. The IMU designation applies in the Power Inn/Army Depot area.

Allowable uses include the following:

- Industrial or manufacturing that may occur within or outside a building
- Office, retail, and service uses that provide support to the employees
- Assembly facilities
- Care facilities
- Compatible public and quasi-public uses

This designation should not be located next to a residential neighborhood without substantial buffers (*i.e.*, office uses, regional parks, greenways, or open space). Supportive office, retail, and service uses that cater to employee needs are ~~also~~ allowed. Compatible public, quasi-public, and special uses are also permitted.

The **Open Space (OS)** designation includes areas that are intended to remain open with limited or no development, including largely unimproved open spaces used primarily for passive recreation, resource protection, and/or hazard avoidance. The OS designation is intended to preserve natural features, establish quality living environments, and maintain boundaries and buffers between communities and incompatible uses.

Allowable uses include the following:

- Natural underdeveloped parks
- Woodlands preserves
- Habitat and wetlands
- Agriculture
- Floodplains
- Areas with permanent open space easements
- Buffers between urban areas
- Compatible public and quasi-public uses

The **Parks and Recreation (PR)** designation includes ~~greenways~~ parkways, public parks, and other areas primarily used for recreation. Typically, these areas are characterized by a high degree of managed green space ~~open area~~ and a limited number of buildings. Recreational facilities in the PR

designation frequently include sports fields, playground equipment, picnic areas, sitting areas, concession businesses, open turf and natural areas, trails, and golf courses.

Allowable uses include the following:

- Parks (neighborhood, community, and regional parks)
- ~~Greenways~~ Parkways and trails
- Golf courses, and commercial recreation facilities ~~with an emphasis on outdoor~~
- Compatible public and quasi-public uses

Parks and recreation facilities are also allowable in other designations.

The following change has been made to the “Building Intensity” section on page 2-22 for clarity:

FAR is calculated by dividing the net gross building area (NGBA) by the total net lot area (NLA) (both expressed in square feet). NGBA is the gross total building area of a site less the floor area of accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and structured parking structures areas and open space (common, public, and private). Net lot area is the total lot size, excluding publicly dedicated land, private streets which meet City standards, and other public use areas.

The formula for FAR is:

- FAR = NGBA / NLA

Example: A NGBA of 3,00043,560 square feet and NLA of 5,00043,560 square feet would yield an FAR of 0.610. (3,00043,560 / 5,00043,560 = FAR 0.610)

Building density for residential land uses is expressed as the number of permanent residential dwelling units per acre of land. Building intensity standards are shown on Maps LUP-6, LUP-7, ~~and LUP-8~~, and Figure LUP-5. Map LUP-6 shows the maximum FAR allowable on a site inclusive of both residential and non-residential uses. Figure LUP-5 shows a sliding FAR scale, applicable to residential uses in the single-unit and duplex dwelling zones, which limits single-unit dwellings to a FAR of 0.4 and grants additional increments of building area that increase proportionally to the number of units proposed on a lot. Map LUP-7 shows the minimum required FAR throughout the city for mixed-use and non-residential development. Map LUP-8 shows the minimum required density for residential uses throughout the city.

Chapter 3, Land Use and Planning

The following change is made to the description of the Planning Area Boundary on page 3-2 to be consistent with the description provided in Chapter 2, Project Description.

~~The Planning Area covers an area in which the City of Sacramento (City) has formally adopted policies, and areas for which the proposed 2040 General Plan designates specific land uses. The proposed 2040 General Plan Planning Area is approximately 103 square miles and includes essentially the same area (previously identified as “Policy Area”) as the 2035 General Plan, shown on Figure 2-1 in Chapter 2, Project Description. The Planning Area is generally contiguous with the city limits, but also~~

~~includes additional areas within the City's sphere of influence (SOI) and five special study areas for which the general plan designates land use.~~

The 2040 General Plan Planning Area is defined as the land area addressed by the 2040 General Plan, including land within the city limits and the City's Sphere of Influence (SOI) (outside the city limits), including five special study areas, as shown on Figure 2-1 in Chapter 2, Project Description. The Planning Area comprises approximately 113,572 acres (197 square miles) of incorporated and unincorporated land.

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed policies in the Land Use and Placemaking Element. In addition, based on comments received from various stakeholders and the public, City staff added eight new policies (LUP-3.2, 3.3, 3.4, 4.14, 4-15, 4-16, 6-12, 8.15). The following policies are revised under the **2040 General Plan Goals and Policies** starting on page 3-3.

3 Land Use and Placemaking Element

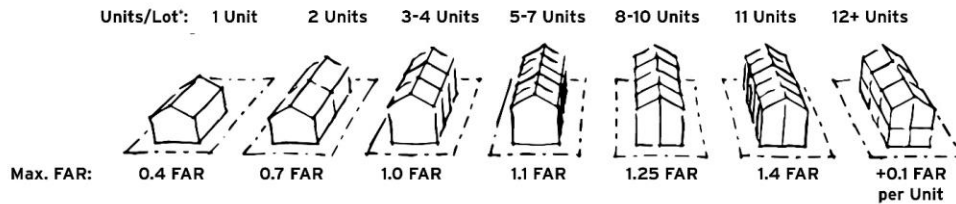
Policy LUP-1.5: Surplus Land Disposition. The City shall periodically audit municipal land holdings and assess opportunities for more efficient use and management, using criteria including the provision of affordable housing and emergency shelter space, economic development and revitalization objectives, business operations, opportunities to create more park space or park connections, and applicable federal and State law to identify surplus properties and disposition strategies where appropriate.

Policy LUP-2.7: Evolving Office Needs. The City shall support office developments that align with the evolving needs of target industry sectors, including but not limited to the following:

- Headquarter and business services;
- Health and life sciences;
- The cClean economy;
- The creative economy;
- Advanced technology; and
- Future mobility.

LUP-3.1: Maximum FAR. The City shall regulate maximum building intensity using floor area ratio (FAR) standards consistent with Map LUP-6 and Figure LUP-5, which applies to residential uses in the single-unit and duplex zones. Maximum FAR standards shown in Map LUP-6 apply to both residential and non-residential uses.

**Figure LUP-5
Sliding FAR Scale**



*Units per lot does not include ADUs.

Policy LUP-3.2: Sliding Floor Area Ratio Scale. Additional building area may increase proportionally to the number of units proposed on a lot, consistent with Figure LUP-5 up to the maximum FAR established by Map LUP-6.

Policy LUP-3.3: Allowed Net Building Area. The City shall permit up to 2,000 square feet of net building area per lot or the maximum allowed by the Sliding FAR Scale (Figure LUP-5), whichever is greater.

Policy LUP-3.4: Exemption from Sliding Floor Area Ratio Scale for Remodels and Additions. Remodels and additions to existing single-unit, duplex, and neighborhood-scale multi-unit dwellings are exempt from the limits established by the Sliding Floor Area Ratio Scale (Figure LUP-5).

Policy 3.911: Interim Zoning Inconsistency. Zoning is consistent with the General Plan if it is compatible with the objectives, policies, general land uses, and programs specified in the plan. (Cal. Gov't Code, § 65860(a)(2).) Zoning is compatible with the objectives, policies, general land uses, and programs specified in the plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. (See also Sacramento City Code, § 17.104.100.C, as may be amended.) If zoning becomes inconsistent with the general plan due to amendment to the general plan and the City receives a development application, the City will proceed in accordance with applicable law.

~~In areas where zoning has not been brought into consistency with the General Plan, the City shall allow property owners to develop consistent with the existing zoning if only a ministerial/administrative permit is required. For property owners requiring a discretionary permit, the City shall allow property owners to do either of the following:~~

- ~~1. Develop consistent with the existing zoning, provided the City makes a finding that approval of the project would not interfere with the long term development of the area consistent with the General Plan, or~~

~~2. Develop under the General Plan designation, in which case the City will facilitate rezoning consistent with the General Plan.~~

Policy LUP-4.1: Transit-Supportive Development. The City shall encourage increased residential and commercial development intensity within 1/2-mile ~~one-quarter mile~~ of existing high-frequency bus stops and existing and planned light rail stations, bus rapid transit stations, and, commuter rail stations, and high-frequency bus stops to support more frequent, reliable transit service and vibrant, walkable neighborhoods.

Policy LUP-4.12: Drive-Through Restaurants. The City shall prohibit new drive-through restaurants within 1/2-mile ~~1/4 mile~~ walking distance of existing and proposed light rail stations ~~from the center of an existing or proposed light rail station platform~~ and high-frequency transit stops.

Policy LUP-4.13: Future-Ready Gas Stations. The City shall prohibit the establishment of new gas stations or the expansion of new fossil fuel infrastructure at existing gas stations unless the project proponent provides high-speed 50kW or greater Direct Current Fast Charger (DCFC) electric vehicle charging stations on site at a ratio of at least 1 new charging station per 31 new ~~gas fuel pumps~~ nozzle.

Policy LUP-4.14: Elimination of Vehicle Parking Minimums. The City shall not require new or existing development to provide off-street vehicle parking spaces.

~~**Policy LUP-4.1615: Vacant Parcel Activation Property.** The City shall develop regulations, mechanisms, programs, or incentives to facilitate the development or temporary active use of vacant buildings and property. The City shall develop and implement regulations, mechanisms, programs, or incentives to facilitate the activation or development of privately owned vacant parcels citywide.~~

Policy LUP-4.1416: Compatibility Between Light Industrial and Residential Uses. The City shall develop appropriate design guidelines and development standards to promote compatibility between light industrial and larger employment uses and surrounding residential uses.

Policy LUP-5.1: Evolving Regional Commercial Centers. The City shall promote housing and employment uses at existing regional commercial centers to enhance retail viability, establish pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips. The City shall facilitate the ~~redevelopment~~ replacement of surface parking, drive aisles, and shared parking facilities, ~~and existing buildings~~ to accomplish further this policy.

Policy LUP-6.3: Variety of Housing Types. The City shall promote the development of a greater variety of housing types and sizes in all existing and new growth communities to meet the needs of future demographics and changing household sizes, including the following:

- Single-unit homes on small lots,
- Accessory dwelling units,
- Tiny homes,
- Alley-facing units,
- Townhomes,
- Lofts,

- Live-work spaces,
- Duplexes,
- Triplexes,
- Fourplexes,
- Cottage/Bungalow courts,
- Neighborhood-scale multi-unit buildings, and
- Senior and student housing.

Policy LUP-6.12: Reconnecting Communities. The City shall support efforts and opportunities to reconnect communities that were disconnected by large infrastructure projects and developments, including but not limited to freeway facilities, railways, and buildings.

Policy LUP-7.5: Industrial Aesthetics. The City shall encourage the development and maintenance of well-designed industrial and light industrial properties and structures that meet adopted standards for visual quality and design, especially where interfacing with other uses.

Policy LUP-8.2: River as Signature Feature. The City shall require new development along the Sacramento and American Rivers to use the natural river environment as a key feature to guide the scale, design, and intensity of development, and to maximize visual and physical access to the rivers, subject to the public safety requirements of local, state, and federal agencies and plans, including the American River Parkway Plan, the Local Maintaining Agencies (LMA) and the Central Valley Flood Protection Board (CVFPB).

Policy LUP-8.3: River Access and Ecology. The City shall strive to balance the provision of river access and continued recreational and tourist-oriented activities with efforts to protect, restore, and enhance the ecological setting along the Sacramento and American Rivers.

Policy LUP-8.12: Design of Privately-Developed Public Spaces. The City should encourage public spaces in private development, where feasible, to include the following features:

- Lined with active uses at-grade and located near building entrances, windows, outdoor seating, patios, or balconies that overlook park spaces, and other areas with strong pedestrian activity;
- Completely visible from at least one street frontage and as feasible, be at least 50 percent visible from a secondary street frontage;
- Primarily defined by adjacent buildings, which will contribute to the unity and environmental quality of the space;
- Located at the same grade level as the public sidewalk when possible. Where changes in grade are an important element of the overall design and programming, clear and direct access from the public sidewalk should be accommodated, and universal accessibility provided;
- Reflective of the design and placemaking elements of the surrounding area using architectural styles, signage, colors, textures, materials, and other elements;
- Constructed with low impact and permeable paving materials to efficiently manage the stormwater and minimize the area's heat island effect;
- Connected to bike and pedestrian facilities and be a part of an interconnected shared pathway or parkway system where feasible;

- Site furnishing that allows for resting;
- Wayfinding signage; and
- Tree canopy covering at least equivalent to 50 percent of the public space.

Policy LUP-8.15: Setbacks from Rivers and Creeks. The City shall ensure adequate building setbacks from rivers and creeks, increasing them where possible to protect natural resources.

Policy LUP-9.7: Anti-Displacement Strategies. The City shall strive to prevent displacement and pursue placekeeping ~~consider anti-displacement~~ strategies for artists and creative businesses along with special incentives that drive consumer engagement within arts districts.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Implementing Actions in the Land Use and Placemaking Element. In addition, based on comments received from various stakeholders and the public, City staff added two new implementing actions (LUP-A.2, A.6). The following **Implementing Actions** on page 3-15 have been added and also revised.

LUP-A-2: Local Bonus Program. The City shall amend the Planning and Development Code to establish a local bonus program for development projects providing regulated affordable housing, including those with less than 5 units that would not qualify under the state density bonus law (CA Govt Code Sections 65915-65918).

LUP-A-6: Future High-Frequency Transit Routes. Every 5 years to coincide with updates of the General Plan, the City shall review and update land use designations and development intensities where new high-frequency transit routes and bus rapid transit routes have been adopted by transit agencies.

LUP-A-5A-7:Sustainability and DeCarbonization Standards. The City shall evaluate best practices to guide the development of more prescriptive sustainability and carbonization standards for City buildings, infrastructure, and facilities.

LUP-A-7A-9:Net-Zero Energy or Net-Positive Design. The City shall assess the feasibility of requiring or incentivizing net-zero energy (NZE) or net-positive design for new buildings and significant retrofitting of existing privately-owned buildings and identify incentives for NZE and net-positive design ~~in adaptive reuse projects~~.

LUP-A-8A-10:Planning and Development Code Update. The City shall update the Planning and Development Code to implement the 2040 General Plan, including amendments to:

- Rezone parcels for consistency with the 2040 General Plan land use, intensity, and density diagrams;
- Remove maximum residential density standards from single-unit, duplex dwelling, multi-unit, commercial, and industrial zones and replace them with floor area ratio-based intensity standards and minimum residential density standards;
- Broaden the range of housing types allowed by-right within single-unit and duplex dwelling residential zones;
- Update development standards for missing-middle housing types, such as accessory dwelling units, duplexes, triplexes, fourplexes, and bungalow courts;
- Require new residential development of a certain size to include a variety of housing unit types and sizes;

- Establish requirements for electric vehicle (EV) charging infrastructure in new and expanded gas stations citywide;
- Establish incentives to promote efficient parcel utilization and consolidation, particularly in transit-oriented development (TOD) areas;
- Prohibit new drive-through restaurants in areas where a strong pedestrian and transit orientation is desired;
- Allow for flexibility of new commercial uses in neighborhood-oriented commercial centers; and
- Establish incentives to facilitate the retrofit of existing shopping centers with pedestrian amenities, EV charging, bike parking traffic-calming features, plazas and public areas, shade trees, lighting, public art, farmers markets, retail and other services that provide for everyday needs, and community events.

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed policies in the Environmental Justice Element. In addition, based on comments received from various stakeholders and the public, City staff added one new implementation action (EJ-A.4). The following policies are revised under the **2040 General Plan Goals and Policies** starting on page 3-16.

7 Environmental Justice Element

Policy EJ-1.1 Air Quality Monitoring. The City shall collaborate with the Sacramento Metropolitan Air Quality Management District (SMAQMD) to support the expansion of air quality monitoring efforts in Sacramento, prioritizing locations in the north and south of the city that have been identified with community input as a high priority for air pollution control initiatives.

Policy EJ-1.2 Community Air Protection. On an ongoing basis, the City shall support the Sacramento Metropolitan Air Quality Management District (SMAQMD), community members, businesses, and other stakeholders in implementation of AB 617 and other Community Emissions Reduction Programs (CERPs), which may include developing and implementing community air monitoring plans, community emissions reduction plans, and other air pollution control initiatives. Supportive City actions may include the following:

- Participation on steering committees and technical advisory committees;
- Support or guidance for pilot programs; or
- Leveraging related City activities and grant programs to maximize the impact of actions in disadvantaged communities.

Policy EJ-1.3: Data-Informed Efforts. The City shall collaborate with the Sacramento Metropolitan Air Quality Management District (SMAQMD), community organizations, and other stakeholders, and use air quality monitoring data to inform area-specific improvement actions outside of AB 617-related efforts and other Community Emissions Reduction Programs (CERPs). Such actions may include the following:

- Prioritizing areas for the installation of indoor air filtration rated MERV 13 or greater in existing buildings containing sensitive populations;
- Prioritizing areas for capital investments with co-benefits for air quality, such as planting trees, planting vegetation barriers along high-volume roadways, and installing tree planting and installation of electric vehicle (EV) charging infrastructure;

- Integrating air quality improvement actions into planning efforts, such as new specific plans, master plans, or area plans that will guide development in impacted areas; or
- Limiting the establishment of new sources of air pollutants in areas with elevated levels of pollutant concentrations unless appropriate mitigation is implemented.

After release of the Draft Master EIR, City staff determined, based on comments received from various stakeholders to add one new implementing action (EJ-A.4).

EJ-A-4: Community-Led Planning. Pilot a community-led planning grant program focused on addressing the needs of people within disadvantaged and/or historically underserved communities. The planning process would include documenting community vision for a specific neighborhood, concerns keeping the people in that neighborhood from thriving, and potential actions to increase community resiliency, equity, and/or inclusive economic development. These actions could include regulatory fixes to City ordinances, education and training on City programs and opportunities, infrastructure improvements, or others. Pending funding and staff availability, the planning effort should be accompanied by funding and staff time to address some near-term implementation as well as include a final document (or action plan) with a list of short and longer-term actions that can be used to support grant applications, advocacy to government officials, and guide ongoing community collaborations.

The following information on the Delta Plan is added on page 3-20 after Community Plans.

Delta Plan

The Delta Reform Act created the Delta Stewardship Council (Council) with a primary responsibility to develop and implement a legally enforceable, long-term management plan for the Delta. The Legislature required the Delta Plan to advance the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California, and to do so in a manner that protects and enhances the Delta as an evolving place. The Delta Plan provides a foundational document that prioritizes actions and strategies in support of key objectives such as the State's requirement to reduce reliance on the Delta to meet future water supply needs. It also restricts actions that may cause harm; serves as a guidebook for all plans, projects, and programs that affect the Delta; and calls for further investigation and focused study of specific issues.

The following policy is provided:

Locate New Urban Development Wisely.

- (a) New residential, commercial, and industrial development must be limited to the following areas, as shown in Appendix 6 and Appendix 7:
- (1) Areas that city or county general plans, as of May 16, 2013, designate for residential, commercial, and industrial development in cities or their spheres of influence;
 - (2) Areas within Contra Costa County's 2006 voter approved urban limit line, except no new residential, commercial, and industrial development may occur on Bethel Island unless it is consistent with the Contra Costa County general plan effective as of May 16, 2013;
 - (3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; or

- (4) The unincorporated Delta towns of Clarksburg, Courtland, Hood, Locke, Ryde, and Walnut Grove.
- (b) Notwithstanding subsection (a), new residential, commercial, and industrial development is permitted outside the areas described in subsection (a) if it is consistent with the land uses designated in county general plans as of May 16, 2013, and is otherwise consistent with this Chapter.
- (c) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve new residential, commercial, and industrial development that is not located within the areas described in subsection (a). In addition, this policy covers any such action on Bethel Island that is inconsistent with the Contra Costa County general plan effective as of May 16, 2013. This policy does not cover commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms, which are otherwise consistent with this Chapter.
- (d) This policy is not intended in any way to alter the concurrent authority of the Delta Protection Commission to separately regulate development in the Delta's Primary Zone.

The following analysis is added to page 3-22 following the Sacramento International Airport Master Plan.

Delta Plan

A portion of the City's Sphere of Influence (SOI) south of the city limits falls within the boundaries of the Delta and is subject to the policies within the Delta Plan. The policy that would apply to future development within this area is policy DP P1, which applies to development of lands designated agricultural and open space to new residential, commercial, or industrial development. The draft 2040 General Plan does not propose any land use designations within its SOI or within the Town of Freeport Special Study Area, as shown on Map LUP-5, General Plan Land Use Diagram in the draft 2040 General Plan. The City has no plans to annex the Town of Freeport currently but has indicated a potential interest in meeting with the County and community stakeholders to discuss the possibility of annexation.

In the event the City initiated annexation of lands within their SOI that are within the boundaries of the Delta (Town of Freeport) and were to propose new land use designations and zoning, compliance with Delta Plan policy DP P1 would be reviewed to ensure new residential, commercial, and industrial development would comply with the requirements set forth in the Delta Plan. The 2040 General Plan does not propose any new land use designations in areas covered by the Delta Plan and the Delta Plan identifies the "planned land use" of these areas as "Areas Designated for Development." Therefore, the 2040 General Plan land use designations are consistent with the Delta Plan.

4.2 Agricultural Resources

Figure 4.2-3, Williamson Act Lands on page 4.2-9 has been updated to remove the policy area. The updated figure is included at the end of this chapter.

4.1 Aesthetics

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Land Use and Placemaking policies relevant to aesthetics. The following policies are revised

under **2040 General Plan Goals and Policies** starting on page 4.1-3. Additionally, the one Implementing Action on page 4.1-9 has been revised.

3 *Land Use and Placemaking Element*

Policy LUP-4.1: Transit-Supportive Development. The City shall encourage increased residential and commercial development intensity within 1/2-mile ~~one-quarter mile~~ of existing high-frequency bus stops and existing and planned light rail stations, bus rapid transit stations, and, commuter rail stations, ~~and high-frequency bus stops~~ to support more frequent, reliable transit service and vibrant, walkable neighborhoods.

Policy LUP-5.1: Evolving Regional Commercial Centers. The City shall promote housing and employment uses at existing regional commercial centers to enhance retail viability, establish pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips. The City shall facilitate the ~~redevelopment~~ replacement of surface parking, drive aisles, and shared parking facilities, ~~and existing buildings~~ with alternate land uses to ~~accomplish further this policy.~~

Policy LUP-7.5: Industrial Aesthetics. The City shall encourage the development and maintenance of well-designed industrial and light industrial properties and structures that meet adopted standards for visual quality and design, especially where interfacing with other uses.

Policy LUP-8.2: River as Signature Feature. The City shall require new development along the Sacramento and American Rivers to use the natural river environment as a key feature to guide the scale, design, and intensity of development, and to maximize visual and physical access to the rivers, subject to the public safety requirements of local, state, and federal agencies and plans, including the American River Parkway Plan, the Local Maintaining Agencies (LMA) and the Central Valley Flood Protection Board (CVFPB).

Policy LUP-8.12: Design of Privately-Developed Public Spaces. The City should encourage public spaces in private development, where feasible, to include the following features:

- Lined with active uses at-grade and located near building entrances, windows, outdoor seating, patios, or balconies that overlook park spaces, and other areas with strong pedestrian activity;
- Completely visible from at least one street frontage and as feasible, be at least 50 percent visible from a secondary street frontage;
- Primarily defined by adjacent buildings, which will contribute to the unity and environmental quality of the space;
- Located at the same grade level as the public sidewalk when possible. Where changes in grade are an important element of the overall design and programming, clear and direct access from the public sidewalk should be accommodated, and universal accessibility provided;
- Reflective of the design and placemaking elements of the surrounding area using architectural styles, signage, colors, textures, materials, and other elements;
- Constructed with low impact and permeable paving materials to efficiently manage the stormwater and minimize the area's heat island effect;
- Connected to bike and pedestrian facilities and be a part of an interconnected shared pathway or parkway system where feasible;

- Site furnishing that allows for resting;
- Wayfinding signage; and
- Tree canopy covering at least ~~equivalent to~~ 50 percent of the public space.

Implementing Action

LUP-A-810: Planning and Development Code Update. The City shall update the Planning and Development Code to implement the 2040 General Plan, including amendments to:

- Rezone parcels for consistency with the 2040 General Plan land use, intensity, and density diagrams;
- Remove maximum residential density standards from single-unit, duplex dwelling, multi-unit, commercial, and industrial zones and replace them with floor area ratio-based intensity standards and minimum residential density standards;
- Broaden the range of housing types allowed by-right within single-unit and duplex dwelling residential zones;
- Update development standards for missing-middle housing types, such as accessory dwelling units, duplexes, triplexes, fourplexes, and bungalow courts;
- Require new residential development of a certain size to include a variety of housing unit types and sizes;
- Establish requirements for electric vehicle (EV) charging infrastructure in new and expanded gas stations citywide;
- Establish incentives to promote efficient parcel utilization and consolidation, particularly in transit-oriented development (TOD) areas;
- Prohibit new drive-through restaurants in areas where a strong pedestrian and transit orientation is desired;
- Allow for flexibility of new commercial uses in neighborhood-oriented commercial centers; and
- Establish incentives to facilitate the retrofit of existing shopping centers with pedestrian amenities, EV charging, bike parking traffic-calming features, plazas and public areas, shade trees, lighting, public art, farmers markets, retail and other services that provide for everyday needs, and community events.

4.3. Air Quality

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Land Use and Placemaking policies relevant to air quality. In addition, based on comments received from various stakeholders and the public, City staff added two new Land Use and Placemaking Element policies (LUP-4.14, 4.16). The following policies are revised and two new policies added under **2040 General Plan Goals and Policies** starting on page 4.3-5.

3 Land Use and Placemaking Element

Policy LUP-4.1: Transit-Supportive Development. The City shall encourage increased residential and commercial development intensity within 1/2-mile ~~one-quarter-mile~~ of existing high-frequency bus stops and existing and planned light rail stations, bus rapid transit stations, and commuter rail stations, ~~and high-frequency bus stops~~ to support more frequent, reliable transit service and vibrant, walkable neighborhoods.

Policy LUP-4.13: Future-Ready Gas Stations. The City shall prohibit the establishment of new gas stations or the expansion of new fossil fuel infrastructure at existing gas stations unless the project proponent provides high-speed 50kW or greater Direct Current Fast Charger (DCFC) electric vehicle charging stations on site at a ratio of at least 1 new charging station per 31 new gas fuel pumps nozzle.

Policy LUP-4.14: Elimination of Vehicle Parking Minimums. The City shall not require new or existing development to provide off-street vehicle parking spaces.

Policy LUP-4.16: Compatibility Between Light Industrial and Residential Uses. The City shall develop appropriate design guidelines and development standards to promote compatibility between light industrial and larger employment uses and surrounding residential uses.

Policy LUP-5.1: Evolving Regional Commercial Centers. The City shall promote housing and employment uses at existing regional commercial centers to enhance retail viability, establish pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips. The City shall facilitate the redevelopment replacement of surface parking, drive aisles, and shared parking facilities, and existing buildings with alternate land uses to accomplish this.

Policy LUP-8.12: Design of Privately-Developed Public Spaces. The City should encourage public spaces in private development, where feasible, to include the following features:

- Lined with active uses at-grade and located near building entrances, windows, outdoor seating, patios, or balconies that overlook park spaces, and other areas with strong pedestrian activity;
- Completely visible from at least one street frontage and as feasible, be at least 50% visible from a secondary street frontage;
- Primarily defined by adjacent buildings, which will contribute to the unity and environmental quality of the space;
- Located at the same grade level as the public sidewalk when possible. Where changes in grade are an important element of the overall design and programming, clear and direct access from the public sidewalk should be accommodated, and universal accessibility provided;
- Reflective of the design and placemaking elements of the surrounding area using architectural styles, signage, colors, textures, materials, and other elements;
- Constructed with low impact and permeable paving materials to efficiently manage the stormwater and minimize the area's heat island effect;
- Connected to bike and pedestrian facilities and be a part of an interconnected shared pathway or parkway system where feasible;
- Site furnishing that allows for resting;
- Wayfinding signage; and
- Tree canopy covering at least equivalent to 50 percent of the public space.

After release of the Draft Master EIR, City staff added a new Environmental Resources and Constraints Element policy relevant to air quality (ERC-4.7). ERC-4.7 was carried over to the 2040 General Plan from the 2035 General Plan based on public comment. The following policy has been added to page 4.3-9.

6 *Environmental Resources and Constraints Element*

Policy ERC-4.7 Operation Emissions. The City shall require development projects that exceed Sacramento Metropolitan Air Quality Management District (SMAQMD) reactive organic gas (ROG) and nitrogen oxide (NO_x) operational thresholds to incorporate design or operational features that reduce emissions equal to 15 percent from the level that would be produced by an unmitigated project.

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Environmental Justice Element policies relevant to air quality. The following policies are revised starting on page 4.3-11.

7 *Environmental Justice Element*

Policy EJ-1.1: Air Quality Monitoring. The City shall collaborate with the Sacramento Metropolitan Air Quality Management District (SMAQMD) to support the expansion of air quality monitoring efforts in Sacramento, prioritizing locations in the north and south of the city that have been identified with community input as a high priority for air pollution control initiatives.

Policy EJ-1.2: Community Air Protection. On an ongoing basis, the City shall support the Sacramento Metropolitan Air Quality Management District (SMAQMD), community members, businesses, and other stakeholders in implementation of AB 617 and other Community Emissions Reduction Programs (CERPs), which may include developing and implementing community air monitoring plans, community emissions reduction plans, and other air pollution control initiatives. Supportive City actions may include the following:

- Participation on steering committees and technical advisory committees;
- Support or guidance for pilot programs; or
- Leveraging related City activities and grant programs to maximize the impact of actions in disadvantaged communities.

Policy EJ-1.3: Data-Informed Efforts. The City shall collaborate with the Sacramento Metropolitan Air Quality Management District (SMAQMD), community organizations, and other stakeholders, and use air quality monitoring data to inform area-specific improvement actions outside of AB 617-related efforts and other Community Emissions Reduction Programs (CERPs). Such actions may include the following:

- Prioritizing areas for the installation of indoor air filtration rated MERV 13 or greater in existing buildings containing sensitive populations;
- Prioritizing areas for capital investments with co-benefits for air quality, such as planting trees, planting vegetation barriers along high-volume roadways, and installing tree-planting and installation of electric vehicle (EV) charging infrastructure;
- Integrating air quality improvement actions into planning efforts, such as new specific plans, master plans, or area plans that will guide development in impacted areas; or
- Limiting the establishment of new sources of air pollutants in areas with elevated levels of pollutant concentrations unless appropriate mitigation is implemented.

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Mobility Element policies relevant to air quality. The following policies are revised starting on page 4.3-12. Additionally, the one Implementing Action on page 4.1-17 has been revised.

8 Mobility Element

Policy M-1.1: Street Classification System. The City shall maintain a street classification system that considers the role of streets as corridors for movement but ~~also reflects~~ prioritizes a context-sensitive Complete Streets concept that enables connected, comfortable, and convenient travel for those walking, rolling and taking transit.

Policy M-1.3: Healthy Transportation System Options. The City shall plan and make investments to foster a transportation system that improves the health of Sacramento residents through actions that make active transportation, non-motorized modes, high-occupancy, and zero-emission vehicles (ZEVs) viable, attractive alternatives to ~~the private automobiles that use internal combustion engines.~~

Policy M-1.5: Street Design Standards. The City shall maintain street design and operations standards that ~~manage~~ prioritize comfort and travel time for walking, bicycling, and transit, while managing vehicle speeds and traffic volumes ~~and provide for comfortable walking and bicycling travel,~~ updating them as best practices evolve.

Policy M-1.6: Transit Integration. Wherever feasible, the City shall design buildings, the public realm, streets, and pedestrian access to integrate transit into existing neighborhoods and proposed developments and destinations such as schools, employment centers, commercial centers, major attractions, and public walking spaces to improve access for users by transit.

Policy M-1.12: Light Rail Transit (LRT) Station Access Improvements. Through the development approval process and public and private investments, the City shall foster additional walking and bicycling connections to light rail stations and strengthen existing connections to enhance first/last-mile connectivity and make it easier to travel between the station and surrounding neighborhoods and destinations. As feasible, connections should include pedestrian-level streetlighting and tree shading.

Policy M-1.13: Walkability. The City shall design streets to ~~promote~~ prioritize walking by including design elements such as the following:

- Grid networks that provide high levels of connectivity;
- Closely spaced intersections;
- Frequent and low-stress crossings;
- Wide, unobstructed walkable sidewalks;
- Separation from vehicle traffic;
- Street trees that provide shading; and
- Minimal curb cuts.

Policy M-1.14: Walking Facilities. The City shall work to complete the network of tree-shaded sidewalks throughout the city, to the greatest extent feasible, ~~through development project improvements and grant funding to~~ by building new sidewalks and crossings, especially within the

high injury network, in disadvantaged communities, near high-ridership transit stops, and near important destinations, such as schools, parks, and commercial areas. Walking facilities should incorporate shade trees.

Policy M-1.21: Extension of Transit Service. The City shall coordinate with the Sacramento Regional Transit District (SacRT) to plan for the extension of frequent transit service and other related transit improvements that are comfortable, convenient, and interconnected ~~to~~ from the Greater Land Park, North Natomas, Pocket/Greenhaven, South Area, and South Natomas Community Plan Areas, ~~to and~~ areas with concentrated employment. This may include frequent bus service provided by SacRT as an interim solution along routes ultimately planned for light rail service.

Policy M-1.24: Transit-Only Lanes. Where appropriate, the City shall support implementation of transit-only lanes to facilitate high-frequency reliable bus and/or light rail service to and between major destinations, job centers, residential areas, and intermodal facilities in Sacramento.

Policy M-1.25: First/Last-Mile Solutions. The City shall support “first-mile, last-mile solutions” such as e-bike/e-scooter as well as multimodal transportation services, public realm improvements (e.g., bicycle parking infrastructure), and other innovations in the areas around transit stations and major bus stops (transit stops) to maximize multimodal connectivity and access for transit riders.

Policy M-1.26: Bus Stop Design. The City shall encourage the Sacramento Regional Transit District (SacRT) to implement bus shelter design that encourages transit use, informed by ADA-compliance, bus stop placement, and passenger safety best practices. Where feasible, the City should collaborate with SacRT on bus stop designs for major corridor improvement projects.

Policy M-1.29: Shared Zero-Emission Vehicles (ZEVs). The City shall promote shared ZEV options, especially for local trips, that can reduce vehicle trips and the need for personal vehicle ownership, prioritizing low-income and high-need neighborhoods lacking transit and other transportation options.

Implementing Action

M-A-5: Regional Vehicle Miles Traveled (VMT) Mitigation. The City shall complete a study, with input from regional and state partners, to assess the feasibility of regional VMT mitigation measures, including banks, exchanges, and impact fees.

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Youth, Parks, Recreation, and Open Space Element policies relevant to air quality. The following policy is revised on page 4.3-17.

10 Youth, Parks, Recreation, and Open Space Element

Policy YPRO-1.21: Climate-Resilient Design. The City shall ensure that the design of parks and open spaces ~~balances sunlight access with trees~~ climate adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas, that provide respite from higher temperatures to reduce urban heat islands and overexposure to heat.

The following sentence is revised in the last paragraph, last sentence on page 4.3-23.

The 2040 General Plan would also reduce area, energy, and mobile emissions through compliance with the following policies, ERC-4.7 (Operation Emissions), ERC-8.1 (Cooling Design Techniques), LUP-4.1 (Transit-Supportive Development), M-1.20 (High-Frequency Transit Service), M-1.28 (ZEV Capital), M-1.30 (Public EV Infrastructure Deployment), M-1.33 (EV Car Share and Electric Bike Share), M-1.35 (ZEV First), M-1.13 (Walkability), and M-5.8 (Zero-Emission Delivery).

4.4. Biological Resources

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Environmental Resources and Constraints Element policies relevant to biological resources. In addition, based on comments received from various stakeholders and the public, City staff added 9 new policies (ERC-2.6 through ERC-2.14) from the 2035 General Plan which were inadvertently omitted. The following policies are revised, and new policies added under the **2040 General Plan Goals and Policies** starting on page 4.4-5.

6 *Environmental Resources and Constraints Element*

Policy ERC-1.4: Construction Site Impacts. The City shall require new development to protect the quality of water bodies and natural drainage systems through site design (e.g., cluster development), source controls, stormwater treatment, runoff reduction measures, best management practices (BMPs), Low Impact Development (LID), and hydromodification strategies to avoid or ~~to~~ minimize disturbances of natural water bodies and natural drainage systems caused by development, implement measures to protect areas from erosion and sediment loss, and continue to require construction contractors to comply with the City’s erosion and sediment control ordinance and stormwater management and discharge control ordinance.

Policy ERC-2.1: Conservation of Water Resources in Open Space Areas. The City shall continue to preserve, protect, and provide appropriate access to designated open space areas along the American and Sacramento Rivers, floodways, and undevelopable floodplains, provided access would not disturb sensitive habitats or species. ~~The City and~~ shall support efforts to conserve and, where feasible, create or restore areas that provide important water quality and habitat benefits such as creeks, riparian corridors, buffer zones, wetlands, ~~undeveloped~~ open space areas, levees, and drainage canals for the purpose of protecting water resources and habitats in the city’s watersheds, creeks, and the Sacramento and American Rivers.

Policy ERC-2.3: Onsite Preservation. The City shall encourage new development to preserve and restore onsite natural elements that contribute to the community’s native plant and wildlife species value. For sites that lack existing natural elements, encourage planting of native species in preserved areas to establish or re-establish these values and aesthetic character.

Policy ERC-2.6: Wetland Protection. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and Federal regulations protecting wetland resources, and if applicable, threatened or endangered species. Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net loss of value and/or function.

Policy ERC-2.7: Annual Grasslands. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and Federal regulations protecting foraging habitat for those species known to utilize this habitat.

Policy ERC-2.8: Wildlife Corridors. The City shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provides movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall, be replaced with habitat of equivalent value or enhanced to enable the continued movement of species.

Policy ERC-2.9: Habitat Assessments. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either:

- (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or
- (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the project site. Survey Reports shall be prepared and submitted to the City and the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with state and federal law.

Policy ERC-2.10: Agency Coordination. The City shall coordinate with State and Federal resource agencies (e.g., California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, and United States Fish and Wildlife Service (USFWS) to protect areas containing rare or endangered species of plants and animals.

Policy ERC-2.11: Natomas Basin Habitat Conservation Plan. The City shall continue to participate in and support the policies of the Natomas Basin Habitat Conservation Plan for the protection of biological resources in the Natomas Basin.

Policy ERC- 2.12: Support Habitat Conservation Plan Efforts. The City shall encourage and support regional habitat conservation planning efforts to conserve and manage habitat for special status species. New or amended Habitat Conservation Plans should provide a robust adaptive management component sufficient to ensure that habitat preserves are resilient to climate change effects/impacts and to ensure their mitigation value over time. Provisions should include but are not limited to: greater habitat ranges and diversity; corridors and transition zones to accommodate retreat or spatial shifts in natural areas; redundant water supply; elevated topography to accommodate extreme flooding; and flexible management and fee structure.

Policy ERC-2.13: Climate Change-related Habitat Shifts. The City shall support the efforts of The Natomas Basin Conservancy and other habitat preserve managers to adaptively manage wildlife preserves to ensure adequate connectivity, habitat range, and diversity of topographic and climatic conditions are provided for species to move as climate shifts.

Policy ERC-2.14: Climate Change-related Habitat Restoration and Enhancement. The City shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the city. The City shall support the efforts of Sacramento County to improve the resilience of habitat areas in the American River Parkway.

Policy ERC-3.2: Tree Canopy Expansion. The City should strive to achieve a 25 percent urban tree canopy cover by 2030 and 35 percent by 2045. Prioritize tree planting and tree maintenance in areas with the lowest average canopy cover and explore strategies to reduce barriers to tree planting in disadvantaged communities and improve tree health.

Policy ERC-3.5: Tree List. The City shall maintain and update a list of desirable trees that suit soil and climate conditions in specific areas of Sacramento. Consider carbon sequestration of selected species. ~~Continue to explore and promote~~ Select tree species that demonstrate greater adaptiveness to projected climate change impacts including the ability to thrive:

- In higher temperatures;
- With reduced water use;
- With grey and recycled water; and
- With increased pest and disease prevalence ~~resistance~~.

Policy ERC-3.6: Urban Forest Maintenance. The City shall continue to plant, manage, and care for all trees on City property and within the public right-of-way to maximize their safe and useful life expectancy and continue to ~~explore~~ prioritize the selection of tree species that are adapted to future climate conditions.

Policy ERC-3.11: Planting. The City ~~should~~ shall encourage development to provide trees with appropriate irrigation methods and adequate growing space; site trees to reduce building heat and provide shade to public walkways to the extent feasible; and include appropriate soil treatment methods to promote healthy thriving trees.

Policy ERC-6.3: ~~Floodplain~~ Floodway Capacity. The City shall preserve urban creeks and rivers to maintain, and where feasible, expand existing floodplain floodway capacity while enhancing environmental and habitat quality and recreational opportunities.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed policies in the North Natomas, Fruitridge/Broadway, and South Area Community Plans relevant to biological resources. The following policies are revised under the North Natomas, Fruitridge/Broadway, and South Area Community Plans starting on page 4.4-9.

North Natomas Community Plan

Policy NN-LUP-69: Easements in Buffer Areas. The City shall pursue easements or other mechanisms with property owners in greenbelt and buffer areas to provide:

- Open space opportunities for trails and wildlife viewing;
- Shared use paths to link community plan areas, neighborhood, school/park, and community park sites, and widen other buffer areas as part of habitat conservation or other useable open space; and

- Buffers around Witter Ranch and Fisherman’s Lake from proposed development adjacent to those sites.

Policy NN-ERC-1: Fisherman’s Lake Buffer. The City shall ensure that the buffer along the east side of Fisherman’s Lake from Del Paso Road to El Centro Road is designed to optimize the value of the buffer and its features for special-status species:

- **Buffer Area.** A buffer minimum of 300 feet in radius around each Swainson’s hawk nesting tree will be provided (known nesting trees as of 2004). The width of the buffer outside the 300-foot radius around the nesting trees shall be a minimum of 300 feet wide in the northern section and 200 feet wide in the southern section measured from the eastern boundary of RD 1000 property (see Figure NN-1 for a general map of the buffer). Pursuant to the Natomas Basin Habitat Conservation Plan, the buffer will be a minimum of 250 feet wide, measured from the eastern edge of the lake, along the entire length of the lake from Del Paso Road to El Centro Road.
- **Buffer Uses.** The buffer shall include two areas: the nesting tree buffer area around the Swainson’s hawk nesting trees; and the rest of the buffer area. ~~Uses allowed in the buffer will be guided by Table 13.1, entitled 350-foot-wide buffer option.~~
- **Nesting Tree Buffer Area.** The uses allowed in the nesting tree buffer area shall be those that provide the conditions to support the likely success of the Swainson’s hawk in continuing to use the existing nesting trees, as well as providing open space for other special-status species.
- **Other Buffer Area.** The allowable uses in the other buffer area shall provide open space for special status species, as well as other purposes. The uses include all those uses allowed in the nesting tree buffer area; pedestrian trails and bikeways not subject to closure; public and maintenance roadways; and other public uses, (e.g., detention basin, fire station). The other buffer area is defined as the open space buffer extending from El Centro Road north to the southernmost nesting tree radius on the east side of Fisherman’s Lake.

Fruitridge/Broadway Community Plan

Policy FB-YPRO-1: Granite Regional Park Expansion. ~~The City shall evaluate the expansion of Granite Regional Park, including the possible acquisition of the east basin or the dedication of land in the west basin to parkland. The City shall expand Granite Regional Park by either acquiring the east basin and planning for a nature preserve with open space and trails or working with a non-profit to develop it as an open space or botanical garden.~~

South Area Community Plan

Policy SA-YPRO-5: Laguna Floodplain Open Space. The City shall preserve open space, maintain passive recreational facilities with designated multi-use paths, and enhance the natural features of Laguna Creek, making floodplain improvements within Laguna’s floodplain areas that include natural vegetation of the interior, planting of trees along the floodway ~~or just inside or outside the berm, locating a park node adjacent to the floodway,~~ development of the existing park node adjacent to the floodway, maintaining suitable habitat for the ~~giant garter snake~~ protected wildlife species, and planting an unlined low-flow channel with emergent vegetation. Any vegetation to be planted along and within the floodway will need to be reviewed and accepted by the Department of Utilities.

The fourth paragraph on page 4.4-12 under Impact 4.4-1 is revised and a new paragraph added.

The 2040 General Plan includes new policies as well as continuation of existing policies from the 2035 General Plan that would ensure impacts to special-status plants are avoided, minimized, or otherwise mitigated as development and operations occur within the Planning Area. New policies that would accomplish this include: Policy ERC-2.2 (Biological Resources), which directs the City to avoid, minimize or mitigate impacts on sensitive biological resources, including special-status species from development activities to the greatest extent feasible; Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas), which directs the City to support efforts to conserve and, where feasible, create or restore areas that provide important water quality benefits such as creeks, riparian corridors, wetlands, undeveloped open space areas, levees, and drainage canals; and Policy ERC-6.3 (Floodplain Floodway Capacity), which directs the City to protect urban creeks and rivers. These riparian areas, creeks and rivers support remaining habitat for special-status plant species.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status plant species. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function, including those supporting special-status plant species; Policy ERC-2.7 (Annual Grasslands) which requires protection of native grasslands and vernal pools; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status plant species to occur. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including special-status plants in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The third complete paragraph on page 4.4-14 under Impact 4.4-2 is revised and a new paragraph added.

The 2040 General Plan includes new goals and policies designed to avoid, minimize and mitigate impacts to special-status invertebrates and their habitats, including elderberry shrubs, seasonal wetlands and vernal pools. This includes Policy ERC-2.2 (Biological Resources), which directs the City to avoid, minimize or mitigate impacts of development on biological resources including special-status species, sensitive natural communities, sensitive habitat, and wetlands to the greatest extent feasible. The 2040 General Plan also includes Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas) and Policy ERC-6.3 (Floodplain Floodway Capacity) which direct the City to conserve and restore riparian areas, creeks and rivers where elderberry shrubs and bumblebee habitat may be present. Lastly, Policy LUP-1.11 (Coordinate to Protect Farmland) directs the City to work with Sacramento County and other adjacent jurisdictions to implement conservation plans, preserve farmland and protect critical habitat to the benefit of special-status species, including invertebrates.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status invertebrate species. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function, including those supporting special-status invertebrate species; Policy ERC-2.7 (Annual Grasslands) which requires protection of native grasslands and vernal pools critical to special-status invertebrate species; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status wildlife species to occur. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources

including special-status invertebrate species in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The second complete paragraph on page 4.4-16 under Impact 4.4-3 is revised and a new paragraph added.

The 2040 General Plan includes new policies that would avoid and minimize potential impacts from development on special-status fish species and their habitat within the Planning Area. Various policies under Goal ERC-1, Responsible management of water resources that preserves and enhances water quality and availability, including ERC-1.1 (Clean Water Programs), ERC-1.2 (Clean Watershed) and ERC-1.3 (Runoff Contamination) would provide protections for special-status fish species by directing the City to preserve and enhance water quality. Policy ERC-6.3 (~~Floodplain~~ Floodway Capacity) directs the City to preserve urban creeks and rivers to maintain and potentially expand existing floodplain capacity and to enhance environmental quality. Policy PFS-4.2 (Water Supply Sustainability) directs the City to use more surface water when it is available and more groundwater when surface water is limited, which may result in protection to special-status fish by maintaining sufficient freshwater in river systems and maintaining natural salinity levels. Policy ERC-2.2 (Biological Resources) directs the City to avoid, minimize or mitigate impacts to biological resources to the maximum extent feasible. Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas) provides protections to special-status fish species and their habitat by directing the City to conserve, create or restore areas that provide important water quality benefits such as creeks, riparian corridors, wetlands, levees, and drainage canals for the purpose of protecting water resources in the city's watersheds, creeks, and rivers. Finally, North Sacramento Community Plan policies NS-PFS-4 and NS-PFS-5 directs enhancement of historic Magpie Creek, including replacement of concrete channels with natural materials and enhancement of other natural creek features that may benefit special-status fish species.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status fish species. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function, including those supporting special-status fish species; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status wildlife species to occur.

The fourth paragraph on page 4.4-17 under Impact 4.4-4 is revised and a new paragraph added.

The 2040 General Plan includes new goals and policies designed to protect biological resources and natural habitats including special-status amphibians and reptiles. These include Policy ERC-2.2 (Biological Resources) which directs the City to avoid, minimize or mitigate impacts to biological resources to the maximum extent feasible, and Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas) that directs the City to conserve, create or restore areas that provide important water quality benefits such as creeks, riparian corridors, wetlands, and undeveloped open space areas, which may provide habitat for special-status amphibian and reptile species. The South Area Community Plan Policy SA-YPRO-5 (Laguna Floodplain Open Space) also includes a requirement that the giant gartersnake habitat protected wildlife species in Laguna Creek floodplain be maintained.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status amphibian and reptile species. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of

wetland resource value or function, including those supporting special-status amphibian and reptile species; Policy ERC-2.7 (Annual Grasslands) which requires protection of native grasslands and vernal pools; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status wildlife species to occur. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including special-status amphibians and reptiles in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The first sentence in the fifth paragraph on page 4.4-19 under Impact 4.4-5 is revised and a new paragraph added.

The 2040 General Plan includes ~~goals and~~ new policies designed to protect biological resources and natural habitats.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status bird species. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function, including those supporting special-status bird species; Policy ERC-2.7 (Annual Grasslands) which requires protection of native grasslands and vernal pools used by special-status bird species for foraging and some nesting; Policy ERC-2.8 (Wildlife Corridors) requiring that movement corridors for wildlife including special-status bird species be protected and impact mitigated; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status bird species to occur. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including special-status birds such as Swainson's hawk in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

A new paragraph is added under Impact 4.4-6 on the top of page 4.4-21.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to special-status mammal species. These include Policy ERC-2.6 (Wetland Protection) and Policy ERC-2.7 (Annual Grasslands) that require protection and mitigation of potential special-status mammal habitat; Policy ERC-2.8 (Wildlife Corridors) requiring that movement corridors for wildlife including special-status mammal species be protected and impact mitigated; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify any potential for special-status mammal species to occur.

The second paragraph on page 4.4-22 under Impact 4.4-7 is revised and a new paragraph added.

The 2040 General Plan includes policies that would avoid and minimize potential impacts from development on loss or modification of riparian habitat within the Planning Area. These include Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas) which directs the City to conserve, create or restore areas that provide important water quality benefits such as creeks, riparian corridors, wetlands, undeveloped open space areas, levees, and drainage canals for the purpose of protecting water resources in the city's watersheds, creeks, and the Sacramento and American Rivers. Policy

ERC-2.2 (Biological Resources) directs the City to avoid, minimize, or mitigate impacts to biological resources, including riparian habitat, to the greatest extent feasible. Policy ERC-6.3 (Floodplain Floodway Capacity) directs the City to preserve urban creeks and rivers to maintain and potentially expand existing floodplain capacity while enhancing environmental quality.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to riparian habitat. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function, including riparian resources; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify protected resources including riparian areas. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including riparian areas in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The first two sentences in the third paragraph on page 4.4-23 under Impact 4.4-8 is revised and a new paragraph added.

The 2040 General Plan includes a variety of new policies that would avoid and minimize impacts to state or federally protected wetlands. These include Policy ERC-2.1 (Conservation of Water Resources in Open Space Areas) which directs the City to conserve, create or restore areas that provide important water quality benefits such as creeks, riparian corridors, wetlands, undeveloped open space areas, levees, and drainage canals for the purpose of protecting water resources in the city's watersheds, creeks, and the Sacramento and American Rivers.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to protected wetland habitat. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function; and Policy ERC-2.9 (Habitat Assessments) requiring any project with discretionary approval to conduct a habitat assessment and identify protected resources including wetlands. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including wetlands in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The second sentence in the second paragraph on page 4.4-24 under Impact 4.4-9 is revised and a new paragraph added.

The 2040 General Plan includes policies that would require avoidance, minimization and mitigation for impacts to sensitive natural communities. For example, preservation of riparian open space under ERC-2.1 (Conservation of Water Resources in Open Space Areas) would prevent development from occurring in most areas where elderberry bushes occur.

Existing policies from the 2035 General Plan would be carried forth to the 2040 General Plan and would continue to avoid, minimize and mitigate potential impacts to these sensitive natural communities. These include Policy ERC-2.6 (Wetland Protection) that directs the City to achieve no net loss of wetland resource value or function; and Policy ERC-2.9 (Habitat Assessments) requiring any project with

discretionary approval to conduct a habitat assessment and identify protected resources including wetlands. The 2040 General Plan also continues policies directing the City to participate in and support the Natomas Basin Habitat Conservation Plan for the protection of biological resources including wetlands in the Natomas Basin (Policies ERC-2.11 [Natomas Basin Habitat Conservation Plan] and ERC-2.12 [Support Habitat Conservation Plan Efforts]).

The first sentence in the second paragraph on page 4.4-25 under **Additional Cumulative Impacts** is revised.

Within the Natomas Basin, current City-approved development within the Planning Area includes two projects; Greenbriar (approximately 500 acres of grassland and giant garter snake habitat) and the Panhandle (approximately 589 acres of mostly grassland), as well as potential future development within unincorporated Sacramento County of larger areas such as the Grand Park Specific Plan Area (approximately 5,000 acres of mostly rice agriculture) and the Upper Westside Specific Plan Area (approximately 2,000 acres of primarily agricultural land east of the Sacramento River, approximately 500 acres would be left undeveloped as a buffer).

4.5. Cultural and Tribal Cultural Resources

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for one of the proposed Historic and Cultural Resources Element policies relevant to cultural and tribal resources. In addition, based on comments received from various stakeholders and the public City staff added one new policy (HCR-1.19). The following policy is revised and new policy added under **2040 General Plan Goals and Policies** starting on page 4.5-4:

4 *Historic and Cultural Resources Element*

Policy HCR-1.1: Preservation of Historic and Cultural Resources, Landscapes, and Site Features and Landscaping. The City shall continue to promote the preservation, restoration, enhancement, and recognition of historic and cultural resources throughout the city.

Policy HCR-1.19: Access to Energy Retrofits. The City shall continue to work with federal, State, and regional agencies and partners to seek funding opportunities for economically disadvantaged property owners to pursue climate-adaptive energy retrofit and electrification of existing historic buildings.

4.6. Energy

After release of the Draft Master EIR City staff determined that minor edits and clarifications were needed for some proposed Land Use and Placemaking policies relevant to energy. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.6-7. Land Use and Placemaking **Implementing Actions** on pages 4.6-8 and 4.6-9 have also been revised and are listed below.

3 *Land Use and Placemaking Element*

Policy LUP-4.1: Transit-Supportive Development. The City shall encourage increased residential and commercial development intensity within 1/2-mile ~~one-quarter mile~~ of existing high-frequency bus stops and existing and planned light rail stations, bus rapid transit stations, and commuter rail stations, ~~and high frequency bus stops~~ to support more frequent, reliable transit service and vibrant, walkable neighborhoods.

Policy LUP-4.13 Future-Ready Gas Stations. The City shall prohibit the establishment of new gas stations or the expansion of new fossil fuel infrastructure at existing gas stations unless the project proponent provides high-speed 50kW or greater Direct Current Fast Charger (DCFC) electric vehicle charging stations on site at a ratio of at least 1 new charging station per 31 new gas fuel pumps-nozzle.

Policy LUP-8.12: Design of Privately-Developed Public Spaces. The City should encourage public spaces in private development, where feasible, to include the following features:

- Lined with active uses at-grade and located near building entrances, windows, outdoor seating, patios, or balconies that overlook park spaces, and other areas with strong pedestrian activity;
- Completely visible from at least one street frontage and as feasible, be at least 50 percent visible from a secondary street frontage;
- Primarily defined by adjacent buildings, which will contribute to the unity and environmental quality of the space;
- Located at the same grade level as the public sidewalk when possible. Where changes in grade are an important element of the overall design and programming, clear and direct access from the public sidewalk should be accommodated, and universal accessibility provided;
- Reflective of the design and placemaking elements of the surrounding area using architectural styles, signage, colors, textures, materials, and other elements;
- Constructed with low impact and permeable paving materials to efficiently manage the stormwater and minimize the area’s heat island effect;
- Connected to bike and pedestrian facilities and be a part of an interconnected shared pathway or parkway system where feasible;
- Site furnishing that allows for resting;
- Wayfinding signage; and
- Tree canopy covering at least equivalent to 50 percent of the public space.

Implementing Actions

~~LUP-A-5A-7: Sustainability and DeCarbonization Standards.~~ The City shall evaluate best practices to guide the development of more prescriptive sustainability and carbonization standards for City buildings, infrastructure, and facilities.

LUP-A-7: Net-Zero Energy or Net-Positive Design. The City shall assess the feasibility of requiring or incentivizing net-zero energy (NZE) or net-positive design for new buildings and significant retrofitting of existing privately-owned buildings and identify incentives for NZE and net-positive design in adaptive reuse projects.

After release of the Draft Master EIR, City staff determined that some Environmental Resources and Constraints Element Implementing Actions (ERC-A-4, ERC-A-8) were omitted from the Draft Master EIR. They are added to page 4.6.11 as proposed Implementing Actions that are relevant to energy.

6 Environmental Resources and Constraints Element

ERC-A-4: Heat Reduction in the Public Realm. The City should explore opportunities to amend development standards and guidelines so as to promote the use of heat mitigation strategies

to reduce temperatures in the public realm, particularly on active transportation networks, commercial corridors, near light rail transit (LRT) stations and along transit corridors. Requirements may include the incorporation of the following:

- Building design strategies (varied building heights; setbacks from sidewalks; vertical and horizontal shade features);
- Cooling building and pavement materials, treatments, and coatings;
- Multiple layers of shading to maximize coverage throughout the day;
- Street trees, and landscaping.

ERC-A-8: Heat Resilient Design Techniques. The City shall evaluate the feasibility of updating design guidelines, standards, and the municipal code to require building materials and site design techniques that provide passive cooling and reduce energy demand.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the Mobility Element proposed policies relevant to energy. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.6-11. Additionally, City staff determined minor edits and clarifications were needed for one of the proposed Mobility Element Implementing Actions. One Mobility Element Implementing Action on page 4.6-16 has been revised.

8 *Mobility Element*

Policy M-1.1: Street Classification System. The City shall maintain a street classification system that considers the role of streets as corridors for movement but ~~also reflects~~ prioritizes a context-sensitive Complete Streets concept that enables connected, comfortable and convenient travel for those walking, rolling and taking transit.

Policy M-1.5: Street Design Standards. The City shall maintain street design and operations standards that ~~manage~~ prioritize comfort and travel time for walking, bicycling, and transit, while managing vehicle speeds and traffic volumes ~~and provide for comfortable walking and bicycling travel,~~ updating them as best practices evolve.

Policy M-1.6: Transit Integration. Wherever feasible, the City shall design buildings, the public realm, streets, and pedestrian access to integrate transit into existing neighborhoods and proposed developments and destinations such as schools, employment centers, commercial centers, major attractions, and public walking spaces to improve access for users by transit.

Policy M-1.12: Light Rail Transit (LRT) Station Access Improvements. Through the development approval process and public and private investments, the City shall foster additional walking and bicycling connections to light rail stations and strengthen existing connections to enhance first/last-mile connectivity and make it easier to travel between the station and surrounding neighborhoods and destinations. As feasible, connections should include pedestrian-level streetlighting and tree shading.

Policy M-1.13: Walkability. The City shall design streets to ~~promote~~ prioritize walking by including design elements such as the following:

- Grid networks that provide high levels of connectivity;
- Closely spaced intersections;
- Frequent and low-stress crossings;

- Wide, unobstructed walkable sidewalks;
- Separation from vehicle traffic;
- Street trees that provide shading; and
- Minimal curb cuts.

Policy M-1.14: Walking Facilities. The City shall work to complete the network of tree-shaded sidewalks throughout the city, to the greatest extent feasible, ~~through development project improvements and grant funding to~~ by building new sidewalks and crossings, especially within the high-injury network, in disadvantaged communities, near high-ridership transit stops, and near important destinations, such as schools, parks, and commercial areas. Walking facilities should incorporate shade trees.

Policy M-1.16: Barrier Removal. The City shall remove barriers to walking, where feasible, and work with utility companies to remove barriers to allow people of all abilities to move with comfort and convenience throughout the city, including through the following:

- Provision of curb ramps, crosswalks, and overpasses;
- Relocation of infrastructure or street furniture that impedes travel pathways;
- Reducing or consolidating driveways and curb cuts; ~~and~~
- Providing long and short-term bicycle and scooter parking to minimize sidewalk obstructions; and
- Creation of additional walking entrances to important destinations like schools, parks, and commercial areas.

Policy M-1.21: Extension of Transit Service. The City shall coordinate with the Sacramento Regional Transit District (SacRT) to plan for the extension of frequent transit service and other related transit improvements that are comfortable, convenient, and interconnected ~~to~~ from the Greater Land Park, North Natomas, Pocket/Greenhaven, South Area, and South Natomas Community Plan Areas, ~~to and~~ areas with concentrated employment. This may include frequent bus service provided by SacRT as an interim solution along routes ultimately planned for light rail service.

Policy M-1.24: Transit-Only Lanes. Where appropriate, the City shall support implementation of transit-only lanes to facilitate high-frequency reliable bus and/or light rail service to and between major destinations, job centers, residential areas, and intermodal facilities in Sacramento.

Policy M-1.25: First/Last-Mile Solutions. The City shall support “first-mile, last-mile solutions” such as such as e-bike/e-scooter as well as multimodal transportation services, public realm improvements (e.g., bicycle parking infrastructure), and other innovations in the areas around transit stations and major bus stops (transit stops) to maximize multimodal connectivity and access for transit riders.

Policy M-1.26: Bus Stop Design. The City shall encourage the Sacramento Regional Transit District (SacRT) to implement bus shelter design that encourages transit use, informed by ADA-compliance, bus stop placement, and passenger safety best practices. Where feasible, the City should collaborate with SacRT on bus stop designs for major corridor improvement projects.

Policy M-1.29: Shared Zero-Emission Vehicles (ZEVs). The City shall promote shared ZEV options, especially for local trips, that can reduce vehicle trips and the need for personal vehicle

ownership, prioritizing low-income and high-need neighborhoods lacking transit and other transportation options.

Implementing Actions

M-A-5: Regional Vehicle Miles Traveled (VMT) Mitigation. The City shall complete a study, with input from regional and state partners, to assess the feasibility of regional VMT mitigation measures, including banks, exchanges, and impact fees.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the Youth, Parks, Recreation, and Open Space Element proposed policies relevant to energy. The following revised policy is added under **2040 General Plan Goals and Policies** on page 4.6-16.

10 Youth, Parks, Recreation, and Open Space Element

Policy YPRO-1.21: Climate-Resilient Design. The City shall ensure that the design of parks and open spaces ~~balances sunlight access with trees, climate-adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas,~~ climate-adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas, that provide respite from higher temperatures to reduce urban heat islands and overexposure to heat.

4.8. Greenhouse Gases

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the Land Use and Placemaking proposed policies relevant to greenhouse gases. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.8-10. City staff also determined minor edits and clarifications were needed for some of the proposed Implementing Actions. The Implementing Actions on page 4.8-14 have been revised.

3 Land Use and Placemaking Element

Policy LUP-4.1: Transit-Supportive Development. The City shall encourage increased residential and commercial development intensity within 1/2-mile ~~one-quarter mile~~ of existing high-frequency bus stops and existing and planned light rail stations, bus rapid transit stations, and, commuter rail stations, ~~and high frequency bus stops~~ to support more frequent, reliable transit service and vibrant, walkable neighborhoods.

Policy LUP-4.13: Future-Ready Gas Stations. The City shall prohibit the establishment of new gas stations or the expansion of new fossil fuel infrastructure at existing gas stations unless the project proponent provides high-speed 50kW or greater Direct Current Fast Charger (DCFC) electric vehicle charging stations on site at a ratio of at least 1 new charging station per ~~3~~ 1 ~~new gas fuel pumps-nozzle.~~

Policy LUP-5.1: Evolving Regional Commercial Centers. The City shall promote housing and employment uses at existing regional commercial centers to enhance retail viability, establish pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips. The City shall facilitate the redevelopment ~~replacement~~ of surface parking, drive aisles, and shared parking facilities, ~~and existing buildings to accomplish further this policy.~~

Policy LUP-8.12: Design of Privately-Developed Public Spaces. The City should encourage public spaces in private development, where feasible, to include the following features:

- Lined with active uses at-grade and located near building entrances, windows, outdoor seating, patios, or balconies that overlook park spaces, and other areas with strong pedestrian activity;
- Completely visible from at least one street frontage and as feasible, be at least 50 percent visible from a secondary street frontage;
- Primarily defined by adjacent buildings, which will contribute to the unity and environmental quality of the space;
- Located at the same grade level as the public sidewalk when possible. Where changes in grade are an important element of the overall design and programming, clear and direct access from the public sidewalk should be accommodated, and universal accessibility provided;
- Reflective of the design and placemaking elements of the surrounding area using architectural styles, signage, colors, textures, materials, and other elements;
- Constructed with low impact and permeable paving materials to efficiently manage the stormwater and minimize the area’s heat island effect;
- Connected to bike and pedestrian facilities and be a part of an interconnected shared pathway or parkway system where feasible;
- Site furnishing that allows for resting;
- Wayfinding signage; and
- Tree canopy covering at least equivalent to 50 percent of the public space.

Implementing Actions

~~LUP-A-5A-7~~:Sustainability and DeCarbonization Standards. The City shall evaluate best practices to guide the development of more prescriptive sustainability and carbonization standards for City buildings, infrastructure, and facilities.

~~LUP-A-7A-9~~: Net-Zero Energy or Net-Positive Design. The City shall assess the feasibility of requiring or incentivizing net-zero energy (NZE) or net-positive design for new buildings and significant retrofitting of existing privately-owned buildings and identify incentives for NZE and net-positive design in adaptive reuse projects.

After release of the Draft Master EIR, City staff, based on comments received from various stakeholders and the public, added a new Environmental Resources and Constraints Element policy (ERC-9.12) relevant to greenhouse gases. The following new policy is added under **2040 General Plan Goals and Policies** starting on page 4.8-16. City staff also determined that some proposed implementing actions relevant to greenhouse gases were omitted from the Draft Master EIR (ERC-A-4, ERC-A-8). These Implementing Actions have been added to page 4.8.16.

6 *Environmental Resources and Constraints Element*

Policy ERC-9.12: Regenerative Food System. The City shall encourage regenerative agriculture practices in urban agriculture uses, including carbon-sequestering practices.

Implementing Actions

ERC-A-4: Heat Reduction in the Public Realm. The City should explore opportunities to amend development standards and guidelines so as to promote the use of heat mitigation strategies to reduce temperatures in the public realm, particularly on active transportation networks, commercial corridors, near light rail transit (LRT) stations and along transit corridors. Requirements may include the incorporation of the following:

- Building design strategies (varied building heights; setbacks from sidewalks; vertical and horizontal shade features);
- Cooling building and pavement materials, treatments, and coatings;
- Multiple layers of shading to maximize coverage throughout the day;
- Street trees, and landscaping.

ERC-A-8: Heat Resilient Design Techniques. The City shall evaluate the feasibility of updating design guidelines, standards, and the municipal code to require building materials and site design techniques that provide passive cooling and reduce energy demand.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Mobility Element policies relevant to greenhouse gases. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.8-16. City staff also determined minor edits and clarifications were needed for one of the proposed Mobility Element Implementing Actions relevant to greenhouse gases. One Implementing Action on page 4.8-22 has been revised.

8 Mobility Element

Policy M-1.1: Street Classification System. The City shall maintain a street classification system that considers the role of streets as corridors for movement but ~~also reflects~~ prioritizes a context-sensitive Complete Streets concept that enables connected, comfortable and convenient travel for those walking, rolling and taking transit.

Policy M-1.3: Healthy Transportation System Options. The City shall plan and make investments to foster a transportation system that improves the health of Sacramento residents through actions that make active transportation, non-motorized modes, high-occupancy, and zero-emission vehicles (ZEVs) viable, attractive alternatives to ~~the private automobiles that use~~ internal combustion engines.

Policy M-1.5: Street Design Standards. The City shall maintain street design and operations standards that ~~manage~~ prioritize comfort and travel time for walking, bicycling, and transit, while managing vehicle speeds and traffic volumes and ~~provide for comfortable walking and bicycling travel,~~ updating them as best practices evolve.

Policy M-1.6: Transit Integration. Wherever feasible, the City shall design buildings, the public realm, streets, and pedestrian access to integrate transit into existing neighborhoods and proposed developments and destinations such as schools, employment centers, commercial centers, major attractions, and public walking spaces to improve access for users by transit.

Policy M-1.12: Light Rail Transit (LRT) Station Access Improvements. Through the development approval process and public and private investments, the City shall foster additional walking and bicycling connections to light rail stations and strengthen existing connections to enhance

first/last-mile connectivity and make it easier to travel between the station and surrounding neighborhoods and destinations. As feasible, connections should include pedestrian-level streetlighting and tree shading.

Policy M-1.13: Walkability. The City shall design streets to ~~promote~~ prioritize walking by including design elements such as the following:

- Grid networks that provide high levels of connectivity;
- Closely spaced intersections;
- Frequent and low-stress crossings;
- Wide, unobstructed walkable sidewalks;
- Separation from vehicle traffic;
- Street trees that provide shading; and
- Minimal curb cuts.

Policy M-1.14: Walking Facilities. The City shall work to complete the network of tree-shaded sidewalks throughout the city, to the greatest extent feasible, ~~through development project improvements and grant funding to~~ by building new sidewalks and crossings, especially within the high-injury network, in disadvantaged communities, near high-ridership transit stops, and near important destinations, such as schools, parks, and commercial areas. Walking facilities should incorporate shade trees.

Policy M-1.16: Barrier Removal. The City shall remove barriers to walking, where feasible, and work with utility companies to remove barriers to allow people of all abilities to move with comfort and convenience throughout the city, including through the following:

- Provision of curb ramps, crosswalks, and overpasses;
- Relocation of infrastructure or street furniture that impedes travel pathways;
- Reducing or consolidating driveways and curb cuts;
- Providing long and short-term bicycle and scooter parking to minimize sidewalk obstructions; and
- Creation of additional walking entrances to important destinations like schools, parks, and commercial areas.

Policy M-1.21: Extension of Transit Service. The City shall coordinate with the Sacramento Regional Transit District (SacRT) to plan for the extension of frequent transit service and other related transit improvements that are comfortable, convenient, and interconnected ~~to~~ from the Greater Land Park, North Natomas, Pocket/Greenhaven, South Area, and South Natomas Community Plan Areas, ~~to and~~ areas with concentrated employment. This may include frequent bus service provided by SacRT as an interim solution along routes ultimately planned for light rail service.

Policy M-1.24: Transit-Only Lanes. Where appropriate, the City shall support implementation of transit-only lanes to facilitate high-frequency reliable bus and/or light rail service to and between major destinations, job centers, residential areas, and intermodal facilities in Sacramento.

Policy M-1.25: First/Last-Mile Solutions. The City shall support “first-mile, last-mile solutions” such as such as e-bike/e-scooter as well as multimodal transportation services, public realm improvements (e.g., bicycle parking infrastructure), and other innovations in the areas around

transit stations and major bus stops (transit stops) to maximize multimodal connectivity and access for transit riders.

Policy M-1.26: Bus Stop Design. The City shall encourage the Sacramento Regional Transit District (SacRT) to implement bus shelter design that encourages transit use, informed by ADA-compliance, bus stop placement, and passenger safety best practices. Where feasible, the City should collaborate with SacRT on bus stop designs for major corridor improvement projects.

Policy M-1.29: Shared Zero-Emission Vehicles (ZEVs). The City shall promote shared ZEV options, especially for local trips, that can reduce vehicle trips and the need for personal vehicle ownership, prioritizing low-income and high-need neighborhoods lacking transit and other transportation options.

Implementing Action

M-A-5: Regional Vehicle Miles Traveled (VMT) Mitigation. The City shall complete a study, with input from regional and state partners, to assess the feasibility of regional VMT mitigation measures, including banks, exchanges, and impact fees.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Youth, Parks, Recreation, and Open Space Element policies relevant to greenhouse gases. The following policy on page 4.8-22 has been revised.

Policy YPRO-1.21: Climate-Resilient Design. The City shall ensure that the design of parks and open spaces ~~balances sunlight access with trees, climate-adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas,~~ climate-adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas, that provide respite from higher temperatures to reduce urban heat islands and overexposure to heat.

4.10. Hydrology, Water Quality, and Flooding

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Environmental Resources and Constraints Element policies relevant to hydrology, water quality, and flooding. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.10-4.

6 Environmental Resources and Constraints Element

Policy ERC-1.4: Construction Site Impacts. The City shall require new development to protect the quality of water bodies and natural drainage systems through site design (e.g., cluster development), source controls, stormwater treatment, runoff reduction measures, best management practices (BMPs), Low Impact Development (LID), and hydromodification strategies to avoid or ~~to~~ minimize disturbances of natural water bodies and natural drainage systems caused by development, implement measures to protect areas from erosion and sediment loss, and continue to require construction contractors to comply with the City's erosion and sediment control ordinance and stormwater management and discharge control ordinance.

Policy ERC-5.7: Onsite Water Reuse. The City shall explore the feasibility of requiring onsite reuse of greywater and blackwater for end uses such as toilet flushing and irrigation to offset supplies of potable water and support more resilient and sustainable water management.

Policy ERC-6.3: Floodplain Floodway Capacity. The City shall preserve urban creeks and rivers to maintain, and where feasible, expand existing ~~floodplain~~ floodway capacity while enhancing environmental and habitat quality and recreational opportunities.

4.12. Public Services and Recreation

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Youth, Parks, Recreation, and Open Space Element policies relevant to public services and recreation. The following policies are revised under **2040 General Plan Goals and Policies** starting on page 4.12-6. City staff also determined minor edits and clarifications were needed for some of the proposed Implementing Actions. The Implementing Actions starting on page 4.12-15 have been revised.

8 Youth, Parks, Recreation, and Open Space Element

Policy YPRO-1.3: Parkland Service Standard. The City shall evaluate, as needed, the equitable increase of public park acreage to serve the needs of the current and future residents with high-quality facilities. The City shall continue to strive to achieve a parkland service standard of 8.5 acres of ~~neighborhood and community~~ parkland per 1,000 residents, which includes neighborhood parks, community parks, regional parks, open space, and parkways.

Policy YPRO-1.4: Parkland Dedication Requirements. The City shall continue to require that new residential development projects contribute toward the provision of adequate parks and recreational facilities to serve the new residents, either through the dedication of parkland, the construction of public and/or private recreation facilities, or the payment of parkland in-lieu fees, consistent with the Quimby Ordinance. To achieve the level of service for all parkland in all areas of the city, the City shall seek other funding resources to prioritize park needs in park deficit areas.

Policy YPRO-1.6: Underutilized Land. As feasible, the City shall acquire, lease, or otherwise obtain rights to the use of ~~odd-shaped or~~ underutilized vacant parcels for park or open space, focusing efforts first in ~~underserved disadvantaged~~ park deficient communities.

Policy YPRO-1.7: Co-Located Joint-Use Facilities. The City shall continue to facilitate the development of new parks or expansion of existing parks and recreational facilities by co-locating with and joint use of new or existing public and institutional facilities (e.g., schools, libraries, cultural facilities, and stormwater detention basins) in order to efficiently provide for community needs and offset operations and maintenance costs, prioritizing disadvantaged communities with an existing deficit of park or recreation facilities.

Policy YPRO-1.8: Non-Conventional Park Solutions. In densely built out urban areas of the city where the provision of large park spaces is not feasible, the City shall explore creative solutions to provide neighborhood park and recreation facilities that serve the needs of local residents and employees. Such solutions may include the following:

- Publicly accessible, privately-owned open spaces and plazas;
- Rooftop play courts and gardens;
- Freeway underpass, and utility corridor, and wide landscape medians;
- Conversion of rails to trails with trails;
- Pocket parks/~~small public places~~ and pedestrian areas in the public right-of-way; and
- The provision of neighborhood and community-serving recreational facilities in regional parks.

Policy YPRO-1.9: Timing of Services. The City shall monitor the pace and location of new development through the development review process and long-range planning efforts to strive to ensure that development of parks, ~~and community~~ and recreation programming, and community-serving facilities and services keeps pace with growth.

Policy YPRO-1.10: Parkland Access Standard. ~~The City shall strive to provide accessible public park or recreational open space within 10 minute walk of all residences in Sacramento~~ In residential areas that do not have an accessible park or recreational open space within a 10-minute walk, the City shall evaluate the equitable increase of public park acreage, prioritizing communities with an existing deficit of high-quality facilities.

Policy YPRO-1.12: Parks Programming. The City shall continue to create high-quality, ~~inclusive equitable~~ programming that encourages the use of the park facilities by a variety of users, including older adults, youth, and people with disabilities throughout the day and evenings. Programming should include the following:

- Organized sports,
- Fitness,
- Youth leadership and workforce development,
- Volunteer activities, and
- Arts and cultural activities catering to the interests of the community that the park facilities serve. Opportunities should be taken to incorporate local Native American heritage and culture.

Policy YPRO-1.13: Park Safety. The City shall continue to use Crime Prevention Through Environmental Design (CPTED) landscaping and lighting, ~~among other techniques and efforts that support the Park Ranger program,~~ to ensure that parks and open spaces are designed and maintained with safety as a priority without compromising accessible and inclusionary design to maximize the personal safety of users and maintain the visibility of play areas.

Policy YPRO-1.14: Collaborative Efforts. The City shall implement community-based crime prevention strategies ~~and recreation programming~~ in coordination with the City's Park Ranger program, neighborhood groups, local residents, and Property and Business Improvement Districts (PBIDs), concurrent with the City's Public Safety Services resolution to help improve safety and encourage positive ~~use~~ activation of parks and facilities.

Policy YPRO-1.15: Path Connections. The City shall ~~preserve~~ maintain existing and pursue new connections to local, ~~and regional, and state~~ shared-use paths, especially when connecting to public parkland.

Policy YPRO-1.16: River Parkways. The City shall ~~coordinate~~ collaborate with the Park Ranger program, with the Sacramento County Department of Regional Parks and other agencies and organizations to secure funding to increase ranger patrols and maintain and enhance the American River and Sacramento River parkways and multi-use shared path corridors.

Policy YPRO-1.17: Waterway Recreation and Access. The City shall work with regional partners, State agencies, non-profit and community groups, private landowners, and land developers to manage, preserve, improve, and enhance use and access to the Sacramento and American River Parkways, urban waterways and riparian corridors to increase public access for active and passive recreation and habitat values.

Policy YPRO-1.18: Miller Regional Park/Sacramento Marina. The City shall implement the West Broadway Specific Plan proposed improvements to Miller Regional Park and support long-term goals for enhancement of the Miller Regional Park/Sacramento Marina as a recreational connection to the Sacramento River waterfront and Sacramento Parkway.

Policy YPRO-1.19: Integrated Parks and Recreation System. The City shall continue to provide an integrated system of parks, open space areas, and recreational facilities that are safe, connect diverse communities, acknowledge neighborhood context, protect and provide access to nature, integrate with adjacent developments, and make efficient use of land and open space.

Policy YPRO-1.21: Climate-Resilient Design. The City shall ensure that the design of parks and open spaces balances sunlight access with trees, climate-adaptive design, such as resilient landscaping in place of impervious surfaces, climate-adaptive tree canopy, shade structures, drinking fountains, and cooling amenities, such as water spray areas, that provide respite from higher temperatures to reduce urban heat islands and overexposure to heat.

Policy YPRO-1.22: Community Input. The City shall provide ongoing opportunities for public engagement and input into the parks and recreation planning process, including priorities for amenities, facilities, programming, and improvements, using tools such as the Park Project Programming Guide.

Policy YPRO-1.23: Organized Sports and Recreational Facilities. The City shall develop and maintain quality facilities (e.g., multi-field and multi-court sports complexes, skateparks, pump tracks, and challenge courses) for a variety of organized and recreational sports, prioritizing the needs of youth between the ages of 10 and 24, and particularly for youth in disadvantaged communities, in order to ensure opportunities for youth development, recreation, social development, and life and wellness skill building.

Policy YPRO-1.24: Welcoming Amenities. In its parks and recreational facilities, the City shall incorporate amenities that invite the use of park facilities by all community members, including benches, accessible park paths and facilities, shaded seating, pathway lighting, and restrooms that make it easier for older adults and families to enjoy the facilities.

Policy YPRO-1.27: Volunteer Programs. The City shall continue to engage local residents, businesses, and community-based organizations in the stewardship and maintenance of parks and facilities through the Park Volunteer Program, Earth Day, Adopt-a-Park, Creek Week programs, and other collaborative partnerships and initiatives.

Policy YPRO-1.28: Fee Benchmarking. The City shall periodically review Quimby in-lieu parkland dedication fees, park development impact fees, application review fees, and user fees and charges to ensure they are adequately providing for community needs and are competitive within the region.

Policy YPRO-1.29: Leveraging Grant Funds. The City shall leverage municipal funds to access grants for the acquisition of parkland in park deficient areas, planning, construction and maintenance of parks and recreational facilities in underserved, disadvantaged communities from federal and state government agencies, philanthropic organizations, and private partners.

Policy YPRO-2.2: Co-Location of Community-Serving Facilities. Whenever feasible, the City shall co-locate City facilities with other public facilities (schools, ~~post-offices, hospitals/clinics~~

libraries, drainage facilities, utility providers) so that multiple services may be delivered from a single location.

Policy YPRO-3.1: Health Data and Programming. The City shall collaborate with the Sacramento County Department of ~~Public Health and~~ Health Services to monitor and maintain data related to health outcomes and risk factors, and to use this data to inform new programs to serve the local community.

Policy YPRO-3.2: Health Information. The City should provide and promote courses, seminars, and informational resources about health and healthy lifestyles at City facilities, including libraries, community centers, centers for older adults, parks, and recreational facilities. Prioritize resources for efforts in disadvantaged communities.

Policy YPRO-3.8: Cooling Centers. The City shall continue to activate cooling centers at the community centers, aquatic centers, and water spray parks to help residents cope with higher temperatures. City parks shall be designed with materials and other strategies that offer cooling benefits to the residents.

Implementing Actions

YPRO-A.1: Youth, Parks, & Community Enrichment (YPCE) Parks Plan Update. ~~The City shall update the YPCE Parks Plan to identify locations for new neighborhood and community parks as needed to satisfy community needs; incorporate standards for new non-conventional park facilities; and strengthen access to parks and recreational facilities by transit. The update should incorporate priorities, phasing, and funding mechanisms and be undertaken with robust community engagement. The Parks Plan 2040 shall provide policy recommendations toward meeting the city's parkland and facility level of service goals; incorporate design guideline standards for park and recreation facilities; and strengthen access to parks and recreational facilities. The update should incorporate key priorities, implementation actions, and funding mechanisms and be undertaken with robust community engagement.~~

YPRO-A.2: Park Audits. The City shall collaborate and support community-based organizations and neighborhood groups to conduct safety, maintenance, and access audits in City parks and recreational facilities. The ~~community~~ park audits should be conducted in neighborhoods throughout the city with the participation of Youth, Parks, & Community Enrichment (YPCE), Police Department, and other relevant City staff to identify and prioritize park safety and access improvements.

YPRO-A.7: Performance-Based Prioritization. The Department of Youth, Parks, & Community Enrichment (YPCE) shall update the park project programming guide to incorporate a performance-based system for equitably prioritizing parks and recreation investments that links facility improvement priorities to safety standards, funding availability, disadvantaged communities, public health, and recreational goals through a ranking scale that includes measured public health outcomes.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed policies in the Central City, East Sacramento, Fruitridge/Broadway, North Sacramento, Pocket/Greenhaven, and South Natomas Community Plans relevant to public services and recreation. The following policies are revised under the Central City, East Sacramento, Fruitridge/Broadway, North

Sacramento, Pocket/Greenhaven, and South Natomas Community Plans starting on page 4.12-16. City staff also determined that one policy should be deleted (NN-YPRO-1) due to its redundancy with other City processes, and that two new policies relevant to public services and recreation from the North Natomas and South Natomas Community Plans should be added (NN-YPRO-2, SN-YPRO-6), which support the provision of public services and recreation in these respective areas.

Central City Community Plan

Policy CC-YPRO-2: Activate Existing Parks. The City shall continue developing the Sutter’s Landing Regional Park ~~as active~~ with recreation uses and enhancing existing neighborhood parks serving the R Street Corridor (Southside, Roosevelt, Fremont, Winn) with recreation amenities and facilities to serve future residents.

Policy CC-YPRO-3: Sacramento River Waterfront Recreation and Access. The City shall continue to collaborate with ~~regional partners,~~ State agencies, private landowners, business districts, civic institutions, and other stakeholders to manage, preserve, improve, and enhance recreation and access along the Sacramento River waterfront from Tiscornia Park to Frederick Miller Regional Park.

Policy CC-YPRO-5: Organized Sports and Recreational Facilities. The City shall develop and maintain quality facilities (including multi-use sports courts and fields) for a variety of organized sports to ensure active recreation opportunities are met for the growing community needs in the Central City.

East Sacramento Community Plan

Policy ES-YPRO-1: Improve Park Access. The City shall explore opportunities to improve park access for the disadvantaged College/Glen neighborhood, such as identifying a new park site or a strategy to improve open space access, such as through redevelopment of vacant lots, joint-use agreements, ~~with pocket parks~~ or better connectivity to existing parks.

Fruitridge/Broadway Community Plan

Policy FB-YPRO-1: Granite Regional Park Expansion. ~~The City shall evaluate the expansion of Granite Regional Park, including the possible acquisition of the east basin or the dedication of land in the west basin to parkland. The City shall expand Granite Regional Park by either acquiring the east basin and planning for a nature preserve with open space and trails or working with a non-profit to develop it as an open space or botanical garden.~~

North Natomas Community Plan

~~**Policy NN-YPRO-1: Innovation Park.** When redeveloping the Sleep Train Area site, the City should work with the developer to include a centrally located community and neighborhood park to develop parkland concurrent with development phases that serve new residents and the wider community.~~

Policy NN-YPRO-21: Ninos Parkway. The City shall implement the ~~N~~northern ~~S~~section above Interstate 80 of the Ninos Parkway as part of the Panhandle Planned Unit Development (PUD) and connecting the Ninos Parkway to the ~~Natomas East Main Drainage Canal and Hansen Ranch Steelhead Creek and Walter S. Ueda Parkway.~~

NN-YPRO-2: Organized Sports and Recreational Facilities. The City shall develop and maintain quality facilities (including sports courts and fields) for a variety of organized sports to ensure active recreation opportunities are met for the growing community needs in North Natomas.

North Sacramento Community Plan

Policy NS-YPRO-1: Walter S. Ueda Parkway Access. The City shall work with local landowners to create new pedestrian access points and improve access to Walter S. Ueda Parkway from adjacent neighborhoods.

Policy NS-YPRO-2: Hagginwood Park Access. When planning pedestrian improvements or in the event of adjacent new development, the City shall recognize that completing the sidewalk network within a 10-minute walk of near Hagginwood Park to improve pedestrian access from nearby neighborhoods is a community priority.

Policy NS-YPRO-5: Joint-Use Agreement. The City shall pursue a joint-use agreement with the Twin Rivers Unified School District that allows for community use of Castor Elementary School ~~select school~~ fields and playgrounds ~~during non-school hours~~ to improve park access to surrounding neighborhoods.

Pocket/Greenhaven Community Plan

Policy PG-YPRO-2: Parkways/Greenways. The City shall continue to improve and maintain the parkway/greenbelt network and public open spaces, including removing fencing and gates and adding access points where feasible, and by exploring strategies to improve connections between greenways and to the Sacramento River Parkway.

Policy PG-YPRO-3: Joint-Use Agreement. The City shall pursue a joint-use agreement with Sacramento City Unified School District that allows for community use of select school fields and playgrounds ~~during non-school hours~~ to improve park access in the Pocket/Greenhaven Community Plan Area.

Policy PG-YPRO-4: Pool and Neighborhood Center Access. The City shall explore ways to facilitate swimming pool and neighborhood center access for Pocket/Greenhaven residents, especially for youth, through joint-use agreements with the school districts or expanded access to Pannell Meadowview Community Center ~~or North Natomas Community Center and Aquatic Center.~~

South Area Community Plan

Policy SA-YPRO-2: Franklin Boyce Park Access. ~~As part of the Parks Plan 2040,~~ The City shall explore options to expand pedestrian access to Franklin Boyce Park from adjacent neighborhoods such as by creating a pedestrian entrance on the west side over the drainage canal.

Policy SA-YPRO-3: Joint-Use Agreements. The City shall pursue joint-use agreements with the Sacramento City and Elk Grove Unified School Districts (USDs) that allow for community use of ~~the Union House and John D. Sloat~~ select elementary school fields and playgrounds ~~during non-school hours~~ to improve park access in the South Area.

Policy SA-YPRO-5: Laguna Floodplain Open Space. The City shall preserve open space, maintain passive recreational facilities with designated multi-use paths, and enhance the natural features of Laguna Creek, making floodplain improvements within Laguna’s floodplain areas that include natural

vegetation of the interior, planting of trees along the floodway ~~or just inside or outside the berm, locating a park node adjacent to the floodway,~~ development of the existing park node adjacent to the floodway, maintaining suitable habitat for ~~the giant garter snake protected wildlife species,~~ and planting an unlined low-flow channel with emergent vegetation. Any vegetation to be planted along and within the floodway will need to be reviewed and accepted by the Department of Utilities.

South Natomas Community Plan

Policy SN-YPRO-1: Gardenland Park Access. The City shall explore the feasibility of collaborating with Reclamation District 1000 and Sacramento Area Flood Control Agency to create ~~shared multi-use trails paths~~ and a new access point to Gardenland Park from Indiana Avenue to expand park access for nearby residents.

Policy SN-YPRO-2: Walter S. Ueda Parkway Access. The City shall explore options to create new accessible access points to the Walter S. Ueda Parkway throughout the Gardenland neighborhood.

Policy SN-YPRO-4: River Access Points. The City shall ~~encourage~~ collaborate with the Sacramento County Department of Parks and Recreation to improve access to the American ~~River Parkway~~ from South Natomas by ~~updating the American River Parkway Plan to incorporate~~ ing new river access points and improved bicycle and pedestrian entrances, as feasible where consistent with the American River Parkway Plan, Natural Resources Element.

Policy SN-YPRO-6: Connections to East Levee Road Trails. The City shall explore options to improve connectivity to the East Levee Road trails.

The following text beginning on page 4.12-4 has been revised to reflect an update to the City parks inventory in Appendix C. The updated Appendix C is included as an attachment at the end of this chapter.

Since preparation of the TBR, the City parks inventory has been updated. The information in this section is ~~based on the current (2018) City parks inventory~~ therefore, based on the updated City-owned parks inventory (included as Appendix C) rather than the inventory presented in the TBR.

The City's Youth, Parks, & Community Enrichment (YPCE) Department maintains over ~~3,790~~ 4,330.92 acres of parkland across ~~224~~ 236 parks and recreation facilities. The parks include regional parks, community and neighborhood parks, parkways, and open space. Several facilities within the city are owned or operated by other jurisdictions, such as the County of Sacramento, the State of California, and SCUSD, which do not count toward the total park acreage.

~~The City has established a standard of providing 5 acres of neighborhood and community park and open space land per thousand residents city-wide. For the purpose of determining park development impact fees (PIF), different areas of the city are evaluated for their contribution to the City's parkland standard and fees are set in accordance with the determined fair share burden. Park Development Impact Fees (PIF) are fees required of new development for the purpose of funding new or expanded parks or recreation facilities to serve that development.~~

~~According to the City's parks inventory included as Appendix C, neighborhood and community-serving park acreage comprises approximately 1,355.76 acres (35.77% of the total parks inventory).~~

Pursuant to Chapter 17.512 of the City Code, the Quimby Ordinance, as a condition of approval of a tentative map or parcel map, subdividers must dedicate land, pay a fee in lieu thereof, or both (at the City's option), for park or recreational purposes. Where a recreational or park facility is designated in the general plan or a specific plan, or the subdivider proposes to locate a recreational or park facility in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size to serve the residents of the subdivision, based on the number dwelling units and the area of the City in which the development would occur.

For the purpose of funding park improvements, the City has established Park Development Impact Fees (PIF), required by new development for the purpose of providing funds for new or expanded parks or recreation facilities required to serve their development. New residents and employees create the need for additional parks and facilities. The Park Impact Fee (PIF) Nexus Study Update, pursuant to the "Mitigation Fee Act" (California Government Code 66000), established the legal and policy basis to allow the City to impose a fee on new residential and non-residential development within the City. Parkland acquisition for Neighborhood and Community parks is not included in the current PIF because it is instead addressed through the City's Quimby Ordinance and the City's Quimby in-lieu fee program.

The PIF Nexus Study (2017) relies on a level of service (LOS) approach. It has established a lower LOS for new development in the Central City than throughout the remaining areas of the City. The PIF LOS standard results in lower PIF rates for development of Neighborhood and Community parks throughout the city and created a fund for Citywide parks and facilities.

The following text beginning on page 4.12-6 has been revised to reflect an update to the City parks inventory.

The 2040 General Plan would maintain the goal of city neighborhood and community parkland at 5 acres per 1,000 residents, the same as in the 2035 General Plan. strives to achieve the goal of providing neighborhood and community parks, regional parks, parkways, and open space at 8.50 acres per 1,000 residents. The analysis in this Master EIR assumes that buildout of the 2040 General Plan would result in a total of 638,433 residents in 2040, from a baseline population of 472,693 in 2018 (see Chapter 2, Table 2-3). Service level calculations are based on the City's updated parks inventory included as Appendix C to this document. Not meeting the service level goal is not considered a CEQA impact but may suggest the need for new or expanded parks so that physical deterioration of existing parks and recreational facilities would not be accelerated. According to Appendix C, neighborhood- and community-serving park acreage comprises approximately ~~1,355.76~~ 1,380.23 acres (~~35.77~~ 32.80% of the total parks inventory). Based on the baseline population of 472,693, the current service level is ~~2.87~~ 8.90. The anticipated 2040 service level is also calculated using the information in Appendix C, which includes the acreage of future proposed parks. Based on the anticipated 2040 population of 638,433 and including ~~137.36~~ 613 acres of all proposed neighborhood and community parks, the future service level would be ~~2.34~~ 7.74 park acreage dedicated to the City for new parks as part of the development process contributes toward meeting the minimum service level goals for neighborhood and community parkland; however, to achieve the 8.50 acre per 1,000 resident level of service goal for all parkland, which includes neighborhood, community, and regional parks, parkways and open space, the City will need to evaluate the update to the PIF Nexus Study and continue to seek sources of funding in addition to the development process.

~~parcs.~~ Land that may be developed in the future for parks and recreation uses, but not under the City’s jurisdiction, would not be considered a contribution towards meeting the service level goals.

The following corrections are made to the text beginning on page 4.12-23 to reflect an update to the City parks inventory.

The 2040 General Plan includes Policy YPRO-1.3 (Parkland Service Standard), which states that the City shall strive to achieve ~~5 acres of neighborhood and community parkland~~ the proposed level of service of 8.50 acres of parkland per 1,000 residents citywide. The proposed level of service citywide, includes 3.0 acres per 1,000 residents for regional parks; 1.75 acres per 1,000 residents for community parks; 1.40 acres per 1,000 residents for neighborhood parks; 1.60 acres per 1,000 residents for parkways; and 0.75 acres per 1,000 residents for open space. The existing (2023) park acres for all parkland is 4,330.92 acres. The level of service for all parkland at 2018 population rate is currently at 9.16 acres per 1,000 residents. The proposed level of service is 8.50 acre per 1,000 residents to account for the adjusted level of service required for all park types citywide. The 2040 General Plan proposes 1,095.76 acres of new parkland (see Table 4.12-8) to meet the proposed level of service goal for public parkland for the projected 2040 population. The 2040 General Plan also proposes 137.36 acres of new neighborhood and community parkland (see Appendix C) for a total of 1,493.12 acres of neighborhood and community parkland in 2040. This would result in a service level of approximately 2.34 acres of neighborhood and community parkland per 1,000 residents in the city in 2040. Therefore, development under the 2040 General Plan would not meet the established goal of 5 acres of parkland per 1,000 residents. Not counted toward the parkland service standard but serving residents of the city, are parks owned or operated by other jurisdictions, such as the County of Sacramento, the State of California, and area school districts, which are not counted within the City’s park inventory, but serve residents of the city. In total, there are approximately 6,200 additional acres of parks that are at least partially located within the city limits and serve city residents.

Table 4.12-8 on page 4.12-24 is removed and replaced with the new table below.

Table 4.12-8. Parks Level of Service Standards

<u>Park Type</u>	<u>2023 Existing Park Acreage</u>	<u>2023 Existing LOS</u>	<u>Proposed LOS Standards</u>	<u>Net Future Need (Acreage) for Proposed LOS</u>
<u>Regional Parks</u>	<u>1,626.13</u>	<u>3.44</u>	<u>3.0</u>	<u>289.17</u>
<u>Community Parks</u>	<u>948.68</u>	<u>2.01</u>	<u>1.75</u>	<u>168.58</u>
<u>Neighborhood Parks</u>	<u>451.98</u>	<u>0.96</u>	<u>1.40</u>	<u>441.82</u>
<u>Parkways</u>	<u>854.14</u>	<u>1.81</u>	<u>1.60</u>	<u>167.35</u>
<u>Open Space</u>	<u>450.00</u>	<u>0.95</u>	<u>0.75</u>	<u>28.82</u>
Total	<u>4,330.92</u>	<u>9.16</u>	<u>8.50</u>	<u>1,095.76</u>

The following text on page 4.12-25 has been added to reflect the new parks inventory and parks level of service calculations.

The proposed Community Plans also include policies regarding the maintenance, access, and provision of local parks that serve each community.

As shown in Table 4.12-8, the City would require an additional 1,095.76 acres of parkland in order to meet all park type service level standards of 8.50 acres per 1,000 residents. However, this would not be a substantial change from current conditions of 9.16 acres per 1,000 residents. Several park facilities within the City are owned or operated by other jurisdictions, such as the County of Sacramento, the State of California, and area school districts, which are not counted within the City's park inventory, but serve residents of the City.

Funding for acquisition of new park acreage, and generation of funds committed to maintenance and operation of parks and recreational facilities, are ongoing activities of the City.

4.13. Public Utilities

The third and fourth sentences in the first paragraph under Sewer on page 4.13-1 are revised.

Thirteen separated basins flow directly into the downtown area's combined sewer system basin, where separated sewer flows join the combined wastewater flows before being conveyed to the ~~Sacramento Regional Wastewater Treatment Plant~~ EchoWater Resource Recovery Facility (Sacramento Regional WWTP EchoWater Facility) for treatment. The other 40 separated basins flow into the Regional San interceptors, which also conveys flows to the ~~Sacramento Regional WWTP EchoWater Facility~~, via individually pumped basins (32 pumped basins) or by gravity flow (8 gravity basins). Local and trunk wastewater collection in the Planning Area is provided by the Sacramento Area Sewer District (SacSewer) and the City.

To provide the detail related to the sump and interceptor system, the following text is added after the second sentence under **Wastewater Treatment** on page 4.13-2.

Wastewater treatment within the Planning Area is provided by the ~~Sacramento Regional County Sanitation District (Regional San)~~. Regional San operates all regional interceptors and wastewater treatment plants serving the city except for the combined sewer and storm drain treatment facilities discussed above, which are operated by the City. Local and trunk wastewater collection in the Planning Area is provided by SacSewer ~~(formerly known as the Sacramento Area Sewer District)~~ and the City. Wastewater collected by SacSewer would be conveyed to the EchoWater Facility (formerly Regional San WWTP) via Sump 2/2A and the Regional San City Interceptor system.

The following text and revisions are added to the second and third paragraphs on page 4.13-3.

More recently Regional San completed the Biological Nutrient Removal (BNR) Project, ~~the centerpiece of the plant expansion project known as the EchoWater Project, which was~~ is a substantial upgrade to the facility. The BNR Project removes more than 99% of ammonia from the Sacramento region's wastewater by releasing oxygen into the wastewater to support bacteria which remove most of the organic matter and nearly all of the ammonia. Spring of 2023 marked the completion of the entire EchoWater Project, that upgrades the treatment process to also remove 89% of nitrogen from wastewater. With the upgrade, the treatment plant has been renamed the EchoWater Resource Recovery Facility.

The ~~Sacramento Regional WWTP EchoWater Facility~~, which is located ~~approximately five miles south of the City in Elk Grove~~ just south of the city limits in the unincorporated County, is owned and operated by Regional San and provides sewage treatment for the entire Planning Area.

The following revision is added to the second sentence in the paragraph under **Reclaimed Water** on page 4.13-5.

In April 2016, following completion of this study, the City and Regional San executed a Principles of Agreement for a Water Recycling Program which serves as an interim document that describes the proposed institutional structure for Regional San and the City Water Recycling Program. Regional San and the SPA, in coordination with the City, cooperated in the development of a Phase 1 water recycling project that will initially deliver recycled water via a new transmission pipeline from the ~~Sacramento Regional Wastewater Treatment Plant~~ EchoWater Facility to the Cogen Facility.

The following revision is added to the last sentence in the first paragraph under **Wastewater** on page 4.13-18.

The City's separated system and SASD's system, as well as the dry-weather flow from the City's combined system, and a majority of the wet weather flow from the City's CSS drain into interceptors owned and operated by the Sacramento Regional County Sanitation District (Regional San) which in turn convey all flows to the ~~Sacramento Regional WWTP~~ EchoWater Facility also owned and operated by RegionalSan.

The following revision is added to the first sentence in the second paragraph under **Wastewater** on page 4.13-18.

The older Central City area is served by a system in which both sanitary sewage and storm drainage are collected and conveyed in the same system of pipelines, referred to as the CSS. The agreement with the ~~Sacramento Regional WWTP~~ EchoWater Facility is to treat up to 60 million gallons per day (mgd) where current dry weather sewer flows are approximately 12 mgd.

The following revisions are added to the first and second sentences in the last paragraph under **Wastewater** on page 4.13-18.

The ~~Sacramento Regional WWTP~~ EchoWater Facility provides service for the cities of Sacramento, West Sacramento, Rancho Cordova, Citrus Heights, Elk Grove, and Folsom; unincorporated Sacramento County; and the communities of Courtland and Walnut Grove. Approximately 1.4 million people are currently located within the District's service area. The ~~Sacramento Regional WWTP~~ EchoWater Facility treats wastewater for the entire Planning Area and has a total capacity of 400 mgd.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for one of the proposed Environmental Resources and Constraints Element policies relevant to public utilities. The following policy is revised under **2040 General Plan Goals and Policies** starting on page 4.13-8.

6 Environmental Resources and Constraints Element

Policy ERC-5.7: Onsite Water Reuse. The City shall explore the feasibility of requiring onsite reuse of greywater and blackwater for end uses such as toilet flushing and irrigation to offset supplies of potable water and support more resilient and sustainable water management.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for one of the proposed Public Services and Safety Element policies relevant to public utilities. The following policy is revised under **2040 General Plan Goals and Policies** starting on page 4.13-9.

9 *Public Services and Safety Element*

Policy PFS-6.5: Broadband Access. The City shall work to expand broadband internet access throughout Sacramento, prioritizing efforts to improve access for students, residents, and businesses in disadvantaged communities. Strategies may include the following:

- Expanding the City’s middle-mile conduit and fiber optic network to provide opportunities for broadband service providers to leverage City infrastructure in underserved areas;
- Expanding the availability of free Wi-Fi in City parks, libraries, community centers, transit stops, and other publicly accessible facilities;
- Establishing a microwave network consisting of radios mounted on top of City structures to provide backhaul for public Wi-Fi and city infrastructure connectivity;
- Pursuing funding opportunities, including but not limited to federal grants;
- Leveraging the Citizen Broadband Radio Service (CBRS) band of the wireless spectrum to establish high-speed wireless networks when necessary; and
- Partnering with telecommunications and cable providers to offer discounted wireless and broadband plans to low-income customers.

4.14. Transportation and Circulation

Figures 4.14-4a and 4b have been revised to reflect the lane configurations for the street system. Three (3) out of the four (4) changes in the analysis are already coded in the transportation model used by the city and as directed by Public Works. The exception is Elkhorn Boulevard (west of SR 99). The circulation diagram has been updated for consistency with the city’s preferences for these segments and this change has no effect on the traffic modeling, and no changes to the analysis or conclusions in the Master EIR.

Elkhorn Boulevard is coded as two lanes in the transportation (SACSIM) model consistent with the circulation diagram. This segment is also designated as an arterial so there would be no difference in right-of-way expectations since those are not tied to lanes but to the functional classification. The model traffic volumes were checked to better understand how a change in the number lanes could affect the forecasts. Elkhorn Boulevard is a short segment with a daily volume forecast of about 21,500 vehicles. Parallel roads carry about 5,300 and 3,500 vehicles. With this level of demand, increasing the roadway segment to four lanes consistent with existing conditions would not likely to meaningfully change forecasting. Note that the SACSIM model has a ‘stochastic’ component that produces some level of variation between model runs without making any other changes to land use or the roadway network. The level of variation would likely be greater than the change that might be produced from a lane change of two lanes to four lanes on a short segment. The updated Figures are provided at the end of this chapter.

The following policies were omitted from the list of Mobility Element policies relevant to transportation and circulation and are added under **2040 General Plan Goals and Policies** starting on page 4.14-21.

8 *Mobility Element*

Policy M-1.13: Walkability. The City shall design streets to prioritize walking by including design elements such as the following:

- Grid networks that provide high levels of connectivity;

- Closely spaced intersections;
- Frequent and low-stress crossings;
- Wide, unobstructed walkable sidewalks;
- Separation from vehicle traffic;
- Street trees that provide shading; and
- Minimal curb cuts.

Policy M-1.14: Walking Facilities. The City shall work to complete the network of tree-shaded sidewalks throughout the city, to the greatest extent feasible, by building new sidewalks and crossings, especially within the high-injury network, in disadvantaged communities, near high ridership transit stops, and near important destinations, such as schools, parks, and commercial areas. Walking facilities should incorporate shade trees.

Policy M-1.15: Improve Walking Connectivity. The City shall require new subdivisions, new multiunit dwelling developments, and new developments along commercial corridors to include well-lit, tree-shaded walkways where feasible, that provide direct links to the public realm or adjacent public destinations such as transit stops and stations, schools, parks, and shopping centers.

Policy M-1.16: Barrier Removal. The City shall remove barriers to walking, where feasible, and work with utility companies to remove barriers to allow people of all abilities to move with comfort and convenience throughout the city, including through the following:

- Provision of curb ramps, crosswalks, and overpasses;
- Relocation of infrastructure or street furniture that impedes travel pathways;
- Reducing or consolidating driveways and curb cuts;
- Provide long and short-term bicycle and scooter parking to minimize sidewalk obstructions; and
- Creation of additional walking entrances to important destinations like schools, parks, and commercial areas.

Policy M-1.17: Improve Bicycling Connectivity. The City shall plan and seek funding for a continuous, low-stress bikeway network consisting of bicycling-friendly facilities that connect neighborhoods with destinations and activity centers throughout the city.

Policy M-1.18: Bicycling Safety. When designing projects, the City shall prioritize designs that strengthen the protection of people bicycling such as improvements that increase visibility of bicyclists, increase bikeway widths, raise bikeways, design safer intersection crossings and turns, and separate bikeways from driving traffic wherever feasible.

Policy M-1.19: Walking Safety. When designing projects, the City shall prioritize designs that encourage walking and improve walking safety best practice designs and considerations for efficiencies in walking.

After release of the Draft Master EIR, City staff determined minor edits and clarifications were needed for some of the proposed Mobility Element policies relevant to transportation and circulation. In addition, based on comments received from various stakeholders and the public City staff added a new policy (M-4.9). The following policy is revised and new policy added under **2040 General Plan Goals and Policies** starting on page

4.14-22. Additionally, City staff determined minor edits and clarifications were needed for one of the proposed Implementing Actions. The **Implementing Action** on page 4.14-23 has been revised.

8 *Mobility Element*

Policy M-2.17: Parking Management Strategy. The City shall continue to deploy a parking management strategy that optimizes the use of existing supply, minimizes the need for the construction of new parking facilities, and promotes the use of active modes of transportation, public transit, and high occupancy vehicles. Program components could include the following:

- Adjusting parking management strategies based on goals and needs;
- Adjusting parking meter hours and pricing for effective management;
- ~~Eliminating City-mandated parking minimums;~~
- Implementing parking maximums along established transit corridors;
- Allowing unbundled parking in conjunction with strategies to reduce the need for private automobiles;
- Incorporating or facilitating technology such as smart-phone apps and wayfinding signage that direct drivers to open parking spaces in real-time, automated and/ or stacked parking systems, or parking technologies that improve parking efficiency in mixed-use centers and corridors;
- Supporting the use of alternative modes by providing alternative programs in lieu of monthly parking passes and discounts; and
- Improving branding, communications, and wayfinding signage.

Policy M-4.9: Safe Routes to School. The City shall assess opportunities to develop and support Safe Routes to School programming.

Implementing Action

M-A-5: Regional Vehicle Miles Traveled (VMT) Mitigation. The City shall complete a study, with input from regional and state partners, to assess the feasibility of regional VMT mitigation measures, including banks, exchanges, and impact fees.

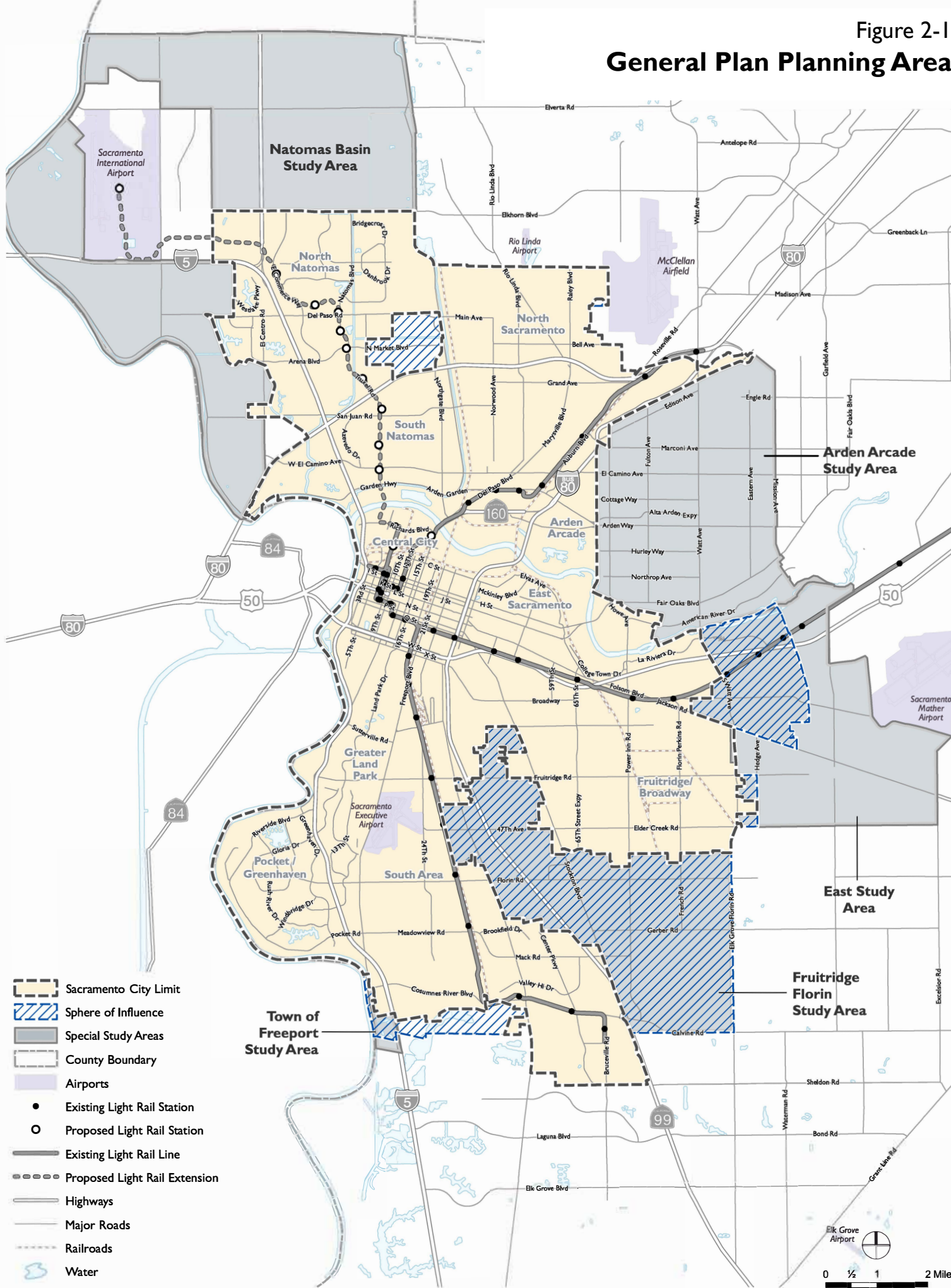
4.15. Tribal Cultural Resources

The following policy is revised under **2040 General Plan Goals and Policies** starting on page 4.15-3.

Policy HCR-1.1: Preservation of Historic and Cultural Resources, Landscapes, and Site Features and Landscaping. The City shall continue to promote the preservation, restoration, enhancement, and recognition of historic and cultural resources throughout the city.

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Figure 2-1
General Plan Planning Area



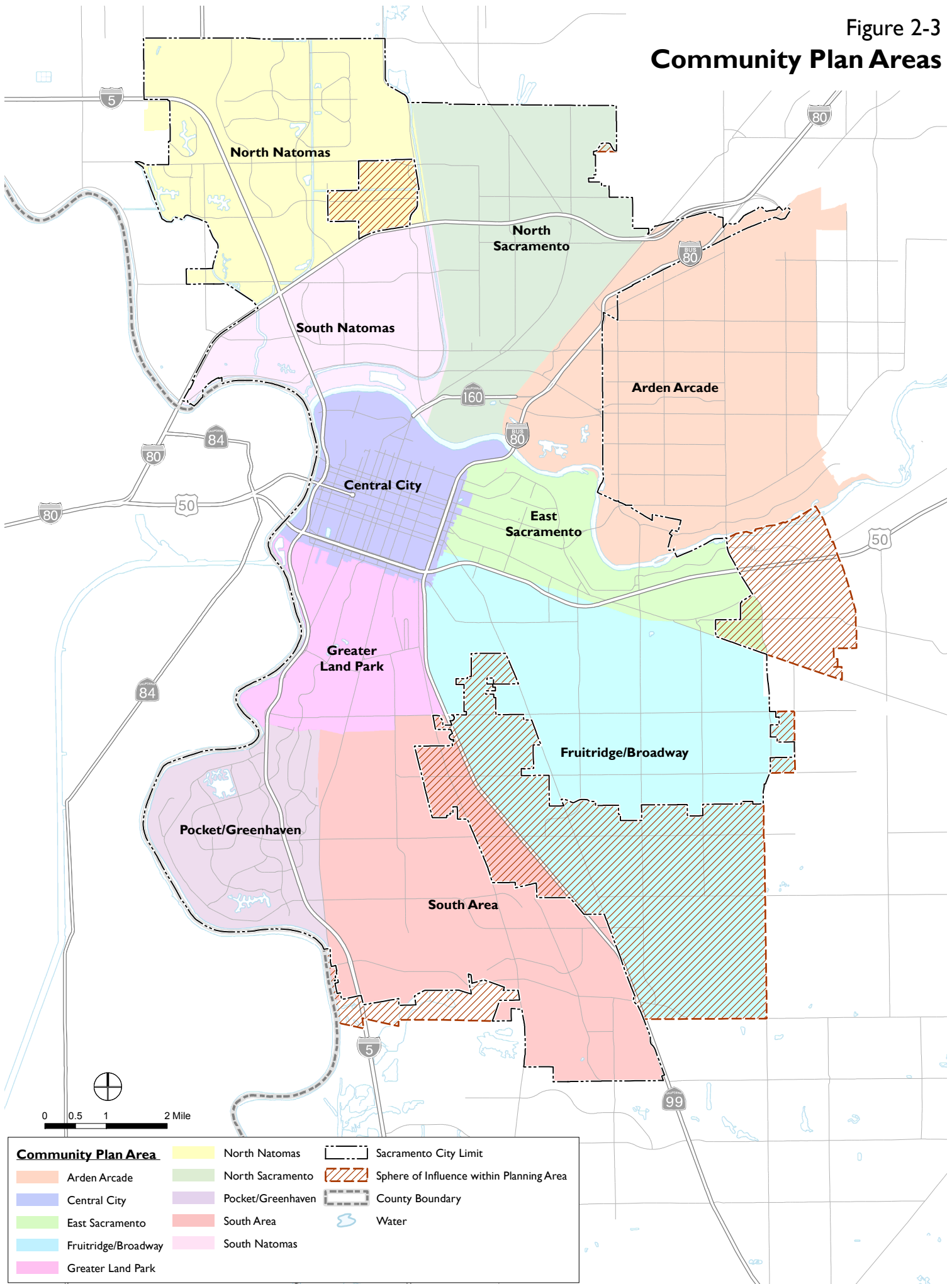
- Sacramento City Limit
- Sphere of Influence
- Special Study Areas
- County Boundary
- Airports
- Existing Light Rail Station
- Proposed Light Rail Station
- Existing Light Rail Line
- Proposed Light Rail Extension
- Highways
- Major Roads
- Railroads
- Water



Source: City of Sacramento GIS, 2021; Dyett & Bhatia, 2023

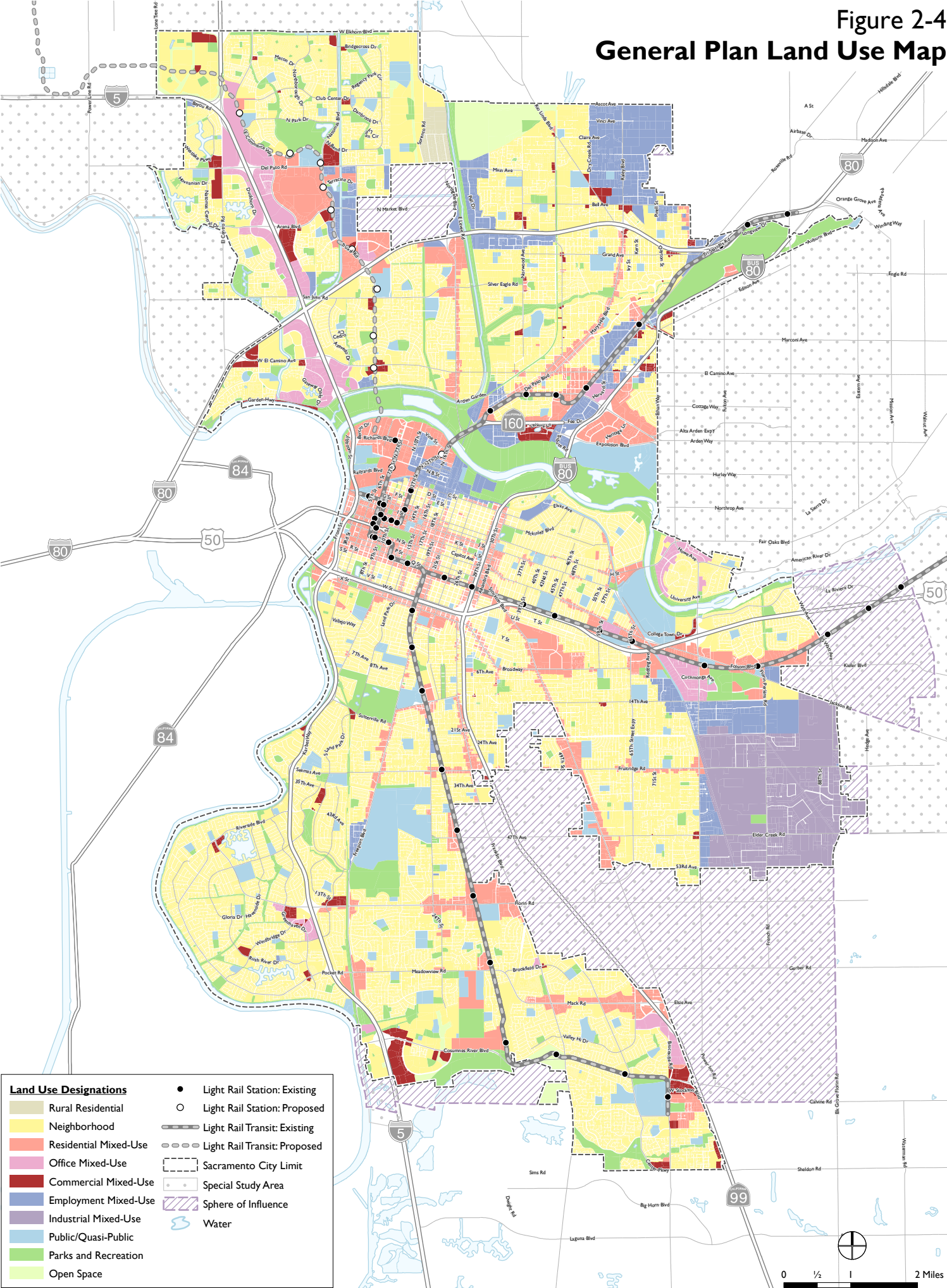
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Figure 2-3
Community Plan Areas



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Figure 2-4 General Plan Land Use Map

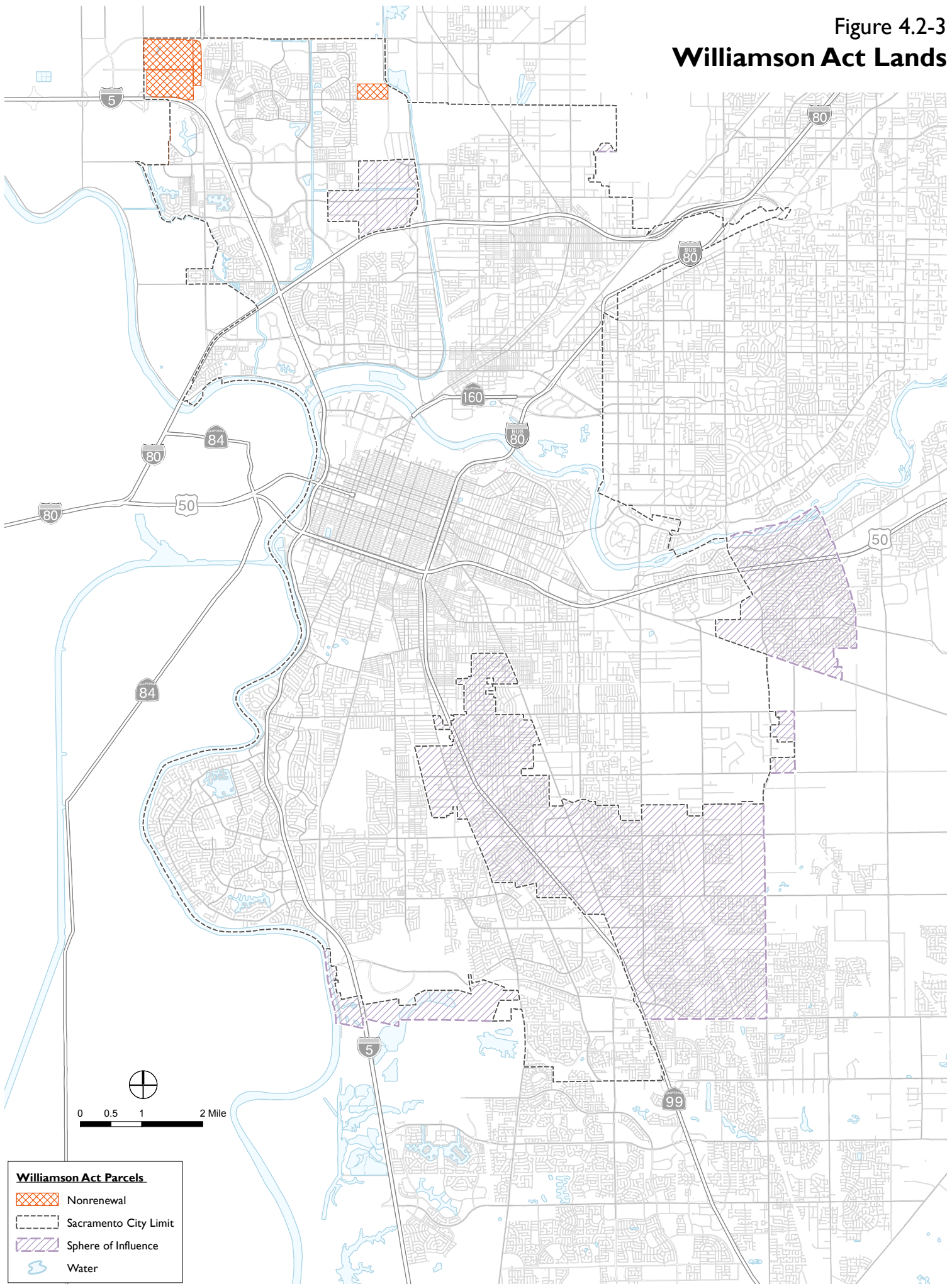


Land Use Designations	
	Rural Residential
	Neighborhood
	Residential Mixed-Use
	Office Mixed-Use
	Commercial Mixed-Use
	Employment Mixed-Use
	Industrial Mixed-Use
	Public/Quasi-Public
	Parks and Recreation
	Open Space
	Light Rail Station: Existing
	Light Rail Station: Proposed
	Light Rail Transit: Existing
	Light Rail Transit: Proposed
	Sacramento City Limit
	Special Study Area
	Sphere of Influence
	Water

Source: City of Sacramento, 2023; Dyett & Bhatia, 2023

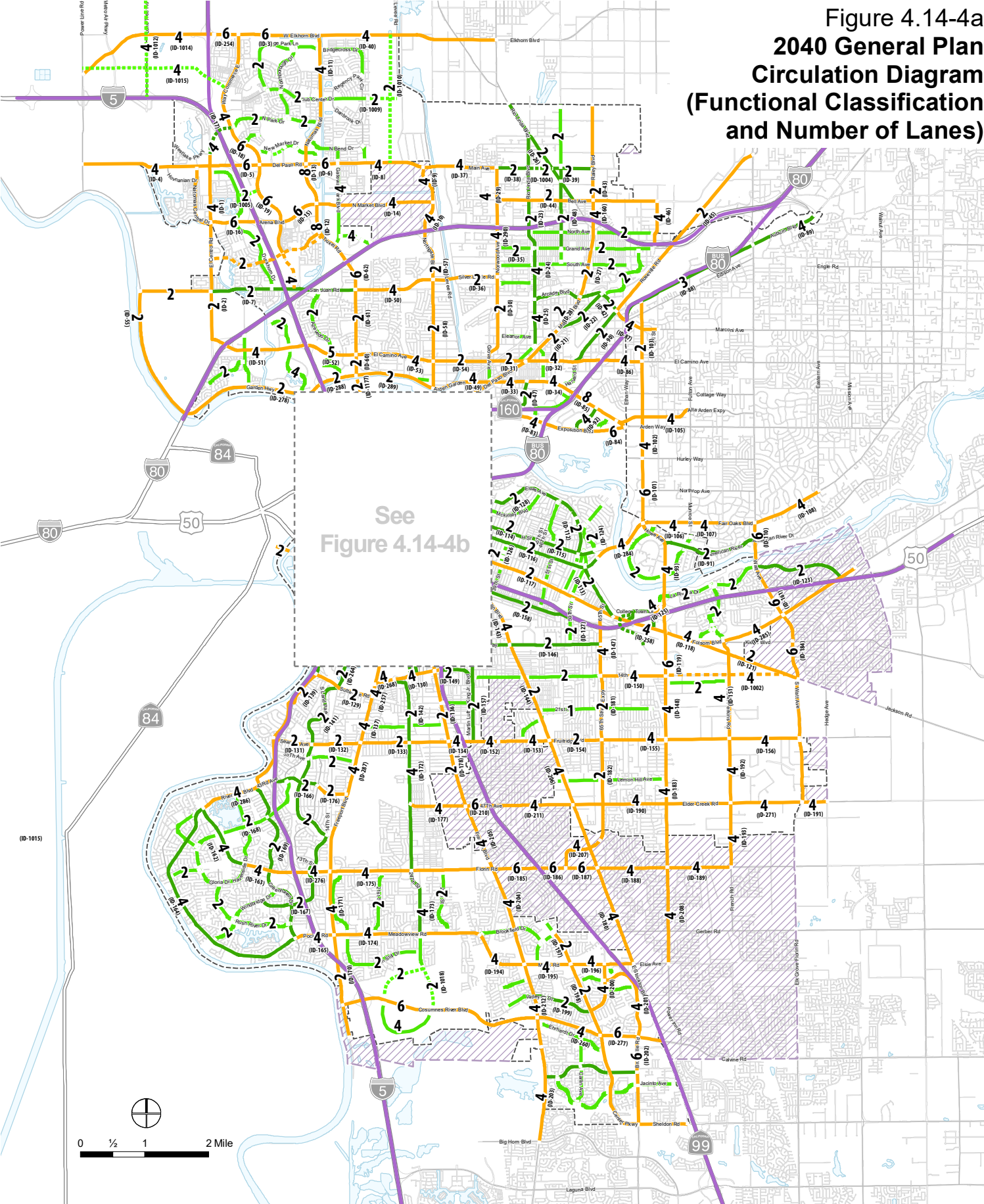
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Figure 4.2-3
Williamson Act Lands

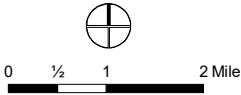


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Figure 4.14-4a
 2040 General Plan
 Circulation Diagram
 (Functional Classification
 and Number of Lanes)



See
 Figure 4.14-4b

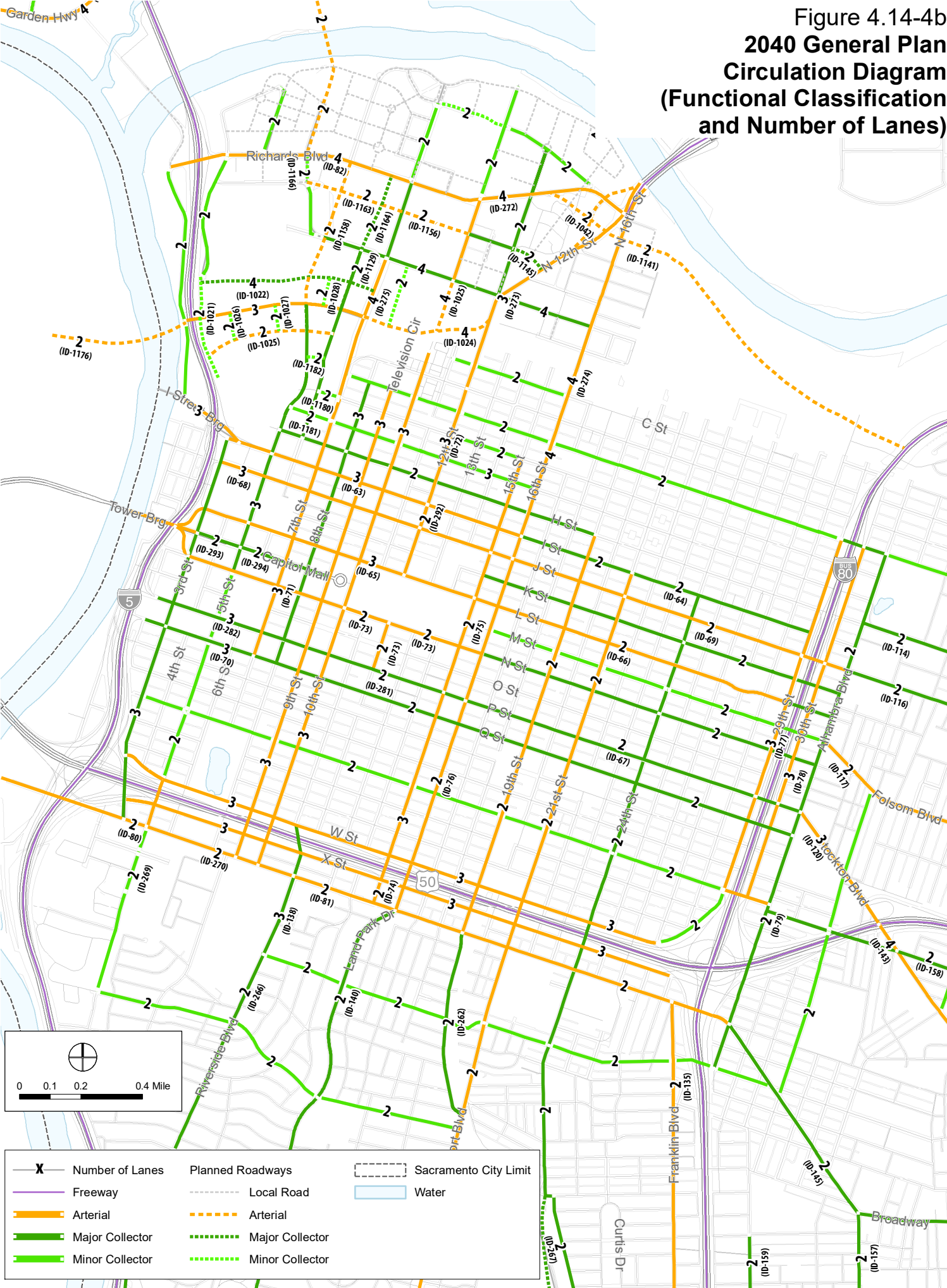


X	Number of Lanes		Planned Roadways		Sacramento City Limit
	Freeway		Local Road		Sphere of Influence
	Arterial; Arterial ; Arterial – Moderate Access Control		Arterial		Water
	Major Collector; Major Collector		Major Collector		
	Minor Collector		Minor Collector		

Source: City of Sacramento, 2021; Fehr & Peers, 2021

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Figure 4.14-4b
 2040 General Plan
 Circulation Diagram
 (Functional Classification
 and Number of Lanes)



Source: City of Sacramento, 2021; Fehr & Peers, 2021

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Updated Appendix C

Parks Inventory

Table: Parkland LOS

2018 Population¹ : 472,693
 2040 Projected Population² : 638,433

PARK TYPE	2023 Existing Park Acreage ³	2023 Existing LOS	Proposed LOS Standards	Net Future Need (Acreage) for Proposed LOS (based on 2040 pop)
Regional Parks ⁴	1,626.13	3.44	3.00	289.17
Community Parks	948.68	2.01	1.75	168.58
Neighborhood Parks	451.98	0.96	1.40	441.82
Parkways	854.14	1.81	1.60	167.35
Open Space	450.00	0.95	0.75	28.82
Grand Total	4,330.92	9.16	8.50	1,095.76

Notes:

1. The 2018 adjusted population numbers for the City of Sacramento are taken from U.S. Census Bureau 2018, as modified by Dyett & Bhatia and SACOG 2019, Table 14-1, Population, Housing Units, and Employees by Jurisdiction (2016) developed for Sacramento 2040 Plan.
2. The 2040 population number are from SACOG 2021.
3. Park acreage includes the total existing acreage for each site, including developed, undeveloped, and natural areas.
4. In the 2017 PIF Study, standards were identified for Citywide Parks, which included YPCE Regional Parks, YPCE Parkways and extensive acreage for Citywide parks not owned by the City.

YPCE Existing and Future Planned Parks	Park Category	Park Type	Ownership Agreement	State of Existence	Planning Area	District Council	Does the park span multiple districts?	Developed Acreage	Undeveloped Acreage	Natural Acreage	Total Acreage
7th Street Promenade	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	1.06	-	-	1.06
Airfield Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	9.20	-	-	9.20
Airport Little League Park	Community Park	Special-use Community Park	City-owned	Existing	South Area	5	no	10.01	-	-	10.01
Ali Youssefi Square	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	0.51	-	-	0.51
Army Depot Park	Community Park	Special-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	19.50	-	-	19.50
Belle Cooleidge Community Park	Community Park	Multi-use Community Park	City-owned	Existing	Land Park	7	no	18.86	-	-	18.86
Bill Conlin Youth Sports Complex	Community Park	Multi-use Community Park	City-owned	Existing	South Area	7	no	21.64	-	-	21.64
Blackbird Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	10.18	-	-	10.18
Brooks Truitt Park	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	0.89	-	-	0.89
Burberry Community Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	11.76	-	-	11.76
C.K. McClatchy Park	Community Park	Multi-use Community Park	City-owned	Existing	Fruitridge/Broadway	5	no	15.42	-	-	15.42
Carl Johnston Park	Community Park	Multi-use Community Park	City-owned	Existing	North Sacramento	2	no	24.80	-	-	24.80
Cesar E. Chavez Plaza	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	2.54	-	-	2.54
Charles Robertson Park/Del Paso Heights Sports C	Community Park	Multi-use Community Park	City-owned	Existing	North Sacramento	2	no	9.06	-	-	9.06
Coloma Community Center Park	Community Park	Special-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	3.03	-	-	3.03
Cosumnes River College Park	Community Park	Special-use Community Park	City-owned	Existing	South Area	8	no	8.08	-	-	8.08
Danny Nunn Park	Community Park	Multi-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	12.34	-	-	12.34
East Portal Park	Community Park	Multi-use Community Park	City-owned	Existing	East Sacramento	4	no	7.35	-	-	7.35
Evelyn Moore Community Center	Community Park	Special-use Community Park	City-owned	Existing	South Area	5	no	0.14	-	-	0.14
Frank Seymour Park	Community Park	Multi-use Community Park	City-owned	Existing	Pocket	7	no	43.60	-	-	43.60
Franklin Boyce Community Park	Community Park	Special-use Community Park	City-owned	Existing	South Area	5	no	9.80	-	-	9.80
Fremont Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	0.45	-	-	0.45
Garcia Bend Park	Community Park	Multi-use Community Park	City-owned	Existing	Pocket	7	no	18.66	-	-	18.66
George Sim Park	Community Park	Multi-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	13.92	-	-	13.92
Glenbrook Park	Community Park	Multi-use Community Park	City-owned	Existing	East Sacramento	6	no	17.64	-	-	17.64
Glenn Hall Park	Community Park	Multi-use Community Park	City-owned	Existing	East Sacramento	4	no	8.13	-	-	8.13
Hagginwood Park	Community Park	Multi-use Community Park	City-owned	Existing	North Sacramento	2	no	15.43	-	-	15.43
Healthy Roots Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Land Park	4	no	2.38	-	-	2.38
Jacinto Creek Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	8	no	11.74	-	-	11.74
James Mangan Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area, Land Park	5	no	8.03	-	-	8.03
James W. Marshall Park	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	2.51	-	-	2.51
John Mackey Memorial Park At Kenwood Oaks	Community Park	Special-use Community Park	City-owned	Existing	North Sacramento	2	no	11.56	-	-	11.56
John Strauch Park	Community Park	Special-use Community Park	City-owned	Existing	South Natomas	3	no	3.25	-	-	3.25
Joseph Reichmuth Park	Community Park	Multi-use Community Park	City-owned	Existing	Pocket	7	no	24.31	-	19.16	43.47
Magoichi Oki Park	Community Park	Multi-use Community Park	City-owned	Existing	East Sacramento	6	no	9.04	-	5.96	15.00
Manuel Barandas Park	Community Park	Multi-use Community Park	City-owned	Existing	South Natomas	3	no	13.03	-	-	13.03
Martin Luther King Jr Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Fruitridge/Broadway	5	no	0.30	-	-	0.30
Matsui Waterfront Park (Robert T.)	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	2.12	-	-	2.12
Meadows Community Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	11.14	-	-	11.14
Mirasol Village Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	0.71	-	-	0.71
North Laguna Creek Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	8	no	21.45	-	-	21.45
North Natomas Community Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	35.33	-	-	35.33
Northgate Park	Community Park	Multi-use Community Park	City-owned	Existing	South Natomas	3	no	15.88	-	-	15.88
Northlake Community Park (Lot B)	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	12.40	-	-	12.40
Oak Park Community Center Park	Community Park	Multi-use Community Park	City-owned	Existing	Fruitridge/Broadway	5	no	10.39	-	-	10.39
Orchard Park	Community Park	Multi-use Community Park	City-owned	Existing	South Natomas	3	no	11.91	-	-	11.91
Pannel/Meadowview Community Center Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	8	no	11.92	-	-	11.92
Pioneer Landing Park	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	2.29	-	-	2.29
Ray and Judy Tretheway Oaks Preserve	Community Park	Special-use Community Park	City-owned	Existing	South Natomas	3	no	13.02	-	-	13.02
Regency Community Park	Community Park	Special-use Community Park	City-owned	Existing	North Natomas	1	no	42.06	-	-	42.06
River Birch Park	Community Park	Special-use Community Park	City-owned	Existing	North Natomas	3	no	-	20.57	-	20.57
Robla Community Park	Community Park	Multi-use Community Park	City-owned	Existing	North Sacramento	2	no	9.74	-	8.07	17.81
San Juan Reservoir Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	3	no	32.85	-	-	32.85
Shasta Community Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	8	no	18.67	-	-	18.67
Shore Park	Community Park	Special-use Community Park	City-owned	Existing	Pocket	7	no	2.37	-	-	2.37
Sierra 2 Park	Community Park	Special-use Community Park	City-owned	Existing	Land Park	7	no	2.67	-	-	2.67
South Natomas Community Park	Community Park	Multi-use Community Park	City-owned	Existing	South Natomas	3	no	24.19	-	-	24.19
Southside Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Central City	4	no	0.78	-	-	0.78
Southside Park	Community Park	Multi-use Community Park	City-owned	Existing	Central City	4	no	19.50	-	-	19.50
Sparrow Community Garden	Community Park	Special-use Community Park	City-owned	Existing	North Natomas	3	no	0.13	-	-	0.13
Tahoe Park	Community Park	Multi-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	17.92	-	-	17.92
Tahoe Tallac Park	Community Park	Special-use Community Park	City-owned	Existing	Fruitridge/Broadway	6	no	6.81	-	-	6.81
Tanzanite Community Park (Basin 6A)	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	3	no	25.43	6.50	-	31.93
UCD Elmhurst Community Garden	Community Park	Special-use Community Park	City-owned	Existing	Fruitridge/Broadway	5	no	0.10	-	-	0.10
Valley HI Community Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	8	no	16.19	-	-	16.19
Valley Oak Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	4.20	-	-	4.20
Westlake Community Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	10.35	-	-	10.35
Wild Rose Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	1	no	9.50	-	-	9.50
William Chorley Park	Community Park	Multi-use Community Park	City-owned	Existing	South Area	5	no	4.89	-	26.28	31.17
William Curtis Park	Community Park	Multi-use Community Park	City-owned	Existing	Land Park	7	no	18.80	-	-	18.80
William McKinley Park	Community Park	Multi-use Community Park	City-owned	Existing	East Sacramento, Central City	4	no	31.10	-	-	31.10
Witter Ranch Park	Community Park	Multi-use Community Park	City-owned	Existing	North Natomas	3	no	9.01	-	-	9.01
Woodlake Park	Community Park	Multi-use Community Park	City-owned	Existing	North Sacramento	2	no	6.17	-	-	6.17
24th Street Bypass Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	4.03	3.37	-	7.40
Alan And Helen Post Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	East Sacramento	4	no	0.69	-	-	0.69
Albert Winn Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	2.56	-	-	2.56
Alder Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.04	-	-	2.04
Argonaut Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	South Area	5	no	8.56	-	-	8.56
Artivo Guerrero Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	2.50	-	-	2.50

Autumn Meadow Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	6.07	-	-	6.07
Bertha Henschel Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	East Sacramento	4	no	2.55	-	-	2.55
Billy Bean Jr Memorial Park At Colonial Manor	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	4.33	-	-	4.33
Blue Oak Park	Neighborhood Park	Pocket Park	City-owned	Existing	North Natomas	1	no	0.98	-	-	0.98
Brockway Park	Neighborhood Park	Pocket Park	City-owned	Existing	Land Park	7	no	0.93	-	-	0.93
California Lilac Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	3.23	-	-	3.23
Camellia Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	Fruitridge/Broadway	6	no	2.01	-	-	2.01
Cannery Plaza	Neighborhood Park	Pocket Park	City-owned	Existing	Central City	4	no	0.22	-	-	0.22
Charlie Jensen Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	2.81	-	-	2.81
Charter Pointe Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	4.89	-	-	4.89
Chuckwagon Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	4.80	-	-	4.80
Colonial Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	2.16	-	-	2.16
Cool Wind Way Park	Neighborhood Park	Pocket Park	City-owned	Existing	Pocket	7	no	1.16	-	-	1.16
Cottonwood Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	4.99	-	-	4.99
Cove Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	1.83	-	-	1.83
Crocker Park	Neighborhood Park	Pocket Park	City-owned	Existing	Central City	4	no	2.58	-	-	2.58
Dixianne Tot Lot	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	North Sacramento	2	no	0.15	-	-	0.15
Dogwood Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	3.03	-	-	3.03
Earl Warren Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	5.03	-	-	5.03
East Lawn Childrens Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	East Sacramento	4	no	0.33	-	-	0.33
Edward Kemble Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	South Area	8	no	1.74	-	-	1.74
Edwin Z Berg Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	2.52	-	-	2.52
Egret Park and Open Space	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	4.93	7.68	-	12.61
Eileen Dutra Park	Neighborhood Park	Pocket Park	City-owned	Existing	Pocket	7	no	0.41	-	-	0.41
Elderberry Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.19	-	-	2.19
Emil Bahnfleth Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Land Park	7	no	6.33	-	-	6.33
Emiliano Zapata Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	0.95	-	-	0.95
Eventide	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.12	-	-	2.12
Five Star Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	North Sacramento	2	no	0.36	-	-	0.36
Fong Ranch Park (In progress)	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	3.83	4.65	-	8.48
Fourth Avenue Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	5	no	1.08	-	-	1.08
Franklin D. Roosevelt Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	2.55	-	-	2.55
Freeport Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	3.96	-	-	3.96
Gardenland Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	6.03	-	-	6.03
Gateway Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	5.02	-	-	5.02
Golden Poppy Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.03	-	-	2.03
Greenfair Park	Neighborhood Park	Pocket Park	City-owned	Existing	Fruitridge/Broadway	5	no	0.61	-	-	0.61
Hampton Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	4.00	2.20	-	6.20
Harrier Park	Neighborhood Park	Pocket Park	City-owned	Existing	North Natomas	1	no	0.74	-	-	0.74
Heron Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	3.95	-	-	3.95
Hite Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	4.99	-	-	4.99
Hummingbird Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	3	no	4.32	-	-	4.32
J. Neely Johnson Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	0.96	-	-	0.96
Jack Rea Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	North Sacramento	2	no	0.34	-	-	0.34
John Cabrillo Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	5.63	-	-	5.63
John Fremont Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	Central City	4	no	2.56	-	-	2.56
John Muir Children'S Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	2.51	-	-	2.51
John Reith Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	South Area	8	no	1.28	-	-	1.28
Kokomo Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	7.00	-	-	7.00
Lawrence Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	5.08	-	-	5.08
Leland Stanford Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	2.76	-	-	2.76
Levar Burton Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	3.15	-	-	3.15
Lewis Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	3.28	-	-	3.28
Linden Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	3	no	4.92	-	-	4.92
Mae Fong Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	1.70	6.61	-	8.31
Magnolia Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	6.43	-	-	6.43
Manuel E. Silva Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	3.15	-	-	3.15
Margarette "Mama" Marks Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	4.66	-	-	4.66
Mark Hopkins Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	6.37	-	-	6.37
Martin Luther King, Jr. Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	1.51	-	-	1.51
Max Baer Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	6	no	4.11	-	-	4.11
Meadowview Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	8.26	-	-	8.26
Michael Himovitz Park	Neighborhood Park	Pocket Park	City-owned	Existing	East Sacramento	4	no	0.09	-	-	0.09
Mirasol Village Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	1.15	-	-	1.15
Ninos Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	4.18	-	-	4.18
North 6th /Victory Promenade Dog Parks in prog	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	3	no	0.49	-	-	0.49
North Pointe Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	1	no	1.73	-	-	1.73
Northborough Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	4.01	-	-	4.01
Oakbrook Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	4.75	-	-	4.75
Olympians Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Land Park	4	no	3.40	-	-	3.40
O'Neil Field	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	4.71	-	-	4.71
Parkway Oaks Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	9.50	-	-	9.50
Peregrine Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	3	no	8.22	-	-	8.22
Phoenix Green	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	1.77	-	-	1.77
Plaza Cervantes	Neighborhood Park	Pocket Park	City-owned	Existing	Land Park	7	no	0.64	-	-	0.64
Plover School Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	North Sacramento	2	no	0.51	0	0	0.51
Pollack Ranch Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	7.17	-	-	7.17
Portuguese Community Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	3.19	-	-	3.19
Quail Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	5.21	-	-	5.21
R. Burnett Miller Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	East Sacramento	4	no	1.01	-	-	1.01
Ray Eames Park at Crocker Village in progress	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Land Park	7	no	6.5	-	-	6.5

Red Tail Hawk Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	3	no	5.00	-	-	5.00
Redbud Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	1.37	-	-	1.37
Redwood Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	3.62	-	-	3.62
Reginald Renfree Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	6.69	-	-	6.69
Ricardo Favela Park	Neighborhood Park	Pocket Park	City-owned	Existing	East Sacramento	4	no	0.13	-	-	0.13
Richard Marriott Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	7.58	-	-	7.58
Richardson Village Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	8.88	-	-	8.88
River District Basketball Court	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	Central City	4	no	0.42	-	-	0.42
River Otter Park	Neighborhood Park	Pocket Park	City-owned	Existing	South Natomas	3	no	1.88	-	-	1.88
River Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	East Sacramento	4	no	1.58	-	-	1.58
River View Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	3	no	5.19	-	-	5.19
Robert Brookins Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	6.82	-	-	6.82
Roy Nielsen Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	8.09	-	-	8.09
Russ Solomon Park	Neighborhood Park	Pocket Park	City-owned	Existing	East Sacramento	4	no	0.68	-	-	0.68
Sally Hudson Park	Neighborhood Park	Pocket Park	City-owned	Existing	South Natomas	3	no	0.62	-	-	0.62
Shorebird Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	2.35	-	-	2.35
Sojourner Truth Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	Pocket	7	no	6.01	-	-	6.01
Sparrow Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	North Natomas	1	no	1.77	-	-	1.77
Steve Jones Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	6.73	-	-	6.73
Strawberry Manor Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	1.30	-	-	1.30
Sundance Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.00	-	-	2.00
Susan B. Anthony Park	Neighborhood Park	Multi-use Neighborhood Park	Long term joint-use	Existing	South Area	8	no	7.14	0	0	7.14
Sutter Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	East Sacramento	4	no	0.64	-	-	0.64
Swainson's Hawk Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	5.72	-	-	5.72
Sycamore Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	5.30	-	-	5.30
Temple Avenue Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Fruitridge/Broadway	5	no	1.06	-	-	1.06
Thomas Jefferson Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	5.67	-	-	5.67
Tony Court Park	Neighborhood Park	Pocket Park	City-owned	Existing	Pocket	7	no	0.85	-	-	0.85
Triangle Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	1.20	-	-	1.20
Two Rivers Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Natomas	3	no	3.03	-	-	3.03
Ulysses S. Grant Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	4	no	2.37	-	-	2.37
University Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Arden Arcade	6	no	3.72	-	-	3.72
Vine/Central (formerly Victory Park) in progress	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Central City	3	no	0.83	-	-	0.83
Washington Park	Neighborhood Park	Neighborhood Play Lot	City-owned	Existing	Central City	4	no	1.56	-	-	1.56
Westhampton Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	4.34	-	-	4.34
Willie Caston Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	6.27	-	-	6.27
Willow Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Natomas	1	no	2.50	-	-	2.50
Winner's Circle Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	North Sacramento	2	no	1.89	-	-	1.89
Wood Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	8	no	5.58	-	-	5.58
Woodbine Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	South Area	5	no	6.48	-	-	6.48
Zacharias Park	Neighborhood Park	Multi-use Neighborhood Park	City-owned	Existing	Pocket	7	no	6.12	-	-	6.12
Bannon Creek Preserve	Open Space	Open Space	City-owned	Existing	South Natomas	3	no	-	-	5.52	5.52
Chicory Bend Park	Open Space	Open Space	City-owned	Existing	Land Park	7	no	-	-	11.01	11.01
Hansen Ranch Regional Park	Open Space	Open Space	City-owned	Existing	North Sacramento	1	no	-	-	265.93	265.93
Longview Oaks Nature Preserve	Open Space	Open Space	City-owned	Existing	Arden Arcade	2	no	-	-	8.03	8.03
Meadowview Estates Open Space East/West	Open Space	Open Space	City-owned	Existing	South Area	8	no	-	-	21.86	21.86
North Laguna Creek Wildlife Area and Parkway	Open Space	Open Space	City-owned	Existing	South Area	8	no	-	-	120.95	120.95
North Natomas Park Nature Area	Open Space	Open Space	City-owned	Existing	North Natomas	1	no	1.55	-	5.49	7.04
Park Site Sn2	Open Space	Open Space	City-owned	Existing	South Natomas	3	no	-	-	0.24	0.24
Sand Cove Park	Open Space	Open Space	City-owned	Existing	South Natomas	3	no	-	-	9.42	9.42
Bannon Creek Park & Parkway	Parkway	Parkway	City-owned	Existing	South Natomas	3	no	18.94	-	-	18.94
Del Rio Trail (in progress)	Parkway	Parkway	City-owned	Existing	Land Park, Pocket	7	no	-	60.51	-	60.51
Fisherman's Lake Parkway & Open Space	Parkway	Parkway	City-owned	Existing	North Natomas	1	no	10.02	-	25.39	35.41
Glenbrook River Access	Parkway	Parkway	City-owned	Existing	East Sacramento	6	no	4.03	-	-	4.03
Jacinto Creek Parkway	Parkway	Parkway	City-owned	Existing	South Area	8	no	14.62	-	-	14.62
Lot 48 Railyards bike trail	Parkway	Parkway	Exclusive Recreational Easement	Existing	Central City	4	NO	0.48	-	-	0.48
Ninos Parkway	Parkway	Parkway	City-owned	Existing	South Natomas	3	no	46.73	-	-	46.73
North Point Way River Access	Parkway	Parkway	City-owned	Existing	Pocket	7	no	-	5.10	-	5.10
Pocket Canal Parkway	Parkway	Parkway	City-owned	Existing	Pocket	7	no	52.04	-	-	52.04
Sacramento Northern Parkway	Parkway	Parkway	City-owned	Existing	South Natomas, North Sacramento	2	no	62.09	-	-	62.09
Sacramento River Parkway (Central Area)	Parkway	Parkway	City-owned	Existing	Central City	4	no	2.84	-	9.60	12.44
Sacramento River Parkway (Land Park Area)	Parkway	Parkway	City-owned	Existing	Land Park	7	no	7.75	-	32.80	40.55
Sacramento River Parkway (Pocket Area)	Parkway	Parkway	City-owned	Existing	Pocket	7	no	7.70	-	-	7.70
Walter S.Ueda Parkway	Parkway	Parkway	City-owned	Existing	N. Sac, S. Natomas	1,3	yes	493.50	-	-	493.50
Bartley Cavanaugh Golf Course	Regional Park	Regional Recreation and Culture	City-owned	Existing	South Area	7	no	98.10	-	-	98.10
Bing Maloney Golf Course	Regional Park	Regional Recreation and Culture	City-owned	Existing	South Area	5	no	175.31	-	-	175.31
Camp Sacramento	Regional Park	Regional Recreation and Culture	City-owned	Existing	El Dorado County	N/A	no	19.00	-	-	19.00
Del Paso Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Arden Arcade	2	no	38.43	4.26	107.93	150.62
Fredrick Miller Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Land Park, Central City	4	no	38.68	-	-	38.68
Granite Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Fruitridge/Broadway	6	no	74.39	-	9.25	83.64
Haggin Oaks Golf Course	Regional Park	Regional Recreation and Culture	City-owned	Existing	Arden Arcade	2	no	406.42	-	-	406.42
North Natomas Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	North Natomas	1	no	56.92	155.90	-	212.82
Sacramento Historic Old City Cemetery	Regional Park	Regional Recreation and Culture	City-owned	Existing	Land Park, Central City	7	no	31.28	-	-	31.28
Sutter's Landing Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Central City	4	no	32.39	157.18	-	189.57
Tiscornia Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Central City, South Natomas	4	no	14.36	-	-	14.36
William Land Golf Course	Regional Park	Regional Recreation and Culture	City-owned	Existing	Land Park	7	no	91.06	-	-	91.06
William Land Regional Park	Regional Park	Multi-use Regional Park	City-owned	Existing	Land Park	7	no	115.27	-	-	115.27

**YPCE manages/maintains other Class 1 bike trails, not listed here. The City provides other bikeways and trail corridors, not managed by YPCE.

*All pickleball courts are overlays (jointly striped tennis courts) except those at R. Burnett Miller Park.

Sites that are noted as "In Progress" are under development. These parks are anticipated to be open to the public by the time the Master Plan is completed.

YPCE Existing and Future Planned Parks	Park Type	If TBD, potential park category	State of Existence	Planning Area	District Council	Total Acreage
4-Way Parklets at the Railyards	Neighborhood Park	Community Park	Proposed Future	Central City	4	2.65
Babcock School Park	Neighborhood Park	School Park	Proposed Future	Arden Arcade	2	5.00
Bercut Richards Plaza Site	Neighborhood Park	Neighborhood Park	Proposed Future	Central City	4	0.21
Civic Plaza Park	Neighborhood Park	Neighborhood Park	Proposed Future	Central City	4	3.50
Commerce Station Park Site	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	4.02
Delta Shores OS7	Parkway	Parkway	Proposed Future	South Area	8	0.52
Delta Shores OS1	Parkway	Parkway	Proposed Future	South Area	8	1.83
Delta Shores OS2	Parkway	PARKWAY	Proposed Future	South Area	8	1.72
Delta Shores OS3	Parkway	Parkway	Proposed Future	South Area	8	3.21
Delta Shores OS4	Parkway	Parkway	Proposed Future	South Area	8	1.23
Delta Shores OS6	Parkway	Parkway	Proposed Future	South Area	8	0.43
Delta Shores OS9	Open Space	Open Space	Proposed Future	South Area	8	0.52
Delta Shores Regional Park	Regional Park	Regional Park	Proposed Future	South Area	8	100.50
Delta Shors OS5	Parkway	Parkway	Proposed Future	South Area	8	0.39
Fifth Street Plaza	Community Park	Community Park	Proposed Future	Central City	4	0.78
Fong Ranch Phase 2	Neighborhood Park	Neighborhood Park	Proposed Future	South Natomas	3	4.65
Granite Reg Park East Basin	Regional Park	Regional Park	Proposed Future	Fruitridge/Broadway	6	100.00
Innovation Park Parcel A	Community Park	Community Park	Proposed Future	North Natomas	1	0.65
Innovation Park Parcel B	Open Space	Open Space	Proposed Future	North Natomas	1	4.57
Innovation Park Parcel D	Non-city	Long term joint use	Proposed Future	North Natomas	1	35.89
Innovation Park Parcel D1	Neighborhood Park	Pocket Park	Proposed Future	North Natomas	1	0.25
Innovation Park Parcel E	Neighborhood Park	School Park	Proposed Future	North Natomas	1	4.77
Innovation Park Parcel E1	Neighborhood Park	Pocket Park	Proposed Future	North Natomas	1	0.21
Innovation Parkway	Parkway	Parkway	Proposed Future	North Natomas	1	4.57
Lot 32 Museum Plaza	Parkway	Parkway	Proposed Future	Central City	4	0.88
Meadow view Regional Sports Complex	Regional Park	Regional Park	Proposed Future	South Area	8	102.00
Michael J. Castori School Park	Neighborhood Park	School Park	Proposed Future	South Natomas	2	3.24
MLS Promenade	Regional Park	Community Park	Proposed Future	Central City	4	0.69
Morrison Creek Parkway	Parkway	Parkway	Proposed Future	South Area	6	4.12
Museum Plaza at the Railyards	Community Park	Community Park	Proposed Future	Central City	4	5.65
Ninos Parkway at the Panhandle	Parkway	Parkway	Proposed Future	North Natomas	1	48.00
Northlake Phase 2Parks - Lot E	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	2.20
Northlake Phase 2 Parks - Lot C	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	2.40
Northlake Phase 2 Parks - Lot D	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	1.89
P10 Delta Shores Future Community Park	Community Park	Community Park	Proposed Future	South Area	8	10.98
Panhandle Future Park Site 1	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	6.00
Panhandle Future Park Site 2	Community Park	Community Park	Proposed Future	North Natomas	1	12.40
Park Site 2D (Basin 8B) "Westshore"	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	1	5.08
Park Site Ns2	Neighborhood Park	Neighborhood Park	Proposed Future	North Sacramento	1	5.00
Park Site P1 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	7	2.96
Park Site P11 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	8.68
Park Site P3 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	7	6.02
Park Site P4 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	1.32

Park Site P5 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	0.66
Park Site P6 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	4.64
Park Site P7 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	1.76
Park Site P9 Delta Shores Future	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	6.08
Park Site Sn4	Neighborhood Park	Neighborhood Park	Proposed Future	South Natomas	3	0.23
Paseo	Parkway	Parkway	Proposed Future	Central City	4	0.25
Regenerative Garden	Community Park	Community Park	Proposed Future	Central City	4	1.66
Riverfront Park	Community Park	Community Park	Proposed Future	Central City	4	1.11
Sacramento River Connection	Bicycle Easement	Parkway	Proposed Future	Central City	4	0.55
Sacramento River Parkway	Parkway	Parkway	Proposed Future	Pocket, South Area, Land Park,	4, 7	100.00
Setzer Run at the Mills	Parkway	Parkway	Proposed Future	Land Park	4	0.06
Skylark Park	Neighborhood Park	Neighborhood Park	Proposed Future	North Natomas	3	2.56
Stone Beeltand Open Space	Open Space	Open Space	Proposed Future	South Area	8	8.64
Stone Beeltand Park 1	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	3.84
Stone Beeltand Park 2	Neighborhood Park	Neighborhood Park	Proposed Future	South Area	8	3.28
Township 9 Park	Community Park	Community Park	Proposed Future	Central City	4	15.26
Transit Plaza and paseo	Community Park	Community Park	Proposed Future	Central City	4	1.91
Two Rivers Trail Park	Regional Park	Regional Park	Proposed Future	Central City	4	3.01
Under I-5 Experience at the Railyards	Community Park	Community Park	Proposed Future	Central City	4	2.70
Viaduct Park	Community Park	Community Park	Proposed Future	Central City	4	4.48
Vista Connector To 4-Way at the Railyards	Parkway	Parkway	Proposed Future	Central City	4	0.42
Vista Park at the Railyards	Community Park	Community Park	Proposed Future	Central City	4	9.28
						684.73

"In Progress" parks, where development is underway, are included in Table 1.

4 Comments and Responses

This chapter contains the comment letters received in response to the Draft Master EIR during the 45-day public review period from August 24 through October 10, 2023. Each comment letter is numbered, each comment is bracketed, and responses are provided to each comment. To assist the reader, a brief summary of the comment has been provided; however, it is only a summary and does not repeat the comment verbatim. Please refer back to the letter for the specific comment. The responses amplify or clarify information provided in the Draft Master EIR and/or refer the reader to the appropriate place in the document where the requested information may be found.

Comments that are not directly related to environmental issues (e.g., opinions regarding the merits of the plan, or goals and policies contained in the 2040 General Plan or the Climate Action & Adaptation Plan unrelated to its environmental impacts) are noted for the record and will be forwarded to the decision makers for their consideration. Where text changes in the Draft Master EIR are warranted based on comments received, updated project information, or other information provided by City of Sacramento (City) staff, those changes are noted in the response to comment, and are listed in Chapter 3, Changes to the Draft Master EIR, of this Final Master EIR.

The changes to the analysis contained in the Draft Master EIR, provided in Chapter 3, represent only minor clarifications/amplifications primarily to the general plan policies and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft Master EIR is not required.

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4.1 Response to State and Local Agency Comments

Comment Letter 1

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
[530] 821-8401 | FAX [530] 741-4245 TTY 711
www.dot.ca.gov



September 8, 2023

GTS# 03-SAC-2023-01452

Scott Johnson
Senior Planner
City of Sacramento
Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Sacramento Draft 2040 General Plan and Climate Action & Adaptation Plan

Dear Mr. Johnson:

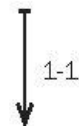
Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The City of Sacramento has issued a Notice of Availability (NOA) of the Draft Master Environmental Impact Report (Draft MEIR) for the 2040 General Plan Update and Climate Action & Adaptation. The City is initiating the 2040 General Plan Update and Climate Action Plan, consistent with the city's requirement to revise and update the General Plan every five years, as necessary, to address significant emerging trends, recent state statutes, new issues, and to update the status of implementation measures. This review and update process encompasses the entire General Plan, including the goals, policies, and implementation programs. As a part of the 2040 General Plan Update, a standalone community-wide CAP will be prepared that meets the CEQA requirements for a qualified CAP, including providing a framework for programmatic greenhouse gas emissions (GHG) reduction plans. Based on the information provided, Caltrans provides the following comments:

Freeway Operations

Caltrans District 3 would support many of the policies and goals put forth in the General Plan and Climate Action Plan. With the focus on Land Use and Placemaking Element, and multimodal transportation to improve walking, bicycling and transit connections, the policies concentrating on these items would help reduce VMT and

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Scott Johnson, Senior Planner
September 8, 2023
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air pollution, which aligns with Caltrans' goals and vision as well. However, this document only provides High Level VMT Analysis for the entire city, and Transportation Circulation Performance Analysis - LOS for local corridor only and state highways/freeways within the city limits are not included. As the result, VMT analysis, Traffic Safety analysis, and Traffic Operation analysis for individual project or location is not covered/provided. Therefore, as the recommendation, please cover these analyses when submitting local project review requests for each individual project to determine its impact to the state SHS.

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1-1
Cont.

Traffic Safety

There is a need to plan pedestrian/bicycle overcrossings separate from freeway interchanges in areas with trip generators from residential housing to businesses, restaurants, and shopping areas. Pedestrians and bicyclists are both placed at risk from vehicles, especially at speeds of 40 mph and above. Currently pedestrians/bicyclists have multiple conflict points across an interchange and many people may elect to use a vehicle, vice walking/riding because of that. Providing separate pedestrian/bicyclist bridges at or near interchanges could help to both increase the number of pedestrians/bicyclists while removing the potential for these vulnerable users to be seriously injured or killed while crossing the freeways. This would also hopefully alleviate the pedestrian/vehicle crashes occurring on the freeway because they would have a safe route to cross. These are key items to reach Vision Zero.

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1-2

Forecasting & Modeling

As mentioned by other functional units, this is a high-level plan. To review the overall VMT impact, we have analyzed each project separately. Therefore, Modeling and Forecasting can review the plan if a detailed VMT analysis is provided.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

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1-3

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Page 3

If you have any questions regarding these comments or require additional information, please contact Satwinder Dhatt, Local Development Review Coordinator, by phone (530) 821-8261 or via email at satwinder.dhatt@dot.ca.gov.

Sincerely,



GARY ARNOLD, Branch Chief
Local Development Review, Equity and System Planning
Division of Planning, Local Assistance and Sustainability
Caltrans District 3

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Response to Letter 1

Caltrans, District 3 (Gary Arnold, Branch Chief)

- 1-1** The comment mentions that the Draft Master EIR analysis provides “High Level VMT Analysis for the entire city, and Transportation Circulation Performance Analysis-LOS for local corridor only and state highways/freeways within the city limits are not included.” As a result, the VMT analysis, Traffic Safety analysis, and Traffic Operation analysis for an individual project or location is not covered in the Master EIR. This is correct and is consistent with the technical guidance provided by the Governor’s Office of Planning and Research and the purpose of the Master EIR, which is to address the cumulative effects of adoption of the 2040 General Plan. These cumulative effects include consideration of future projects that are consistent with the general plan. While the City will consider whether any future projects or actions would result in effects that undermine the environmental analysis in the Master EIR (see, e.g., Public Resources Code section 21166), the City anticipates that projects consistent with the 2040 general plan land use designations and circulation element may rely on the VMT analysis in the Master EIR to resolve and avoid project-specific impact analysis relating to VMT.

The City appreciates the acknowledgement of common interests of the agencies in addressing climate change, air quality effects, and VMT. The City agrees that ongoing cooperation and coordination is desirable.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 1-2** The comment identifies the need to plan pedestrian/bicycle overcrossings separate from freeway interchanges in areas proximate to commercial and residential uses to address potential safety concerns. The City agrees with the tenor of the general comment that providing safe, effective and meaningful physical improvements for people walking and bicycling near freeway interchanges is a sound policy. The 2040 General Plan includes Mobility Policy M-1-2, for example, that calls for prioritizing the mobility, comfort, health, safety, and convenience of pedestrian, bicycling, and public transit uses over design and operations of those driving. The commenter’s suggestions are consistent with Mobility Policy M-1.2-11 that calls for increasing walking and biking. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 1-3** The comment notes a general plan is a high-level policy document and as future projects are proposed the Modeling and Forecasting staff of Caltrans will review the VMT analysis as appropriate. The City agrees the general plan is a high-level policy document. The Master EIR evaluates impacts of adoption of the general plan and will be a key tool for the City in evaluating the potential significant effects of subsequent projects consistent with the general plan.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. See also Response to Comment 1-1.

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Comment Letter 2

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DIVISION OF TRANSPORTATION PLANNING
AERONAUTICS PROGRAM – MS. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711
www.dot.ca.gov



October 10th, 2023

Scott Johnson Electronically Sent <SRJohnson@cityofsacramento.org>
Senior Planner
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Re: 2019012048, Sacramento 2040 General Plan and Climate Action & Adaptation Plan

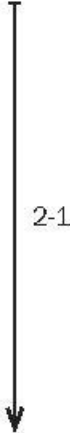
Dear Mr. Johnson:

The California Department of Transportation, Aeronautics Program has reviewed the Draft Environmental Review for the Sacramento 2040 General Plan and Climate Action & Adaptation Plan. One of the goals of the California Department of Transportation (Caltrans), Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Aeronautics Program in the review of the Draft EIR.

The Sacramento Area Council of Governments (SACOG) serves as the Airport Land Use Commission (ALUC) for Sacramento County, in this capacity it has adopted airport land use compatibility plans (ALUCP) for four airports that are located within or bordering the City of Sacramento: Mather Field, Executive Airport, Sacramento International Airport, and McClellan Field. An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport.

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development

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Scott Johnson, Senior Planner
October 10th, 2023
Page 2

in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan(s) formed by the ALUC pursuant to the PUC, Section 21674.

↑ 2-1
Cont.

The 2040 General Plan Update and Climate Action Plan should aim to meet the compatibility standards set forth in the ALUCPs for each respective airport. This is in respect to safety, noise, overflight, and obstruction standards. Future projects that come forward from the plans and are within an airport land use plan of the respective airports in Sacramento County are subject to a consistency review by the ALUC.

↑ 2-2

If you have any questions or need additional information, please contact me at my email address: tiffany.martinez@dot.ca.gov.

Sincerely,



Tiffany Martinez
Transportation Planner, Aeronautics Program

Cc: State Clearinghouse

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Response to Letter 2

**Caltrans, Division of Transportation Planning/Aeronautics
(Tiffany Martinez, Transportation Planner, Manager, Aeronautics Program)**

- 2-1** The comment provides background on airport land use compatibility plans which include addressing airport noise and references Public Utilities Code Section 21001 et seq. that oversees the State Aeronautics Act as it relates to safety criteria and restrictions for airport land use plans. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 2-2** The comment notes that the 2040 General Plan and Climate Action & Adaptation Plan should address land use compatibility standards for future development near airports because future projects within an airport land use plan would be required to be reviewed for consistency by the Airport Land Use Commission. All projects in the City located within an airport land use plan are presently reviewed for consistency with the applicable airport land use plan including building height, safety, and noise. This practice will continue for development proposed under the 2040 General Plan. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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Comment Letter 3

From: [Raether, Constantin@CalOES](mailto:Raether.Constantin@CalOES)
To: [Scott Johnson](mailto:Scott.Johnson)
Cc: [LaMar-Haas, Victoria@CalOES](mailto:LaMar-Haas_Victoria@CalOES); [Boemecke, Wendy@CalOES](mailto:Boemecke_Wendy@CalOES); [CalOES Mitigation Planning](#)
Subject: City of Sacramento Safety Element Review
Date: Monday, September 25, 2023 2:03:06 PM

Good afternoon,

The California Governor's Office of Emergency Services (Cal OES) Local Hazard Mitigation Planning Team has taken the time to review the proposed updates/changes to your General Plan. Government Code 65302(g)(8) states "before preparing or revising its Safety Element, each city and county shall consult.... the Office of Emergency Services for the purpose of including information known by and available to the department."

The Cal OES Local Hazard Mitigation Planning Team reviews and compares your current Safety Element hazards against those listed in the most recent Federal Emergency Management Agency (FEMA) approved Sacramento County Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP).

Our office has reviewed your proposed Safety Element and found no substantive changes to your hazard profiles when compared against the most recent FEMA approved Sacramento County MJLHMP. Our office has no further comments at this time.

3-1

Should you need further assistance or have questions please email our team at mitigationplanning@caloes.ca.gov.

Constantin Raether, Environmental Planner
Local Mitigation Planning | Recovery Directorate
California Governor's Office of Emergency Services



Office: (916) 328-7778
Cell: (916) 715-9408
www.caloes.ca.gov/HMGP

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Response to Letter 3

**Governor’s Office of Emergency Services, Local Mitigation Planning/Recovery Directorate
(Constantin Raether, Environmental Planner)**

- 3-1** The comment notes that the Governor’s Office of Emergency Services has reviewed the 2040 General Plan Safety Element for consistency with the adopted Sacramento County Multi-Jurisdictional Local Hazard Mitigation Plan and has no comments at this time. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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Central Valley Regional Water Quality Control Board

10 October 2023

Scott Johnson
 City of Sacramento
 300 Richards Boulevard, 3rd Floor
 Sacramento, CA 95811
SRJohnson@cityofsacramento.org

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SACRAMENTO 2040 GENERAL PLAN AND CLIMATE ACTION AND ADAPTATION PLAN, SCH#2019012048, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 24 August 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report for the Sacramento 2040 General Plan and Climate Action and Adaptation Plan*, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Sacramento 2040 General Plan and
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Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

4-1

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

4-2

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act



4-2
Cont.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

4-2
Cont.

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under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

4-2
Cont.

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Response to Letter 4

Central Valley Regional Water Quality Control Board (Peter Minkel, Engineering Geologist)

4-1 The comment refers to the requirement that wastewater discharge must comply with the state's Antidegradation Policy which is a required element in the National Pollutant Discharge Elimination System (NPDES) and the Waste Discharge permit process. The City acknowledges this requirement.

As described on page 4.10-8 of the Draft Master EIR, all future construction projects within the City that disturb more than 50 cubic yards of soil would be required to adhere to the City's Grading Ordinance (Title 15 Buildings and Construction, Chapter 15.88 Grading, Erosion and Sediment Control). The Grading Ordinance regulates site operations and conditions in accordance with the City's NPDES requirements, issued by the California Central Valley Regional Water Quality Control Board (CVRWQCB). The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

4-2 The comment outlines permitting requirements for future development under the purview of the CVRWQCB.

The City requires all construction projects to comply with the CVRWQCB requirements, which would include future development under the 2040 General Plan. The Technical Background Report (TBR - available online at: www.sac2040gpu.org) and the updated Regulatory Setting starting on page 4.10-3 of the Draft Master EIR includes the relevant state permitting requirements as outlined in the comment. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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Comment Letter 5



October 9, 2023

Scott Johnson
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

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Delivered via email: MEIR@cityofsacramento.org

RE: Comments on Draft Master Environmental Impact Report for the City of Sacramento 2040 General Plan Update and Climate Action & Adaptation Plan, SCH# 2019012048

Dear Scott Johnson:

Thank you for the opportunity to review and comment on the City of Sacramento (City) 2040 General Plan Update and Climate Action & Adaptation Plan Draft Master Environmental Impact Report (DMEIR). The Delta Stewardship Council (Council) recognizes that the objective(s) of the City's General Plan Update and Climate Action & Adaptation Plan (project) are to determine the extent and types of development needed to achieve the community's long-range vision for physical, economic, social, and environmental goals, achieve compliance with applicable State and regional policies and provide the basis for establishing and setting priorities for detailed programs.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the

Scott Johnson
City of Sacramento 2040 General Plan Update and Climate Change Action
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Council with furthering California’s coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The Council is charged with furthering California’s coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.) The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225.30.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to initiating the implementation of the project. (Wat. Code, § 85225.)

5-1

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the project location and scope, as provided in the NOP, the proposed project appears to meet the definition of a covered action. Water Code section 85057.5(a) states that a covered action is a plan, program, or project, as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

5-2

- (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.* The plan area includes portions of the Delta within the City limits and sphere of influence.
- (2) Will be carried out, approved, or funded by a State or a local public agency.* The project will be approved by the City of Sacramento, a local public agency.
- (3) Is covered by one of the provisions of the Delta Plan.* Future development under the project is covered by Delta Plan policies described below.

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(4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and State interests in the Delta. The project could have a significant impact on achievement of both of the coequal goals.

5-2
 Cont.

The State or local agency approving, funding, or carrying out the project must determine if that project is a covered action and, if so, file a Certification of Consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).)

COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CONSISTENCY CERTIFICATION

The following section describes the Delta Plan regulatory policies that may apply to the proposed project based on the available information in the DMEIR. This information is offered to assist the City to prepare final environmental documents that could be used to support a Certification of Consistency for the project.

General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002) specifies what must be addressed in a Certification of Consistency by a certifying agency. The following is a subset of policy requirements which a project shall fulfill to be considered consistent with the Delta Plan:

Mitigation Measures

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires covered actions not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the Certification of Consistency), or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Delta Plan Appendix O and are available at:

<https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

The DMEIR identifies numerous significant impacts that require mitigation. The City should review Delta Plan Appendix O and include all applicable

5-3

Scott Johnson
City of Sacramento 2040 General Plan Update and Climate Change Action
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Page 4

feasible mitigation measures adopted and incorporated into the Delta Plan or identify substitute mitigation measures that the agency finds are equally or more effective.

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5-3
Cont.

Best Available Science

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs., tit. 23, § 5001 (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>). A future certification of consistency should describe how best available science was applied in decision making regarding the project.

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Delta as Place Policy 1: Locate New Urban Development Wisely

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. As it applies to the General Plan Update, Policy DP P1 states that new residential, commercial, or industrial development must be limited to areas that city or county general plans designate for residential, commercial, and industrial development in cities or their spheres of influence as of the date of the Delta Plan’s adoption (May 16, 2013). This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

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5-5
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The General Plan Update includes updates to numerous Special Status Areas, including the Town of Freeport Special Study Area within the City’s sphere of influence as shown on *Figure 2-3 Community Plan Areas* in the DMEIR. Approximately one third of the Town of Freeport Study Area is located within the [Legal Delta as defined by the Delta Plan](#).

In the Final MEIR, the City should identify the extent to which implementation of the project would result in land use changes within portions of the City and its sphere of influence located within the legal Delta, relative to designations that were in place in May 2013. The City should acknowledge Policy DP P1 in the regulatory setting for *Chapter 3 Land Use, Population, and Housing* of the DMEIR as well as in the growth inducement discussion. A future certification of consistency should

Scott Johnson
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document how the General Plan is consistent with Policy DP P1 and describe how the proposed project would avoid the potential to induce new residential, commercial, or industrial development in the Delta that would be inconsistent with this policy.

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Cont.

CLOSING COMMENTS

As the City proceeds with environmental impact analysis and implementation of the project, the Council invites the City to engage Council staff in early consultation (prior to submittal of a certification of consistency) to discuss plan policies and mitigation measures that would promote consistency with the Delta Plan.

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5-6

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>. Council staff are available to discuss issues outlined in this letter as the City proceeds in the next stages of its project and approval processes. Please contact Pat Kelly at patricia.kelly@deltacouncil.ca.gov with any questions.

Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer

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Response to Letter 5

Delta Stewardship Council (Jeff Henderson, AICP Deputy Executive Officer)

5-1 The comment references the Delta Plan and the need for a Certification of Consistency for any covered actions within the boundaries of the Delta or Suisun Marsh to determine if the covered action is consistent with the Delta Plan. The City acknowledges this requirement.

The City will ensure early consultation with the Council for any project that occurs within the boundaries of the Delta and Suisun Marsh and is within the Delta Plan. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

5-2 The comment identifies the process for projects that meet the definition of a covered action under the Delta Plan and notes the portions of the boundaries of the Sacramento 2040 Project are within the boundaries of the Delta or Suisun Marsh and meet the definition of a covered action.

Based on a review of Exhibit 6.4, Primary/Secondary Zones – Legal Delta Map of the Delta Plan it appears a small portion of the southwest portion of the Planning Area (primarily the Pocket and Delta Shores) and the Town of Freeport Special Study Area is within the Secondary Zone.

If the City proposes to annex lands in its Sphere of Influence (SOI), including the Town of Freeport, and proposes changes to any land use designations, the Delta Plan would be reviewed to ensure consistency. The City is currently not contemplating annexing the Town of Freeport as part of the Sacramento 2040 Project. The 2040 General Plan does not change any land use designations within its SOI (that includes the Town of Freeport) to commercial, residential or industrial, as compared to the 2035 General Plan adopted in 2015. However, the City has indicated they may be interested in meeting with the County and community stakeholders to discuss the possibility of annexation of the Town of Freeport in the future. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

5-3 The comment describes and lists the Delta Plan regulatory policies and mitigation measures that may apply to future projects under the 2040 General Plan that meet the definition of covered actions.

As noted in Response to Comment 6-2, the 2040 General Plan is not proposing to change any land uses within areas covered by the Delta Plan. If this were to change in the future the City would coordinate with the Delta Stewardship Council to ensure any plans or projects considered to be covered actions are consistent with the Delta Plan.

5-4 The comment refers to a Delta Plan policy that addresses use of best available science when making policy decisions and when preparing a Certificate of Consistency. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

5-5 The comment is addressing land use assumptions for the Town of Freeport Special Study Area and requests the City indicate any proposed land use changes to those areas of the Planning Area, including the SOI within the Delta, that have occurred since May 2013. The commenter is also requesting Delta Plan policy DP P1 be added to the Draft Master EIR and be included in the growth inducement discussion.

As noted in the Draft Master EIR in Chapter 2, Project Description on page 2-2, “[t]he 2040 General Plan does not propose expanding the existing SOI boundaries, nor make any changes to the existing land use designations within the SOI.” As shown on Map LUP-5, General Plan Land Use Diagram in the draft 2040 General Plan no land uses are proposed for the SOI, which includes the Town of Freeport Special Study Area. The City has not made any changes to the land use designations in of the Town of Freeport Special Study Area since 2013.

In response to the comment and request, Delta Plan policy DP P1 has been added to Chapter 3 of the Draft Master EIR and is provided in Chapter 3, Changes to the Draft Master EIR of this Final Master EIR. A discussion of consistency with this policy has also been included in the Draft Master EIR, as shown in Chapter 3.

- 5-6** The comment notes that as future development occurs the Stewardship Council encourages early consultation prior to submittal of a certification of consistency to discuss plan policies and mitigation measures that promote consistency with the Delta Plan. As noted above, the City intends to cooperate fully with the Stewardship Council in the event relevant land use changes are proposed. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.



REGIONALSAN
TAKING THE WASTE OUT OF WATER
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August 31, 2023

Mr. Scott Johnson
City of Sacramento, Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Subject: Notice of Availability of a Draft Master Environmental Impact Report for the City of Sacramento 2040 General Plan Update and Climate Action & Adaptation Plan (SCH#: 2019012048)

Dear Mr. Johnson,

The Sacramento Regional County Sanitation District (Regional San) and the Sacramento Area Sewer District (SacSewer) have the following comments regarding the Notice of Availability of a Draft Master Environmental Impact Report (MEIR) for the City of Sacramento (City) 2040 General Plan Update and Climate Action & Adaptation Plan.

The project area is the City and adjacent areas collectively defined as the General Plan Policy Area in Sacramento County. The General Plan planning area covers approximately 197 square miles of incorporated and unincorporated land, encompassing land within the City limits, the Sphere of Influence, and five particular study areas.

Portions of the areas identified within the City's General Plan will receive sewer service from SacSewer. In March 2021, the SacSewer Board of Directors approved the most current SacSewer planning document, the 2020 System Capacity Plan Update (SCP). The SCP is located on the SacSewer website at www.sacsewer.com/devres-standards.html.

In February 2013, the Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS). The ISS updated the Regional San Master Plan 2000. The ISS is located on the Regional San website at www.regionalsan.com/ISS.

Sewer studies, including points of connection and phasing information, will need to be completed to fully assess the impacts of any project that has the potential to increase existing or future flow demands.

For the areas where the City's local sewer collection system provides service, conveyance to the EchoWater Resource Recovery Facility (EchoWater Facility) for treatment and disposal will be provided via Sump 2/2A and the Regional San City Interceptor system. The City will need to quantify the cumulative impacts of the proposed project to ensure wet and dry weather capacity limitations within Sump 2/2A and the City Interceptor system are not exceeded.

6-1

6-2

Mr. Scott Johnson
 City of Sacramento 2040 General Plan Update
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 Page 2

On March 13, 2013, Regional San approved the Wastewater Operating Agreement between Regional San and the City. The following flow limitations are outlined in this agreement:

Service Area	Flow Rate (MGD)
Combined Flows from Sump 2 and Sump 2A	60
Combined flows from Sumps 2, 2A, 21, 55, and 119	98
Total to City Interceptor of combined flows from Sumps 2, 2A, 21, 55, 119, and five trunk connections	108.5

Regional San and SacSewer are not land-use authorities. Projects identified within Regional San and SacSewer planning documents directly result from growth projections and potential growth inducements that the City considers. The City shall notify Regional San before creating or making changes to the City planning documents that significantly affect each other's build-out capacity. Onsite and offsite impacts associated with constructing sanitary sewer facilities to provide service must be included in subsequent environmental impact reports.

6-3

Customers receiving service from Regional San and SacSewer are responsible for rates and fees outlined within the latest Regional San and SacSewer ordinances. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serve new customers. The SacSewer ordinance is located on the SacSewer website at www.sacsewer.com/ordinances.html, and the Regional San ordinance is located on the Regional San website at www.regionalsan.com/ordinance.

6-4

If you have any questions regarding this letter, please contact me at (916) 876-6104 or by email: armstrongro@sacsewer.com.

Sincerely,

Robb Armstrong

Robb Armstrong
 Regional San Development Services & Plan Check

cc: SacSewer Development Services

4.13 Public Utilities

4.13.1 Introduction

This section describes the existing public utilities in the Planning Area and evaluates the potential effects of the implementation of new development under the proposed Sacramento 2040 General Plan (2040 General Plan) and Climate Action & Adaptation Plan (together, the “Sacramento 2040 Project”) on those utilities and the physical environment. The public utilities evaluated in this section include sewer and storm drain systems, wastewater treatment, water treatment and supply, reclaimed water, solid waste, electricity and natural gas, telecommunications (telephone and cable television).

Public comments specific to utilities were received in response to the Notice of Preparation (NOP). The Sacramento Municipal Utility District (SMUD) requested the Master EIR address potential impacts related to overhead or underground transmission and distribution line easements, utility line routing, electrical load needs, and cumulative impacts related to the need for increased electrical delivery. A copy of the NOP along with comments received is included in Appendix A.

The Technical Background Report (TBR) available online at: www.sac2040gpu.org provides information specific to the existing public utilities setting within the City of Sacramento (city) Planning Area. Specifically, Chapter 4, Utilities, of the TBR addresses utilities within the Planning Area. Included within the applicable chapters of the TBR are the regulatory requirements.

The 2040 General Plan includes goals and policies in the Environmental Resources and Constraints Element and the Public Facilities and Safety Element. The goals and policies are focused on the adequate provision of utilities to address future growth while also emphasizing conservation to responsibly manage and use potable water supply.

4.13.2 Environmental Setting

A brief summary of the existing environmental setting is provided below. Please refer to Chapter 4 of the TBR (available online at: www.sac2040gpu.org) for a detailed overview of the existing setting, including the regulatory setting.

Sewer and Storm Drain Systems The SRWTP is now known as the EchoWater Resource Recovery Facility (EchoWater Facility). Please update all references to the new naming convention

Sewer

The City collects fees for 54 sewer basins (53 separated basins and one combined sewer basin) that serve the community plan areas of North Sacramento, portions of Arden-Arcade, most of South Sacramento (e.g., Pocket, Airport, Meadowview, South Land Park), and most of East Sacramento. Fourteen of those basins are part of the City’s Combined Sewer System. Thirteen separated basins flow directly into the downtown area’s combined sewer system basin, where separated sewer flows join the combined wastewater flows before being conveyed to the Sacramento Regional Wastewater Treatment Plant (Sacramento Regional WWTP) for treatment. The other 40 separated basins flow into the Regional San interceptors, which also conveys flows to the Sacramento Regional WWTP, via individually pumped basins (32 pumped basins) or by gravity flow (8 gravity basins).

SASD (SacSewer) collection system should be referenced in this section as well.

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6-5

4.13 – Public Utilities

The older Central City area is served by a system in which both sanitary sewage and storm drainage are collected and conveyed in the same system of pipelines, referred to as the Combined Sewer System (CSS). The CSS receives sewer-only flow from 13 separated sewer systems, and drainage from these areas are pumped away from the CSS. Additionally, there are some peripheral areas that have separate storm drainage that contribute separated drainage to the CSS. The remainder of the city is served by a separated drainage system.

Storm Drain Systems

The city's storm drainage system and facilities consist of:

- Street, curbs, gutters, and storm drain inlets, which collect and convey the rainfall runoff to storm drain pipe systems (storm drains).
- Storm drains, which are underground pipes that convey the runoff to the creeks and rivers, detention basins, or pump stations. There are about approximately 846 miles of storm drain pipes in the City's storm drain system.
- Creeks, drainage ditches, and channels also convey runoff. There are about 429 miles of creeks, ditches, and channels that feed into the City's storm drainage system.
- Detention basins (wet and dry) are areas that are excavated to store the stormwater runoff when storm flows exceed conveyance or pumping capacity. Wet basins have a permanent pool of water even between storms. Dry basins fill up during a storm and are drained completely between storms, allowing for the basin bottom to be used between storms for public access, sports fields, and other uses. The City has designed many of its detention basins to provide stormwater storage, stormwater quality treatment and to provide open space areas (for public access) and/or wetland and riparian habitat.
- Pump stations lift water from the storm drains and detention basins through or over the levees and into the city's creeks and rivers.
- Most of the City's drainage pump stations include screens that keep trash and debris from damaging the pumps. The City owns and operates 105 storm drainage pumping stations located throughout the city.

The city is divided into 134 watersheds (typically called basins). Basins with names starting with a "G" drain by gravity into the creeks and rivers; there is no pump station in these basins. There are 32 basins that drain by gravity into the creeks and rivers. There are 102 basins that are pumped into the creeks and rivers (basins without a "G" in the name). There are additional basins within County or state-owned storm drain systems (e.g., California State University, Sacramento Campus).

Wastewater Treatment Sacramento Regional County Sanitation District

Wastewater treatment within the Planning Area is provided by the **Regional County Sanitation District** (Regional San). Regional San operates all regional interceptors and wastewater treatment plants serving the city except for the combined sewer and storm drain treatment facilities discussed above, which are operated by the City. Local and trunk wastewater collection in the Planning Area is provided by **SacSewer** (formerly known as the **Sacramento Area Sewer District**) and the City. **the Sacramento Area Sewer District (SacSewer) SacSewer is still SASD.**

Improvements have been made to the Regional San interceptor system in anticipation of future growth and to help relieve the existing interceptor system. The Lower Northwest Interceptor, completed in 2007, and Upper Northwest Interceptor completed in 2010, convey flows from the Northeast, Gibson Ranch, Rio Linda, McClellan, Natomas, and a portion of the North Highlands sewer basins.



6-5
Cont.

4.13 – Public Utilities

These projects provide relief for the existing interceptor system as well as provide capacity for future growth. The Upper Dry Creek Interceptor Relief Project was approved in August 2022 with construction anticipated to be completed sometime in Summer 2025. This project diverts flow from the most upstream reach of the Dry Creek Interceptor (upstream of the City's sewer service area) and conveys diverted flows to the Upper Northwest Interceptor to help relieve current capacity issues within the City's service area (downstream) and portions of the Dry Creek Interceptor.

More recently Regional San completed the Biological Nutrient Removal (BNR) Project which was a substantial upgrade to the facility. The BNR Project removes more than 99% of ammonia from the Sacramento region's wastewater by releasing oxygen into the wastewater to support bacteria which remove most of the organic matter and nearly all of the ammonia. (EchoWater Facility) North?

The Sacramento Regional WWTP, which is located approximately five miles south of the City in Elk Grove, is owned and operated by Regional San and provides sewage treatment for the entire Planning Area.

Domestic Water and Water Supply

Domestic Water

Domestic water services within the Planning Area are provided by the City and other water purveyors. The City provides domestic water service to the area within the city limits, as these limits change from time to time, and to several small areas within the County of Sacramento. A small area in the northeastern portion of the city (Swanston Estates) is served by the Sacramento Suburban Water District, although City and District staff have held discussions relative to the City taking this service area over at some point in the future. Areas adjacent to the city limits are served by the Natomas Central Mutual Water Company, Rio Linda Elverta Community Water District, Sacramento County Water Agency, Sacramento Suburban Water District, California-American Water Company, Tokay Park Water District, Elk Grove Water Service, and the Florin County Water District.

The City supplies domestic water from a combination of surface water and groundwater sources. Two water treatment plants supply domestic water by diverting water from the American River and Sacramento River. In addition to the surface water diverted from the two rivers, the City operates groundwater supply wells.

Water Supply

The City operates two water treatment plants: Fairbairn Water Treatment Plant (WTP) located along the American River near Sacramento State University, and the Sacramento River WTP located along the Sacramento River near downtown. Diversion restrictions (Hodge Flow conditions, discussed in subsequent sections) on the American River limit the capacity of the Fairbairn WTP. The Sacramento River WTP does not have sufficient intake and treatment capacity to make up for diversion restrictions at the Fairbairn WTP. The City is planning on expanding the Sacramento River WTP intake and treatment facilities, but also has the option to participate in the River Arc project, a project that will divert and treat raw water from the Sacramento River to a new regional water treatment plant using an existing water diversion facility.

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Cont.

4.13 – Public Utilities

Surface Water

The City possesses surface water rights to divert both Sacramento and American river water. The City entered into a water rights settlement contract with the Bureau of Reclamation in 1957. Under the City/Bureau of Reclamation settlement contract, the City agreed to (1) limit its combined rate of diversion under its American River water rights permits to a maximum of 675 cubic feet per second (cfs), up to a maximum amount of 245,000 acre-feet annually (AFA) in the year 2030, and (2) limit its rate of diversion under its Sacramento River water rights permit to a maximum of 225 cubic cfs and a maximum amount of 81,800 AFA. The settlement limits the City's total diversions of Sacramento and American river water under its water right permits to 326,800 AFA in the year 2030.

In return, the contract requires the Bureau of Reclamation to always make enough water available in the rivers to enable the agreed-upon diversions by the City. The City agreed to make an annual payment to the Bureau of Reclamation for Folsom Reservoir storage capacity used to meet the Bureau's obligations under the contract, beginning with payment for 8,000 acre-feet of storage capacity in 1963 and building up to payment for the use of 90,000 acre-feet of storage capacity in 2035. The settlement contract is permanent and generally not subject to deficiencies. The City's water rights, in conjunction with the Bureau of Reclamation contract, provide the city with a reliable and secure water supply.

Water Forum Agreement

The City's diversions at the Fairbairn WTP are subject to voluntary limitations specified in the Water Forum Agreement (WFA). The Water Forum effort was started in 1993 by a group of water managers, local governments, business leaders, agricultural leaders, environmentalists, and citizen groups with two "co-equal" goals: to provide a reliable and safe water supply through the year 2030, and to preserve the wildlife, fishery, recreational, and aesthetic values of the Lower American River. After six years of interest-based negotiations, the Water Forum participants approved the 2000 WFA.

As part of the WFA, each water purveyor signed a purveyor-specific agreement that specified set forth each purveyor's Water Forum commitments. The City's purveyor specific agreement limits the quantity and rate of water diverted from the American River at the Fairbairn WTP during two hydrologic conditions: extremely dry years (i.e., "Conference Years") and periods when river flows are below the so-called "Hodge Flow Criteria" issued by Judge Richard Hodge in the *Environmental Defense Fund v. East Bay Municipal Utility District* litigation. Hodge flow conditions exist when the American River flows are below 2,000 cfs from October 15 through February; 3,000 cfs from March through June; and 1,750 cfs from July through October 14.

When the City's use of the Fairbairn WTP is limited by the City's purveyor specific agreement limitations (as well as when these limitations are not in effect), the City can use available capacity in the Sacramento River WTP to divert water under its American River entitlements. During a Conference Year (drought) condition, assuming a maximum diversion and treatment of 50,000 AFA at the Fairbairn WTP and a maximum diversion and treatment capacity of 134,000 AFA at the Sacramento River WTP, the current drought limiting scenario (Conference Year) using existing facilities allows a surface water production of 229,400 AFA.

Groundwater

The City currently operates 28 permitted municipal groundwater supply wells within the city limits that pump from the North American and South American Groundwater Subbasins, as shown in Figure 4-8 of the TBR. The

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4.13 – Public Utilities

City wells supply the city with about 20 million gallons per day (mgd) of reliable water for municipal use. The actual total capacity is larger, but varies due to maintenance activities, water quality of produced groundwater and other factors. The City's average groundwater deliveries from 2006 to 2017 were approximately 17,932 AFA or 16 mgd. The City also operates 22 non-potable wells that are primarily used for parks irrigation.

Reclaimed Water

The City has collaborated with Regional San and the Sacramento Power Authority (SPA), a significant City water customer, on recycled water planning which was used for the Recycled Water Feasibility Study (RWFS) to determine the feasibility of providing recycled water to the southwest portion of the city and to SPA's cogeneration plant (Cogen Facility). In April 2016, following completion of this study, the City and Regional San executed a Principles of Agreement for a Water Recycling Program which serves as an interim document that describes the proposed institutional structure for Regional San and the City Water Recycling Program. Regional San and the SPA, in coordination with the City, cooperated in the development of a Phase 1 water recycling project that will initially deliver recycled water via a new transmission pipeline from the **Sacramento Regional Wastewater Treatment Plant** to the Cogen Facility. This transmission pipeline was upsized to provide additional capacity to serve potential future recycled water users within the city. Construction of the SPA Cogen Facility is now complete and operations testing of the pipeline was conducted in 2020. (EchoWater Facility)

6-6

Solid Waste

The City collects all single-family residential solid waste for customers within the city. Refuse from the south region of the city is transported to the Sacramento Recycling and Transfer Station (SRTS) at 8491 Fruitridge Road; refuse collected in the north region is transported to the Sacramento County North Area Recovery Station. Refuse is then hauled from both locations to the Sacramento County Kiefer Landfill.

Commercial and multifamily residential solid waste collection and recycling is administered by the Sacramento Regional Solid Waste Authority and collection is provided by 15 different private franchised haulers. Commercial solid waste is disposed of at various facilities including the SRTS, the Sacramento County Kiefer Landfill, the Yolo County Landfill, L and D Landfill, Florin Perkins Landfill, Elder Creek Transfer Station, and the Sacramento County North Area Recovery Station. General contractors and industrial solid waste generators often haul solid waste directly to disposal facilities (Febbo pers. comm. 2019).

In addition to collecting municipal refuse every week, the City collects garden refuse (green waste) on a weekly basis, expanded recently to include residential organic waste, and curbside recycling every other week.

Electricity and Natural Gas

The Sacramento Municipal Utility District (SMUD) is responsible for the acquisition, generation, transmission and distribution of electrical service to customers for the city of Sacramento. SMUD's 900 square mile service territory also includes most of Sacramento County and a portion of Placer County.

Telecommunications

Telecommunication service to the city is provided by AT&T Inc., Central Valley Broadband LLC, Comcast, Consolidated Communications Inc., Digital Path Inc., Encore Business Systems Inc., Frontier Communications Corporation, Integra Telecom Holdings Inc., Internet Free Planet, Level 3 Communications LLC, MetroPCS

Sacramento 2040 Project	11499
August 2023	4.13-5

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Response to Letter 6

RegionalSan (Robb Armstrong, Regional San Development Services & Plan Check)

- 6-1** The comment notes that portions of the General Plan Planning Area are served by SacSewer, as noted in the Draft Master EIR in Section 4.13, Public Utilities and refers to plans adopted by both SacSewer and RegionalSan.

As the comment notes, future projects that would increase sewer flows are required to complete a sewer study or assess potential impacts to the system. The City will continue to coordinate with RegionalSan to ensure wastewater is adequately addressed for future projects under the 2040 General Plan. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 6-2** The comment notes areas of the city where the local sewer collection system provides wastewater service would be conveyed to the newly updated EchoWater Resource Recovery Facility (EchoWater Facility - formerly the Sacramento Regional WWTP), via the Sump 2/2A and Regional San City Interceptor system. The comment also requests a quantitative analysis for potential cumulative impacts related to the capacity of the Sump 2/2A and Interceptor system be provided.

The analysis of buildout of the city through 2040 on wastewater treatment has been evaluated in the Draft Master EIR based on the 2040 General Plan buildout assumptions, discussed under Impact 4.13-4 starting on page 4.13-18. Future projects under the 2040 General Plan requiring discretionary review would rely on this Master EIR to the extent possible although individual projects may have site-specific circumstances that could require additional evaluation to determine any capacity constraints on the Sump 2/2A and Regional San City Interceptor system.

The text of the Draft Master EIR has been updated to reflect this new information and is provided in Chapter 3, Changes to the Draft Master EIR.

- 6-3** The comment clarifies that RegionalSan and SacSewer do not have any land use authority but engineer and design their infrastructure based on City growth projections.

As noted in the comment, the City is required to notify RegionalSan when making changes to growth projections, which the City currently does. Impacts due to construction of sewer facilities for individual projects related to future development under the 2040 General Plan requiring discretionary review would rely on this Master EIR to the extent possible but may have site-specific circumstances that could require additional evaluation. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 6-4** The comment states all customers of RegionalSan and SacSewer are responsible for complying with the requirements for payment of fees for service and for new connection fees. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 6-5** The text of the Master EIR has been updated to reflect the edits provided in the comment. Please see Chapter 3, Changes to the Draft Master EIR for the revised text.

- 6-6** The text of the Master EIR has been updated to reflect the edits provided in the comment. Please see Chapter 3, Changes to the Draft Master EIR for the revised text.



October 10, 2023

Scott Johnson, Senior Planner
City of Sacramento Community Development Department
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811
sjohnson@cityofsacramento.org

**Subject: Sacramento 2040 General Plan and Climate Action & Adaptation Plan
Master Environmental Impact Report (State Clearinghouse # 2019012048)**

Dear Scott Johnson:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the [Draft Master Environmental Impact Report \(MEIR\)](#), under the California Environmental Quality Act (CEQA), for the [Sacramento 2040 General Plan and Climate Action & Adaptation Plan](#). Please accept the following comments on air quality and climate considerations for project CEQA review, consistent with the Sac Metro Air District [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide).

MTP / SCS and OAP Consistency

The MEIR’s findings of less-than-significant (LTS) for air quality and greenhouse gas impacts relies on consistency with the [Sacramento Area Council of Governments \(SACOG\) Metropolitan Transportation Plan and Sustainable Communities Strategy \(MTP/SCS\)](#). Further, for consistency with Sac Metro Air District’s [Sacramento Regional Ozone Attainment Plan](#) (OAP), the 2040 General Plan must be consistent with the MTP/SCS.

The MEIR’s growth projections are not entirely consistent with the MTP/SCS projections. For example, its employment projects differ. MEIR Alternative 2 “assumes the intensity of planned commercial/industrial development including employment projections would be consistent with those of the 2020 MTP/SCS. This strategy would include reducing land use designated for infill commercial development within the city.”

Nevertheless, it would be possible to support the 2040 General Plan’s consistency with the MTP/SCS based on consistency with MTP/SCS policy direction, for example the 2040 General Plan’s strategies to reduce motor vehicle miles traveled (VMT) through [Smart Growth](#) principles that prioritize housing choice and walking, biking, and transit over automobile use.

- Sac Metro Air District recommends that the City consult with SACOG about any differences between MTP/SCS growth projections and 2040 General Plan growth projections. Under the discussion of significance for Impact 4.3-1, we recommend that the MEIR disclose the findings of this consultation and assess how any differences might affect VMT region-wide.

7-1
7-2

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AirQuality.org

Air Quality Mitigation Plans

The current General Plan’s [Policy ER 6.1.3](#) stipulates that “The City shall require development projects that exceed SMAQMD ROG and NOX operational thresholds to incorporate design or operational features that reduce emissions equal to 15 percent from the level that would be produced by an unmitigated project.” A plan with features to reduce emissions at least equal to 15 percent is known as an Air Quality Mitigation Plan (AQMP).

The 2040 General Plan does not include a comparable policy. However, mitigation measures from the [MTP/SCS CEQA review](#) include AIR-4, “Implementing agencies shall require projects that exceed the long-term operational thresholds to mitigate the air quality impacts using applicable and feasible mitigation,” and AIR-6, “Implementing agencies shall require project applicants to implement applicable, or equivalent, construction mitigation measures as defined by the applicable local air district.”

- To help ensure consistency with the MTP/SCS and enable the Impact 4.3-1 LTS finding, Sac Metro Air District recommends that the 2040 General Plan include a policy that stipulates that development projects exceeding [Sac Metro Air District thresholds of significance](#) incorporate design and operational measures, consistent with Sac Metro Air District’s [Recommended Guidance for Land Use Emission Reductions](#), to reduce air quality impacts by at least 15 percent.

As noted in the MEIR “Future projects consistent with the General Plan land use designations and development intensities may not be required to evaluate VMT...” A highly emissive project that is consistent with the 2040 General Plan designations and intensities has potential to impact OAP implementation if underlying growth projections are not consistent with the MTP/SCS. Collaboration with Sac Metro Air District to incorporate an AQMP into project implementation can avert this potential.

Climate Action and Adaptation Plan

The Climate Action & Adaptation Plan (CAAP) Policy E-5 stipulates that the City “Support infill growth with the goal that 90% of new growth is in the established and center / corridor communities and 90% small-lot and attached homes by 2040, consistent with the regional Sustainable Communities Strategy. Project-level VMT should be 15% below (or 85% of) the regional average.” This Smart Growth measure is consistent with MTP/SCS policy direction, and the 2040 General Plan should align with it. 2040 General Plan Map LUP-7 shows minimum floor area ratio (FAR) as low as .15 along the Stockton Boulevard transit corridor and near some light rail stations. Policy E-5 represents a significant increase in current development patterns in center / corridor communities, and it is not entirely clear how the development it calls for is possible given the 2040 General Plan’s FAR standards.

- Sac Metro Air District recommends that the MEIR include an analysis of how its current FAR standards are consistent with Policy E-5 growth stipulations. We recommend that the MEIR include mitigation measures to address any inconsistency between the two, for example raising maximum FAR standards and reducing minimum FAR standards as necessary to accommodate Policy E-5 growth stipulations.

Friant Ranch

Sac Metro Air District recommends that the MEIR include an analysis of health impacts that may result from the operational emissions associated with the 2040 General Plan implementation, pursuant to the “Friant Ranch” decision. In December 2018 the California Supreme Court issued a decision in the Sierra Club v. County of Fresno case regarding the “Friant Ranch” project ((2018) 6 Cal. 5th 502). The Court determined that CEQA air quality analysis should include a reasonable effort to connect a project’s air



quality impacts to likely health consequences or explain in meaningful detail why it is not feasible to do so. To analyze health effects pursuant to the Friant Ranch decision, please consult Sac Metro Air District's [Guidance to Address the Friant Ranch Ruling for CEQA Projects in the Sac Metro Air District](#).

↑
7-6
Cont.

Conclusion

Thank you for your attention to our comments. If you have questions about them, please contact me at mwright@airquality.org or (279) 207-1157.

Sincerely,



Molly Wright
Air Quality Planner / Analyst

cc: Paul Philley, Program Supervisor
Raef Porter, Program Manager
Jaime Lemus, Division Manager
Brianna Moland, Planner / Analyst
Clint Holtzen, Planning Manager, SACOG

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Response to Letter 7

Sacramento Metropolitan Air Quality Management District (Molly Wright, Air Quality Planner/Analyst)

7-1 The comment asserts the Draft Master EIR’s findings of less-than-significant for air quality and greenhouse gas impacts relies on consistency with the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS). Consistency with SMAQMD’s Sacramento Regional Ozone Attainment Plan (OAP) requires the 2040 General Plan to also be consistent with the MTP/SCS. The commenter goes on to note that the Master EIR’s growth projections are not entirely consistent with the MTP/SCS projections and Alternative 2 “assumes the intensity of planned commercial/industrial development including employment projections would be consistent with those of the 2020 MTP/SCS. This strategy would include reducing land use designated for infill commercial development within the city.” Finally, the comment states, it would be possible to support the 2040 General Plan’s consistency with the MTP/SCS based on consistency with MTP/SCS policy direction because the 2040 General Plan includes strategies to reduce motor vehicle miles traveled (VMT) through Smart Growth principles that prioritize housing choice and walking, biking, and transit over automobile use.

Regarding the commenters suggestion that the Draft Master EIR’s growth projections are not entirely consistent with the MTP/SCS projections, as discussed in Chapter 6, Alternatives, on page 6-8 of the Master EIR, Alternative 2 would result in an increase of approximately 51,770 jobs between 2018 and 2040. Table 6-1 compared this to the 2040 General Plan’s adjusted projections. As shown in the Table 6-1, there would be a reduction of approximately 24,850 jobs allocated to the city under the 2020 MTP/SCS, with infill commercial development concentrated along Freeport Boulevard, Northgate Boulevard, Broadway, Franklin Boulevard, Truxel Road, Del Paso Boulevard, Stockton Boulevard, Folsom Boulevard, and Florin Road. Further, Alternative 2 represents a more conservative estimate of growth within the city from 2018 to 2040. Alternative 2 would result in 16.6% growth compared to 24.3% growth assumed under the 2040 General Plan.

The 2040 General Plan includes policies consistent with the 2020 MTP/SCS that reduce air quality and GHG impacts, and reduce VMT, which is an important planning goal of the 2040 General Plan and Climate Action & Adaptation Plan (CAAP). The Draft Master EIRs finding of less than significant for air quality and greenhouse gas impacts includes compliance with a host of general plan goals, policies and actions in addition to the CAAP and does not rely solely on consistency with the MTP/SCS and OAP. For example, 2040 General Plan policies that would promote alternative transportation modes in lieu of single-occupant vehicle trips include Policies LUP-2.2 (Interconnected City), LUP-4.1 (Transit-Supportive Development), M-1.11 (Increase Bicycling and Walking), M-1.13 (Walkability), M-1.20 (High-Frequency Transit Service), M-1.14 (Walking Facilities), M-1.15 (Improved Walking Connectivity), M-1.17 (Improve Bicycling Connectivity), M-1.18 (Bicycling Safety), M-1.11 (Increase Bicycling and Walking), M-1.12 (LRT Station Access Improvements), M-1.22 (Increase Transit Ridership), M-2.4 (Shared Shuttles), and M-1.25 (First/Last-Mile Solutions). Some of these policies have been further revised and are included in Chapter 3, Change to the Draft Master EIR.

The Master EIR properly concludes that Alternative 2’s growth projections are consistent with the MTP/SCS projections and the Master EIR’s air quality and GHG impacts are less than significant.

7-2 The commenter recommends the City consult with the Sacramento Area Council of Governments (SACOG) about any differences between the MTP/SCS growth projections and 2040 General Plan growth projections and the findings of this consultation included under Impact 4.3-1 in the Master EIR and assess how any differences might affect region-wide VMT.

As described in Chapter 2, Project Description, of the Master EIR, growth projections were developed for the proposed 2040 General Plan by applying SACOG growth projections, which were developed for the 2020 MTP/SCS and used as the initial projections. Job growth was then adjusted based on the Market Study prepared for the 2040 General Plan by BAE Urban Economics to understand historical trends. In addition, the MTP/SCS land use forecast assumes that most growth (84% of new jobs through 2040) would occur within established centers/corridor communities which is consistent with the Draft Climate Action & Adaptation Plan Measure E-5 to “Support infill growth with the goal that 90% of new growth is in the established center/corridor communities and 90% small-lot and attached homes by 2040, consistent with the regional Sustainable Communities Strategy. Project-level VMT should be 15% below (or 85% of) the regional average.” Therefore, the Master EIR properly concludes that the 2040 General Plan’s growth projections are consistent with the MTP/SCS projections. Further, as discussed in Section 4.14, Transportation, implementation of the 2040 General Plan would result in a 17.2% reduction in passenger vehicle VMT per capita compared to the Citywide baseline. This exceeds the 16.8% reduction established as the City’s VMT impact threshold.

7-3 The commenter states that the City’s existing 2035 General Plan Policy ER 6.1.3 stipulates that “The City shall require development projects that exceed SMAQMD reactive organic gases (ROG) and nitrogen oxide (NO_x) operational thresholds to incorporate design or operational features that reduce emissions equal to 15 percent from the level that would be produced by an unmitigated project.” The 2040 General Plan does not include a comparable policy. The commenter recommends the 2040 General Plan include a similar policy to ensure consistency with the MTP/SCS.

In response, the City has included a new policy, ERC-4.7 that requires development projects that exceed ROG and NO_x operational thresholds to incorporate design or operational features that reduce emissions equal to 15 percent from levels that would be produced by an unmitigated project. This is consistent with current City practice. Please see Chapter 3, Changes to the Draft Master EIR for the revised and new policies.

7-4 The comment notes there is the potential a future project consistent with the 2040 General Plan land use designation and development intensity may also have the potential to affect the District’s Regional Ozone Attainment Plan. If this were to occur, the District wishes to coordinate with City staff to require preparation of an Air Quality Management Plan.

City staff will continue to reach out to District staff and work collaboratively on implementation of future projects to ensure compliance with District plans and policies.

7-5 The commenter states that CAAP Policy E-5 measure is consistent with MTP/SCS policy direction; however, the 2040 General Plan is not aligned with this policy because the General Plan includes a minimum floor area ratio (FAR) as low as .15 along the Stockton Boulevard transit corridor and near some light rail stations. The commenter recommends the Master EIR analyze how FAR

standards are consistent with Policy E-5 growth stipulations and include mitigation measures to address any inconsistency between the two, for example raising maximum FAR standards and reducing minimum FAR standards as necessary to accommodate Policy E-5 growth stipulations.

The commentor is focused on the minimum FAR of 0.15 but the max FAR has been increased to 2.0 and 4.0 along Stockton Boulevard. Additionally, all areas along Stockton Boulevard and citywide, that are within a 1/2-mile walking distance of high frequency transit (further out from the corridor) also have a maximum FAR of 2.0. The proposed land use and development standards for Stockton Boulevard, all other commercial corridors, and key opportunity sites throughout the city will support infill growth consistent with measure E-5 from the Climate Action and Adaptation Plan. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

7-6 The commenter recommends that the Master EIR include an analysis of health impacts that may result from the operational emissions associated with the 2040 General Plan implementation, pursuant to the “Friant Ranch” decision and to consult SMAQMD’s Guidance to Address the Friant Ranch Ruling for CEQA Projects in the SMAQMD (“SMAQMD Guidance document”).

In December 2018, the California Supreme Court issued a decision in the *Sierra Club v. County of Fresno* case regarding the “Friant Ranch” project ((2018) 6 Cal. 5th 502). The Court determined that the air quality analysis should include a reasonable effort to connect a project's air quality impacts to likely health consequences or explain in meaningful detail why it is not feasible to do so.

An industry standard level of significance has not been adopted by the City or SMAQMD to reliably, meaningfully, and consistently translate the mass emission estimates for criteria air pollutants resulting from implementation of the Sacramento 2040 Project to specific health effects. While SMAQMD’s Guidance document does include guidance for individual projects (not large-scale plans) to use different methods such as Minor Project Health Effects Screening Tool, Strategic Area Project Health Effects Screening Tool, or project specific modeling, in order to assess an individual project’s health risk, it is not intended that these approaches would apply at a plan-level. Future individual development projects associated with buildout of the 2040 General Plan may be required to comply with the requirements in SMAQMD’s Guidance document at the time of environmental review.

Some EIRs have addressed the situation in which estimated criteria air pollutant emissions exceed applicable air district thresholds and have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model (PGM) and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP–Community Edition [CE]). The publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health incidence for various health outcomes resulting from the project’s estimated increase in concentrations of O₃ and PM_{2.5}. To date, the publicly available HIAs reviewed using SMAQMD’s screening tools have concluded that the subject project’s health effects associated with the estimated project-generated increase in concentrations of O₃ and PM_{2.5} represent only a small increase in incidences and a very small percent of the number of background incidences, indicating that these health impacts are negligible and potentially within the models’ margin of error. The City notes that while the results of the HIAs conclude that project emissions do not result in a substantial increase in health

incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for PM_{2.5}.

Running the PGM model used for predicting O₃ attainment with the emissions is not likely to yield valid information given the relative scale of the 2040 General Plan. The HIAs reviewed are all on individual projects and support the conclusion that consistent, reliable, and meaningful results may not be provided by methods applied at this time. Accordingly, additional work in the industry is needed to develop a more meaningful analysis to correlate project-level or larger plan-level mass criteria air pollutant emissions and health effects for decision makers and the public.

At the time of writing, no HIA prepared within any air district has evaluated plan-level project impacts. The HIAs prepared for individual projects have concluded that health effects estimated using the PGM and BenMAP approach would not be substantial provided that the estimated project-generated incidences represent a very small percent of the number of background incidences, potentially within the models' margin of error. Further study and analysis will be required, and the City will cooperate in such efforts.



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sacrt.com

Public Transit Since 1973

October 10, 2023

City of Sacramento
Community Development Department
Scott Johnson, Senior Planner
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95511

SUBJECT: Draft Master Environmental Impact Report (MEIR) for the 2040 General Plan Update and Climate Action & Adaptation (CAAP)

The Sacramento Regional Transit District (SacRT) values the opportunity to review and provide input on the City of Sacramento's (City) Draft Master Environmental Impact Report (MEIR) for the 2040 General Plan and Climate Action and Adaptation Plan (CAAP). SacRT appreciates that the City recognizes the importance of developing a transportation network that can help achieve an equitable and sustainable multimodal system, as highlighted in the 2040 General Plan Mobility Goal M-1. SacRT supports this goal, and many others as described below.

As the region's largest transit service provider, SacRT plays an important role in serving the Sacramento region; therefore, it is crucial that our planning efforts and projects are in line with the guiding principles that emphasize making land use and transportation decisions. As such, SacRT staff has reviewed the City's Draft MEIR for the 2040 General Plan and CAAP, and offers the following support, thoughts, and suggestions.

4.14.2 Environmental Setting: Transit System

The key highlights from the Technical Background Report (TBR) summarizes the Transit System section well and reflects correctly on existing conditions and challenges with decreasing ridership, and the trends and causes of the decrease. SacRT would like to provide some additional thought to the following statement: *"COVID-19 responses have exacerbated ridership declines as public health risk is now a factor influencing the mode choices of travelers"*. SacRT would like to add that the larger cause for ridership declines related to COVID-19 is due to losing commuter ridership. During pandemic, ridership decreased across the board; however, as ridership slowly rebounded post-pandemic, the return of commuters was not seen. Many commuters that rode transit to work pre-pandemic are now working from home; therefore, not relying on our system five days a week to travel to/from work, which has been a big factor in the decreased ridership.

8-1

Staff is pleased to see the addition of SacRT's SmarT Ride microtransit service included in the "Emerging Transportation Technology and Travel Options" section. SmarT Ride is an on-demand transit service that operates in nine zones throughout the SacRT service area and provides service to areas that are not covered by fixed-route service.

Tables 4.14-8 Person Trip Summary by Mode & 4.14-9 Person Trips per Capital by Mode:

SacRT is concerned about the transit trip results in both tables, as they indicate decreased transit trips with the "2040 Plus Project" scenario, when compared to the "2040 No Project" scenario. Staff assumes that transit trips would increase with the "2040 Plus Project" scenario, especially considering Measure TR-2 from the draft Climate Action and Adaptation Plan (CAAP), which includes efforts to support public transit improvements to achieve 11 percent public transit mode share by 2030.

8-2

SacRT supports the 2040 General Plan goals and policies that are most relevant to the impact analysis, including *Mobility Element Goals M-1, M-2, and M-4*. Staff are willing to coordinate and work in partnership with the City on these goals and their related policies. Furthermore, SacRT supports *Implementing Action M-A-10 Street Design Standards Update* and emphasizes the need to prioritize "efficient transportation management."

8-3



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Public Transit Since 1973

Thank you again for the opportunity to review and provide comments on the Draft Master Environmental Impact Report for the 2040 General Plan Update and Climate Action & Adaptation Plan. SacRT values the partnership with the City of Sacramento and looks forward to continued collaboration in advancing these plans.

8-4

Sincerely,

Sarah Poe

Sarah Poe
Planner, SacRT

cc. Kevin Schroder, Senior Planner, SacRT
Anthony Adams, Director of Planning & Grants, SacRT

Response to Letter 8

Regional Transit (Sarah Poe, Planner, SacRT)

8-1 The comment refers to decreasing ridership attributed, in part, to COVID-19 provided in the Technical Background Report and requests a clarification that the larger cause for declining ridership is loss of commuters. Many commuters are working from home and not relying on Regional Transit (RT) services. The comment, identifying travel characteristics within the expertise of the commenting agency, is acknowledged. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

8-2 The comment addresses Tables 4.14.-8 and 4.14-9 on page 4.14-19 and 4.14-10 of the Draft Master EIR regarding transit trips and questions why transit trips would decrease under the 2040 General Plan as compared to the 2040 No Project scenario. As described in Section 4.14, Transportation, of the Draft Master EIR starting on page 4.14-19, the 2040 General Plan shifts person trips from driving and transit to walking and bicycling. As shown in Table 4.14-8, walk and bike trips saw the most significant growth between the 2040 No Project scenario and the 2040 With Project scenario.

The decrease in transit trips between the 2040 No Project and 2040 Plus Project scenarios may be attributed to particular causes, including:

- The land use changes proposed in the 2040 Plus Project scenario include more high-density areas that are more conducive to walking or biking.
- The 2040 Plus Project scenario includes a higher amount of residential land use, which results in more single occupant vehicle (SOV) and high occupancy vehicle (HOV) trips. The added traffic volume and congestion may further encourage walk and bike trips and discourage transit trips.

Overall, the 2040 General Plan would reduce the share of auto use (i.e., SOV and HOV) and increase the share of non-auto use (i.e., walk, bike, transit), and this shift in mode is on track to meet the 23% active and transit mode share target by 2045 (Policy M-2.1, Transportation Demand Management). The 2040 General Plan contains policy support for additional actions such as parking management that could further support higher levels of walking, bicycling, and transit (see Policy M-2.14 and revised Policy M-2.17 in addition to new policies provided in Chapter 3, Changes to the Draft Master EIR).

8-3 The comment notes that SacRT supports the 2040 General Plan goals and policies and will work in partnership and coordinate with the City on implementation of the goals and policies. The City appreciates the comment and is committed to coordination in the future. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

8-4 See Response to Comment 8-3. The City looks forward to working with SacRT.

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4.2 Response to Organization Comments

Comment Letter 9



September 27, 2023

Amy Yang
Associate Planner
City of Sacramento
Sent via email to asyang@cityofsacramento.org

RE: Public Review Draft of the Climate Action & Adaptation Plan

Dear Amy Yang,

Thank you for allowing House Sacramento the opportunity to comment on the Public Review Draft of the Sacramento Climate Action & Adaptation Plan (CAAP).

House Sacramento is an organization formed to advocate for building inclusively affordable communities in the Sacramento area. We formed to represent renters, young people, and other communities disproportionately harmed by the affordable housing crisis.

In general, we are disappointed in the City's measures that seem to be (at best) treating this as a perfunctory process under State law. The CAAP fails to adequately propose sufficient measures to reduce Greenhouse Gas Emissions (GHGs), and it certainly doesn't align with our vision of a City that is a national leader in sustainability.

The highest level issue is that **the measures included in the CAAP are insufficient to meet carbon neutrality by 2045**, which is state law. We need to be more ambitious. The proposed measures for several sectors seem insufficient compared to the magnitude of Greenhouse Gas (GHG) reductions needed, especially passenger vehicles. Aside from the GHG reduction benefits, the health benefits of cleaner air alone typically justify the costs of GHG mitigation.

The introduction section is a bit odd, and frankly lazy, in that it relies on data and projections from 2005 for extreme heat days and temperature (including Figures 1-3 and 1-4). This is a missed opportunity to highlight the extreme heat that has been increasing in our region since then. We should be using more current information on these charts, since this information is readily available from sources such as the National Weather Service.

To further underscore the need for more ambition to reach carbon neutrality, the City's GHG inventory is clearly an underestimate. As noted in section 1.4, several emissions categories are omitted from the totals, including ones that are covered by the State's official inventory (including agricultural operations, off-road vehicles, and high-global warming potential (GWP) gasses). It also seems to be excluding methane leaks from gas distribution and any emissions



www.housesac.org

from large industrial fossil fuel use. These are all unnecessary omissions and they should be rectified by utilizing the following sources of information:

1. [EPA's FLIGHT tool](#) shows 4 active large industrial facilities within the City limits: two gas electricity generation plants, one industrial hydrogen producer, and UC Davis Medical Center. Their emissions should not be excluded from the planning process.
2. An approximation of fugitive methane from gas distribution attributable to Sacramento could be calculated by multiplying PG&E's [reported fugitive methane](#) by the population ratio of Sacramento vs its full service territory. Including this category would substantially increase the GHG impact of residential/commercial natural gas use.

9-3
Cont.

The CAAP appropriately recognizes state policies that will reduce the city's GHG emissions regardless without additional action, such as the Renewables Portfolio Standard (60% renewables by 2030, 100% zero-carbon electricity by 2045), Advanced Clean Cars (100% zero-emission vehicle sales for new cars by 2035), Title 24 Green Building Standards, and SB 1383 organic waste diversion and methane reduction targets. However, the City can't just rely on the State to meet these goals; there's a lot more the City can do to support these transitions. There's also a potential nexus with housing in these specific areas, such as streamlined approvals/fee reductions/tax incentives for housing projects that are all-electric and include on-site solar PV, energy storage, and EV chargers. Similar incentives could also apply to commercial buildings, which have just as large of a carbon footprint in the City as residential uses. The recent court intervention over the City of Berkeley's gas ban ordinance is certainly a setback, but carbon neutrality will not be reached without phasing out methane combustion in homes and businesses. For example, many older homes need an electric panel upgrade and other forms of remediation before electrification is viable. We believe there are opportunities for the City to make this easier.

9-4

Achieving carbon neutrality for municipal and public operations is low-hanging fruit. We recommend the following measures:

- City fleets and buildings should be fully electric to the extent possible, and the City could procure renewable natural gas to bridge the short-term gap for some larger-scale building needs.
- The city should be installing solar PV, energy storage, and EV chargers at public buildings wherever feasible.
- Install LED streetlights and pursue other energy efficiency in City-owned facilities. LED streetlights and other efficiency measures pay for themselves.
- Partner with Sacramento Regional Transit (RT) and school districts to electrify buses.
- Partner with SMUD to procure renewable electricity beyond state minimum requirements.
- Ensure city employees have a zero-carbon commute.
- The University of California has detailed plans for 100% zero-carbon electricity across all campuses by 2025 and full carbon neutrality by 2045; they also have an expanding

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footprint within the City of Sacramento and the City should follow UC's example for its own operations.

- The City's GHG inventory leaves out embodied carbon/lifecycle emissions (which is technically a valid accounting), but it could still pursue action on this front. The City should consider leveraging its purchasing power to procure low-carbon cement/steel/building materials, and could further incentivize low-carbon construction, such as mass-timber

9-11
Cont.

9-12

We encourage caution about expanding development impact fees to pay for CAAP measures, as indicated on page 20. This has the potential to disincentivize infill development. However, we support restructuring impact fees to support more climate-friendly development proposals, as outlined above. The City should also consider additional funding sources to pay for these measures.

9-13

Most concerningly, the CAAP is not serious enough about VMT reductions. It is dismissive in tone by discussing past failed attempts to get Americans out of cars. VMT reduction policies have been successful in cities worldwide and they will work here. While the CAAP recognizes the need to improve the experience of walking and biking in Sacramento, that's not enough to unwind car addiction. The City needs to apply additional pressures on reducing automobile dependency - the proposed CAAP measures are not sufficient. We support some of the measures mentioned including abolishing parking minimums/instituting parking maximums, taking back traffic lanes for rapid bus service or new bike lanes, and a proposed new uber/lyft tax. But we need to go further. Expand mix-used zoning so that critical amenities are closer to home for everyone. Bring back slow-streets and consider additional car-free zones downtown. Build more dedicated bike paths and secure bike parking. Raise parking fees and implement more enforcement of parking violations. We should also install speed cameras and implement congestion pricing, or at least pursue and advocate for legislation to allow the City to implement these measures where not currently allowed under state legislation.

9-14

People rationally respond to economic realities. The biggest driver of GHG emissions is the car. **We need to make driving more expensive and less convenient.** There is no alternative. Carbon neutrality is not realistic without making some hard choices, and it's disingenuous to pretend that this tradeoff isn't real. We urge staff to consider a more ambitious CAAP prior to adoption. We have a climate crisis - let's put forward a CAAP that reflects that urgency.

9-15

Regards,

Kevin Dumler
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Response to Letter 9

House Sacramento (Kevin Dumler, Director of House Sacramento)

- 9-1** The comment introduces House Sacramento and their members and proceeds to express disappointment with the Climate Action & Adaptation Plan (CAAP) because the commentor does not believe the CAAP proposes adequate measures to reduce greenhouse gas emissions (GHG).

The City has made some updates to the CAAP based on public comments, and is available for review on the City's website: www.sac2040gpu.org. The comment letter has been provided to the City's CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 9-2** The comment asserts the CAAP measures are not sufficient to meet carbon neutrality by 2045 and should be more ambitious. The commentor requests more current information be included in the Introduction chapter of the CAAP that addresses the increase in extreme heat in the region.

The data provided in the CAAP reflects the data as presented by Cal-Adapt, a partnership between the California Energy Commission, California Natural Resources Agency, and the Public Interest Energy Research Program, with data provided by several leading California universities and the U.S. Geological Survey. The default Cal-Adapt analysis uses 30-year averages for each of these time frames to allow for a stable trend analysis, which is generally accepted best practice in climate science. The City will consider this comment in relation to the City's CAAP and the comment letter has been provided to the City's CAAP project team for their review.

- 9-3** The comment questions the accuracy of the city's GHG inventory and recommends updating the inventory using other sources provided in the comment.

The CAAP uses Sacramento's community GHG inventory which in turn uses the methods established in the U.S. Community Protocol for Accounting and Reporting Greenhouse Gas Emissions (Version 1.2), consistent with guidance from the Governor's Office of Planning and Research. The comment letter has been provided to the City's CAAP project team for their review.

- 9-4** The comment acknowledges that the CAAP includes policies that require compliance with existing state requirements but believes the City can still do more to reduce GHG emissions. The comment suggests this can be achieved by requiring incentives for new housing to include a variety of conservation measures and upgrading older homes to enable a conversion to all-electric.

The City has adopted a New Building Electrification Ordinance, which requires certain new buildings be constructed all-electric and is completing the development of an Existing Building Electrification Strategy that will provide further City policy direction to support the transition of existing mixed-fuel buildings to carbon-neutral all-electric. However, after adoption of the New Building Electrification Ordinance, a ruling from the United States Court of Appeals, Ninth Circuit in *California Restaurant Association vs. City of Berkeley* (2023) made the New Building Electrification Ordinance unenforceable. Due to this decision, the City will pursue developing and adopting an ordinance that reduces energy use and GHG emissions in new construction that

complies with the federal Energy Policy and Conservation Act requiring newly constructed buildings to exceed the State Building Energy Efficiency Standards. The analysis in Section 4.8, Greenhouse Gases of the Draft Master EIR concluded, based on substantial evidence, that the 2040 General Plan and CAAP would not generate GHG emissions resulting in a significant impact on the environment. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-5 The comment requests that City vehicle fleets and buildings should be fully electric, if possible.

Chapter 10 of the CAAP includes nine Municipal Measures that will guide municipal decarbonization efforts. In particular, Municipal Measures 1, 2, and 7 will guide city efforts to electrify or decarbonize the municipal fleet and municipal buildings by 2045. The comment letter has been provided to the City’s CAAP project team for their review.

9-6 The comment states the City should be installing solar panels, energy storage and EV chargers at public buildings whenever feasible.

The City currently requires EV chargers be installed at all public buildings in the City. The CAAP also provides policy direction including measures MM-2.3 which requires EV charging infrastructure be installed across City-owned facilities for fleet, motor pool vehicles, and personal vehicle fueling; MM-1.7 requires expansion of on-site production of renewable power (i.e., solar) and development of energy storage technologies for critical operations; and MM-1.8 requires identifying a site to construct a battery storage pilot project as well as encourage pairing battery storage systems with all solar PV system installations. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-7 The comment requests the City install LED streetlights and other energy efficiency measures in city-owned facilities.

The CAAP includes Municipal Measure 1 which identifies actions that responds to this request, including MM-1.4 which requires streetlights be retrofitted to LED including existing streetlights, as feasible by 2030; and MM-1.2 that addresses building retrofits; and MM-1.5 Municipal Green Building Policy. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-8 The comment recommends the City partner with SacRT and school districts to electrify buses. The comment letter has been provided to the City’s CAAP project team for their review.

School districts and SacRT are entities that are outside of the City’s jurisdiction; however, the City is requiring the installation of infrastructure supportive of future electrification. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-9 The comment recommends the City partner with SMUD to obtain renewable electricity in excess of state minimum requirements.

The City has made progress in this regard, as about 35% of the City’s municipal power comes from on-site solar or community solar through SMUD’s SolarShares program. The CAAP provides further policy direction, including measures MM-1.3, which requires maintaining participation in SMUD’s SolarShares program for off-site solar photovoltaics to offset at least 35% of municipal power in 2030. Municipal Measure 7 calls for the City to obtain carbon-free electricity by 2030. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-10 The comment recommends city employees have a zero-carbon commute.

The CAAP includes Municipal Measure 8 which includes 8 actions to reduce City employee commuter VMT intended to help achieve this goal. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-11 The comment notes the University of California has plans for 100% zero-carbon electricity for all campuses by 2025 and full carbon neutrality by 2024 and suggests the City follow this example.

The City anticipates achieving 100% zero-carbon electricity by 2030. The CAAP identifies a pathway that approaches carbon neutrality by 2045; the remaining gap to carbon neutrality is expected to be closed by the 2030 CAAP update, based on technological and regulatory advances completed in the upcoming years. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-12 The comment notes the City’s GHG inventory does not include embodied carbon/lifecycle emissions and suggests the City could consider incentivizing use of low-carbon construction such as mass-timber resources.

The comment letter has been provided to the City’s CAAP project team for their review and consideration. However, embodied carbon/lifecycle emissions are not included in the state’s 2022 Scoping Plan for Achieving Carbon Neutrality and are not part of the legislated targets set by SB 32 and SB 1279. The state has not adopted a standardized way of quantifying embodied carbon/lifecycle emissions at this point. Legislative requirements included in AB 2446 direct the California Air Resources Board to develop a framework for measuring and reducing embodied carbon, which the City anticipates will enable consideration of including embodied carbon/lifecycle emissions as a quantified measure in the next CAAP update. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-13 The comment recommends not expanding development impact fees to pay for implementing CAAP measure in lieu of restricting impact fees to support more climate-friendly development proposals. The comment letter has been provided to the City’s CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-14 The commentor believes that the CAAP measures are not adequate to reduce auto dependency and supports measures to eliminate parking minimums; dedicating traffic lanes to bus rapid service or bike lanes; imposing a tax on ride-sharing services; building more dedicated bike paths; raise parking fees; implement congestion pricing, etc.

Some of these recommendations are included in the 2040 General Plan goals, policies and implementing actions. Several of the requested actions are in process, through the Revisions to Automobile and Bicycle Parking Regulations project. Dedicated bike paths will be further considered through the Streets for People Plan and the Parks Plan 2040. The comment letter has been provided to the City's CAAP project team for their review and consideration in the ongoing efforts to reduce greenhouse gas emissions. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

9-15 The comment urges the City to consider a more ambitious CAAP to address the urgency of climate change. The comment letter has been provided to the City's CAAP project team for their review. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.



Post Office Box 1526 | Sacramento, CA 95812-1526

October 10, 2023

Scott Johnson, Senior Planner
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SUBJECT: ECOS Letter to City on DMEIR for Draft CAAP and Draft GPU 2040

Dear Senior Planner Scott Johnson:

Through this letter we offer comments on the Draft Master Environmental Impact Report for the Sacramento 2040 General Plan and Climate Action & Adaptation Plan, dated August 2023.

We are concerned about the sufficiency of the EIR, with a particular focus on the Natomas area. We have identified:

- unidentified impacts and significant impacts deemed less than significant;
• insufficient mitigation measures;
• a project alternative that avoids impacts is not considered;
• absence of a real "no project alternative";
• a need for a project alternative that excludes the Natomas Basin Special Study Area;
• inaccurate and undisclosed information.

10-1

For these reasons, we believe the DMEIR should be revised and recirculated to fully disclose the impacts of the Draft 2040 GPU update and fully mitigate the impacts.

About ECOS: The mission of ECOS is to achieve regional sustainability, livable communities, environmental justice, and a healthy environment and economy for existing and future residents. ECOS strives to bring positive change to the Sacramento region by proactively working with the individual and organizational members of ECOS, neighborhood groups, and local and regional governments.

Sincerely,

Susan Herre AIA AICP
President of the Board of Directors

Judith Lamare
Founder, Friends of Swainson's Hawk

www.ecosacramento.net

1) **Inconsistency with Natomas Basin Habitat Conservation Plan and its Implementing Agreement**

The DMEIR fails to adequately consider the impacts of the 2040 GPU on the Natomas Basin Habitat Conservation Plan (NBHCP) and the Natomas Basin Conservancy (NBC) and its strategy for wildlife protection and conservation.

More specifically, DMEIR fails to consider consistency with the legally binding Implementation Agreement (IA) (**Attachment 1**) for the NBHCP and its associated incidental take permits from the state and federal wildlife agencies. The IA was signed by the California Department of Fish and Wildlife, the US Fish and Wildlife Service, Sutter County and the City of Sacramento in 2003 for a fifty-year term.

The DMEIR fails to disclose to the public and policymakers the City's obligation to honor and protect the NBHCP and NBC and avoid development outside the City's permit area. Specifically, Section 3.1 of the IA says "CITY agrees not to approve more than 8,050 acres of Authorized Development and to ensure that all Authorized Development is confined to CITY's Permit Area as depicted on Exhibit B to this Agreement)." The DMEIR also ignores the requirements of the City for proposed changes in the NBHCP and IA.

- We submit that the IA establishes that compliance by the City with the IA, the associated HCP and incidental takes permits is mandatory; and that the IA requires the City to not support development in the unincorporated area of the Natomas Basin, but instead to support the conservation strategy and the mitigation lands in the Basin.

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2) **2040 GPU includes fewer Biological Resources Protection Policies; the impacts of this change are not analyzed in the DMEIR.**

The Draft 2040 General Plan reduces the Biological Resources protection policies in the existing 2035 General Plan (Goal ER 2.1) from seventeen to five. See **Attachment 2** for the existing seventeen policies. Among others, the 2040 GPU proposes to eliminate the following policy from the existing 2035 City General Plan (adopted 2015):

ER 2.1.12 **Natomas Basin Habitat Conservation Plan.** The City shall continue to participate in and support the policies of the Natomas Basin Habitat Conservation Plan for the protection of biological resources in the Natomas Basin. *(RDR/IGC)*

The DMEIR fails to disclose the removal of most of the General Plan biological resource protection policies from the General Plan.

- Why were these policies removed from the General Plan?
- For each policy removed, disclose and explain the likely environmental impact of its removal from the General Plan.

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3) Impacts on Agriculture and Biological Resources – Unidentified and Significant Impacts Deemed Less than Significant

The DMEIR analysis of impacts of the 2040 GPU on agriculture and biological resources is limited to the Planning Area, that is, area inside the City limits, and excludes impacts in the Special Study areas, for example, in Natomas. The DMEIR thus finds impacts on agriculture and biological resources to be less than significant. Yet designating thousands of acres of farmland as a Special Study Area in the Natomas Basin would mean massive future impacts on agriculture and biological resources that the City should disclose and analyze.

10-6

- Why does the DMEIR not disclose the agricultural and biological resources in the Natomas Basin Special Study Area, or provide any analysis or information about the very significant impacts of any urbanization in the Natomas Basin on agriculture and biological resources?

The DMEIR ignores the balance of development, agriculture and habitat lands established by the NBHCP (and companion MAP HCP) as the core of the Natomas Basin conservation strategy.

"Because the effectiveness of the NBHCP's Operating Conservation Program is based upon CITY limiting total development to 8,050 acres within the CITY's Permit Area, and SUTTER limiting total development to 7,467 acres within SUTTER's Permit Area, approval by either CITY or SUTTER of future urban development within the Plan Area or outside of their respective Permit Areas would constitute a significant departure from the Plan's Operating Conservation Program."

- Why does the DMEIR not consider whether the Special Study Area designation for Natomas Basin and "Area of Concern" policy (p. 2-27) conflict with the NBHCP's Operating Conservation Program? Isn't this an unidentified impact of the GP?
- Are we correct in assuming that the Natomas Basin Special Study Area encompasses over 30,000 acres of agriculture and habitat lands?

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4) Undisclosed and Inaccurate Information

The DMEIR avoids analyzing farmland and habitat impacts in the Natomas Special Study Area. It also fails to disclose that County General Plan policies protect farmland and habitat in unincorporated parts of the Natomas basin from development. The County's Urban Services Boundary (USB) is key to the protection policy. The USB excludes all of the County's unincorporated area in the Natomas Basin except for the Airport and Metro AirPark.

10-9

The County General Plan, p. 20, defines the Urban Services Boundary as follows:

"The Urban Service Boundary (USB) (see Figure 1) indicates the ultimate boundary of the urban area in the unincorporated County." "The USB allows for the permanent preservation of agriculture and rangelands, critical habitat and natural resources. . . "

LU-127. The County shall not expand the Urban Service Boundary unless:

- There is inadequate vacant land within the USB to accommodate the projected 25 year demand for urban uses; and
- The proposal calling for such expansion can satisfy the requirements of a master water plan as contained in the Conservation Element; and
- The proposal calling for such expansion can satisfy the requirements of the Sacramento County Air Quality Attainment Plan; and
- The area of expansion does not incorporate open space areas for which previously secured open space easements would need to be relinquished; and
- The area of expansion does not include the development of important natural resource areas, aquifer recharge lands or prime agricultural lands;
- The area of expansion does not preclude implementation of a Sacramento County-adopted Habitat Conservation Plan;

OR

- The Board approves such expansion by a 4/5ths vote based upon on finding that the expansion would provide extraordinary environmental, social or economic benefits and opportunities to the County.

The DMEIR asserts that two major landowner-proposed developments in Natomas Basin are in process and the City should get engaged with them. In fact, these proposed developments cannot be approved by the County without extraordinary findings approving a change in the Urban Services Boundary and potentially a finding of extraordinary significance for the projects and the requirement for approval by four of the five supervisors. (County General Plan LU127, p.144) The proposed developments must also obtain permits from US Fish and Wildlife Service and California Department of Fish and Wildlife.

10-10

Refer to **Figure 1** below for a depiction of the Urban Services Boundary. This map was prepared by ECOS/Habitat 2020 volunteers to educate EIR preparers about the complexities of Natomas Basin. Figure 1 also shows all of the existing mitigation land (approximately 5,000 acres in the Natomas Basin Conservancy and another 1,000 acres of other mitigation lands permanently protected in the Basin.) It also shows the permit areas where development can occur in Sacramento and Sutter Counties, as well as the proposed projects outside the permit area that conflict with the conservation strategy of the NBHCP. The two proposed projects referred to in the GP 2040 DMEIR, Grand Park and Upper Westside, directly impact (abut or surround) mitigation properties acquired by the NBC to mitigate for the development of the City's North Natomas Community Plan area.

10-11

See also **Figure 2** below, Exhibit B from the IA, showing which lands in the Natomas Basin are entitled to develop.

See also **Figure 3** below, Land Use Agencies 'Permit areas'" from the NBHCP.

5) Unidentified Impacts of Inconsistent, Conflicting Land Use Policies; Lack of Analysis and Mitigation.

The Draft 2040 GP Land Use Policies are in conflict and the DMEIR is consequently internally inconsistent.

LUP-1 establishes a compact growth pattern but the Special Study Areas total approximately 47,610 acres (74 square miles), approximately 74% of which lies outside the existing city limits and the SOI (most of which is in Natomas). They are referred to as possible annexation areas (p. 2-22). (The DMEIR does not disclose the acreage in the Natomas Basin Special Study Area.)

In 2-27, the DMEIR states that a GP strategy for sustainable and responsible growth is to:

"Designate the Natomas Basin Study Area (NBSA) as an Area of Concern. The City aims to better manage and control the future of the NBSA by balancing potential growth with the protection of agriculture and open space. To help ensure that County-proposed development at the city's edge is better integrated with the city, the Area of Concern designation will improve the City's ability to provide planning and public services, including police, fire, and park services; water, wastewater, and stormwater; flood risk; traffic mitigation; and open space, habitat, and agriculture preservation. Any future SOI amendments for the NBSA would be considered by the Sacramento Local Agency Formation Commission (LAFCo) and used to delineate probable future city boundaries and service areas. The designation of the SOI is intended to help a city plan for efficient provision of services, discourage urban sprawl, and protect open space and agricultural lands. The County is currently processing two large specific plans (Grand Park and Upper Westside) which call for development of lands in the NBSA and are not currently within the city's SOI. Providing input and analysis of these development plans and influencing their outcome will help to lessen potential adverse effects to the City and its residents."

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Based upon this section, it appears that the City indeed is considering providing urban services to an area they have promised state and federal governments that they would not do because this is outside the permit area of the NBHCP.

The inclusion of thousands of acres of farmland as a Natomas Basin Study Area, and designating it an Area of Concern, contradicts the City's land use policies, a conflict that should have been analyzed in the DMEIR.

10-13

6) Growth Inducement Impacts Inadequately Analyzed

The City's designation of the Natomas Basin as a Special Study Area (SSA) is growth-inducing. The inclusion of the SSA has growth inducing impacts because it indicates to landowners that the City would consider annexation and urban development of farmland in the Natomas Basin. Landowner willingness to sell land for permanent habitat protection is reduced and expectations of market value are dramatically changed, changing the economics of permanent habitat and farmland protection. The DMEIR does not address this impact of the 2040 GPU update and does not analyze the impact of placing thousands of acres of farmland and habitat in a General Plan Special Study Area and "Area of Concern" for LAFCo.

10-14

The DMEIR thus leads landowners to believe that urbanization of their properties in Natomas outside the City or Sutter's permit area is feasible and that the City will cooperate to assist them. It is especially confusing in the absence in the DMEIR of full disclosure of the terms and conditions imposed on the City by the NBHCP and its Implementation Agreement. The DMEIR errs in not analyzing the impacts of the Special Study Area designation in the General Plan as growth inducing.

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It is concerning that the DMEIR claims on p. 5-4:

"Because it is assumed that the impacts are captured in the analysis of environmental impacts (see Chapter 4 of this Master EIR), CEQA does not require separate mitigation for growth inducement. Furthermore, the CEQA Guidelines require that an EIR detail how a project could be growth inducing and to describe project characteristics that may encourage and facilitate other activities that could significantly affect the environment."

10-16

In fact, the DMEIR avoids analysis of environmental impacts in the NBSSA. They are not included in Chapter 4, and therefore, there should be a separate analysis and mitigation for growth inducement in the SSA. This is an internal conflict within the DMEIR.

We appreciate the careful discussion of growth inducement and CEQA (5.3.3 Impacts of Induced Growth), but we must ask:

- Why is the City including thousands of acres of agricultural land in Natomas as a Special Study Area in its General Plan if not to indicate that it anticipates annexation.
- We request the City delete this Special Study Area in Natomas and remove the growth inducement impact of the 2040 GPU.

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7) Cumulative Impacts Mitigation

The DMEIR claims that there is no feasible mitigation for cumulative impacts (4.4-23) on biological resources.

- We suggest that feasible mitigation includes removal of Natomas Basin Special Study Area from the General Plan.
- We suggest the City include standards to prohibit greenfield development such as are used in the Sacramento County General Plan, the Urban Services Boundary and related policies.

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8) Heat Island Impacts Inadequately Analyzed and Not Fully Mitigated

The DMEIR in 4.3 Air Quality, Goal ERC-8: Improved resilience to the effects of heat, sets forth the City’s intention to reduce heat islands and prescribes various legal and design steps that can promote passive cooling and reduced energy demand toward that goal.

This recognition of heat islands is welcome but undermined by the Plan’s Implementation Schedule, which allows more than 10 years to pass before the study is completed and the necessary building materials and site designs are modified. The extended period prescribed by the Implementation Schedule will allow existing heat islands to continue heating the atmosphere and the construction of more heat islands.

- We suggest the schedule be accelerated and the study completed in two years.

Scientific American cites studies demonstrating that the impact of urban heat islands will be one half to as much as twice the warming identified by climate change by the year 2050. That is only 17 years beyond the 2033 target date set by the General Plan.

The US EPA tells us that heat islands create the need for increased use of air conditioning, elevated levels of greenhouse gases and dangerous pollutants, compromised health, and impaired water quality. These current impacts are not only dangerous, but they impact low-income communities much more severely than other communities. Heat death is a fact in Sacramento, and many residents are far more susceptible than others. Delaying efforts to reduce heat islands in Sacramento is a serious health issue.

The DMEIR should quantify the health impacts of delaying measures to address urban heat islands throughout the various neighborhoods in Sacramento, and on the unhoused. The DMEIR should require a measurement of heat islands and their health impacts on housed and unhoused residents by Council district before December 31, 2024, and require annual updates on performance of elimination and mitigation of heat islands.

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10-23

9) Air Quality Impact – City Role Needed

The DMEIR notes Sacramento’s unhealthy air quality and mentions development projects on the City’s border that could make that worse – specifically, Upper Westside, Grand Park, and South Airport Industrial. These projects are likely to increase emissions of toxic air pollutants (TACs such as diesel particulate matter) and criteria air pollutants and their precursors (such as ozone and fine particulate matter) for which the City is in severe non-attainment of health-based air quality standards. This would be true, even with mitigations that may be required by the SMAQMD.

10-24

- We suggest the DMEIR should discuss ways that the City might influence proposed development that would minimize these emissions.

Without appropriate mitigations, the 2040 General Plan could have a cumulatively considerable contribution and cumulative TAC and criteria air quality impacts could be significant.

10-25

- We suggest the DMEIR include discussion of the risks if federal air quality standards are not met, such as reduction in federal transportation funding.

10) Alternatives Analysis Insufficient

A project alternative that avoids impacts is not considered.

- We suggest the DMEIR’s alternatives analysis should include an alternative that excludes the Natomas Basin Special Study Area. An alternative excluding this study area would be consistent with the City’s land use policies and would reduce the potential impact of the plan on agricultural and biological resources to less than significant. It would also improve consistency with regional transportation and air quality plans.

10-26

The DEIR defines the "no project alternative" as an alternative with no General Plan Update.

- We suggest the DMEIR include a real “no project” alternative since not updating the General Plan is not legal under state planning law. The “No Project” alternative required by CEQA was promised in the City’s earlier Notice of Preparation, and the omission should be remedied.

10-27

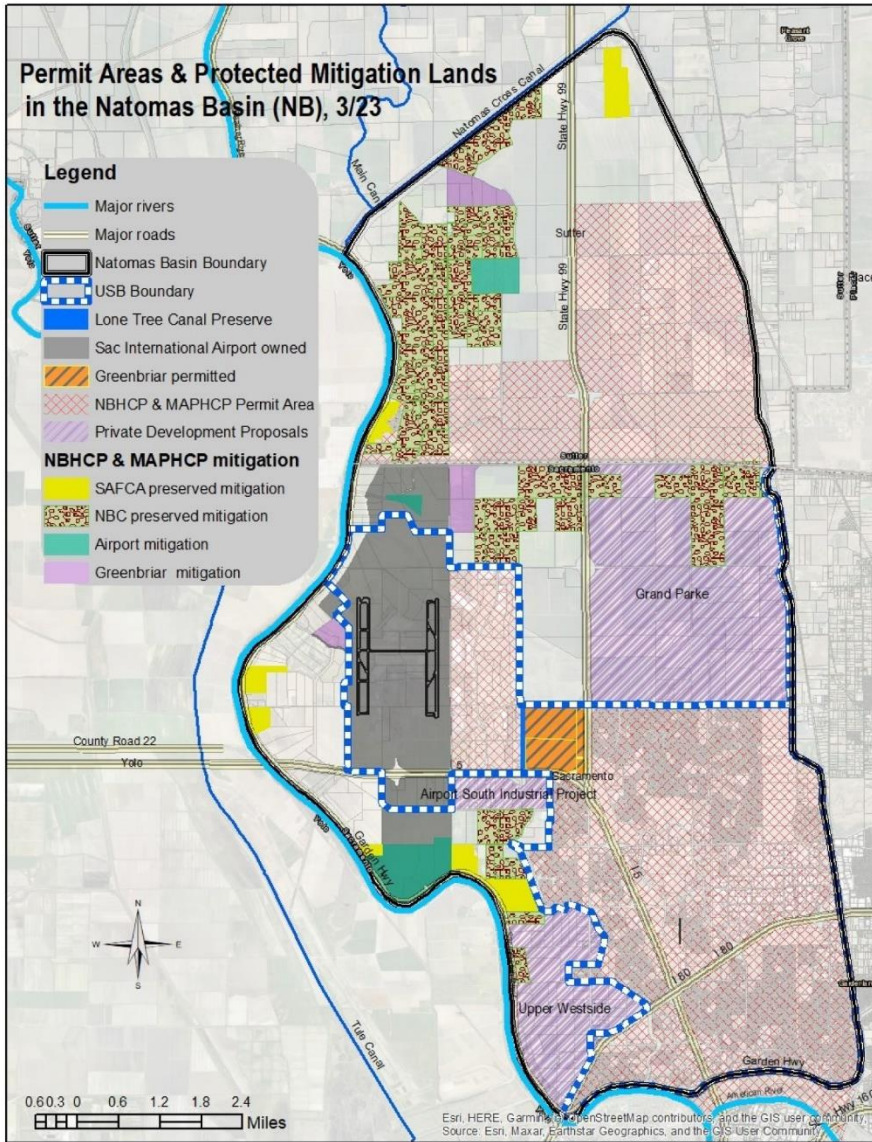


Figure 1 Urban Services Boundary and more

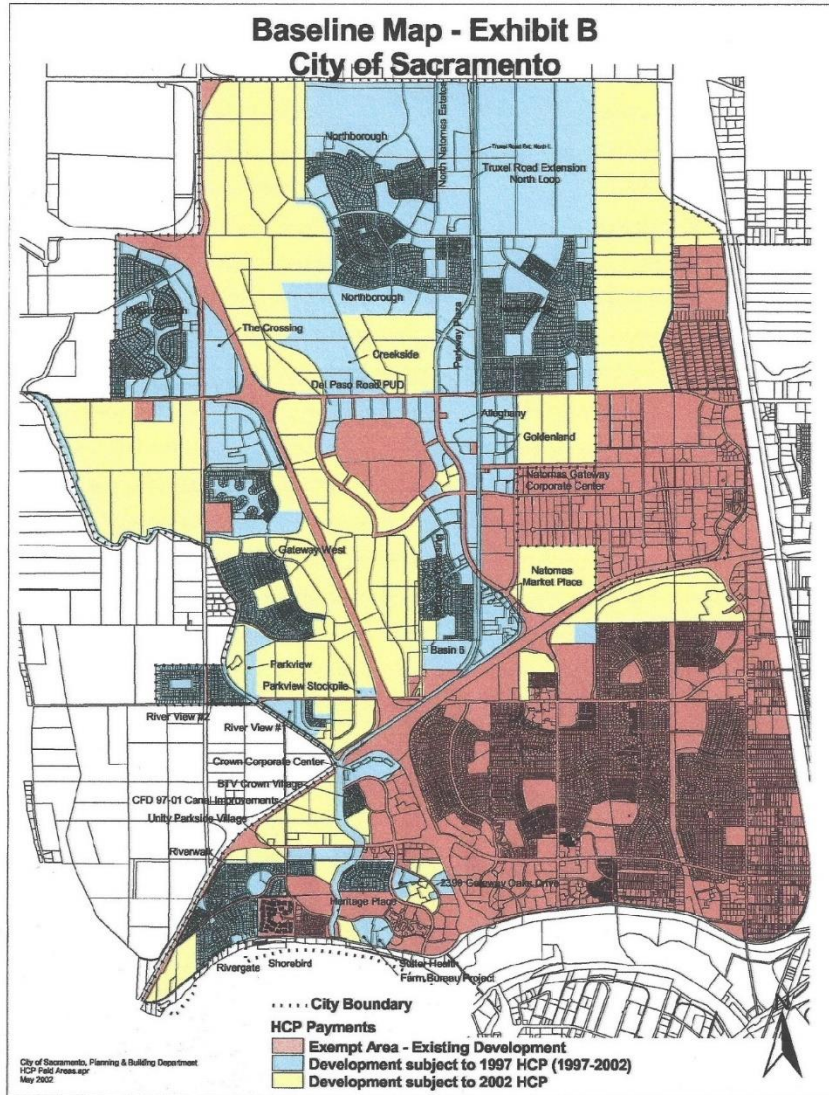


Figure 2 Exhibit B from the Implementing Agreement

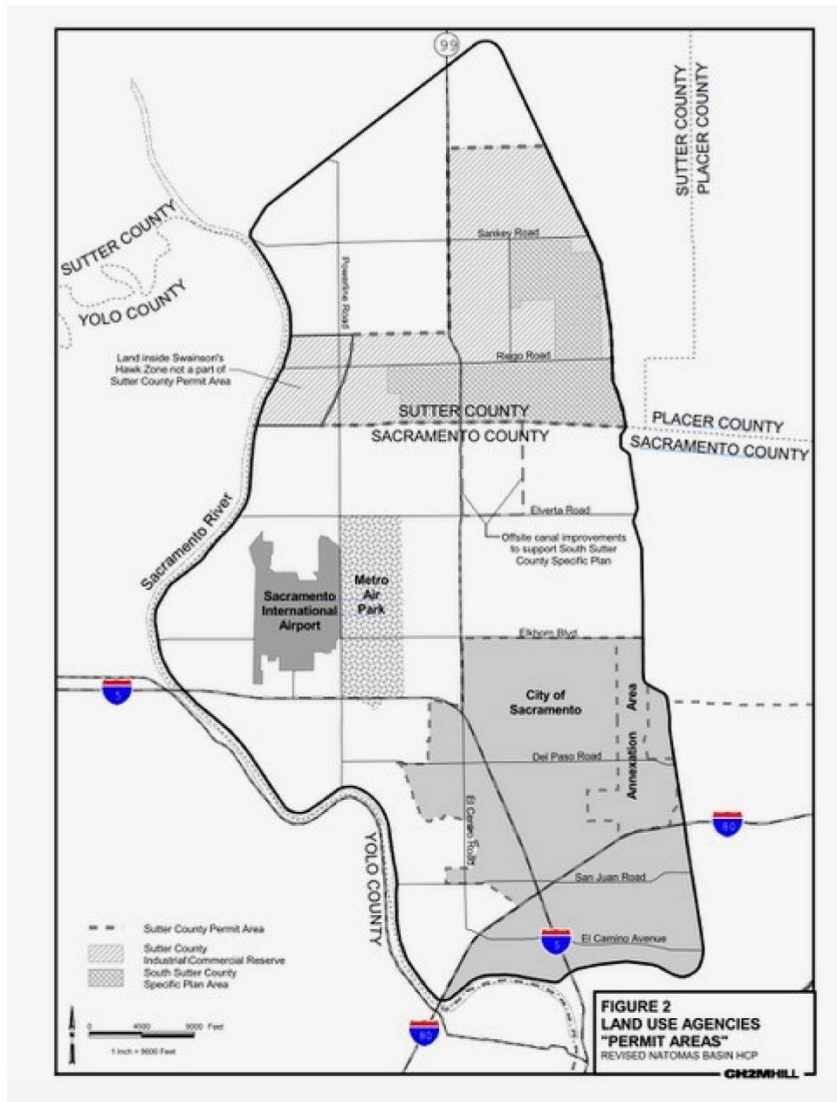


Figure 3 Land Use Agencies "Permit Areas"

**IMPLEMENTATION AGREEMENT FOR THE
NATOMAS BASIN HABITAT CONSERVATION PLAN**

wc-83845

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IMPLEMENTATION AGREEMENT FOR THE NATOMAS BASIN HABITAT CONSERVATION PLAN

THIS IMPLEMENTATION AGREEMENT FOR THE NATOMAS BASIN HABITAT CONSERVATION PLAN is entered into as of the ____ day of _____, 2003 by and among the UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the Department of the Interior of the United States of America (“USFWS”), the CALIFORNIA DEPARTMENT OF FISH AND GAME, a subdivision of the Resources Agency of the State of California (“CDFG”), the CITY OF SACRAMENTO, a chartered city (“CITY”), the COUNTY OF SUTTER (“SUTTER”), a political subdivision of the State of California, and The Natomas Basin Conservancy, Inc. (“TNBC”, or “Conservancy”), a California nonprofit public benefit corporation, (hereafter collectively referred to as “Parties”). The CITY, SUTTER and TNBC are hereafter also referred to collectively as “Permittees” and each is individually referred to as “Permittee.”

1. RECITALS AND PURPOSES

The Parties have entered into this Agreement in consideration of the following facts and assumptions, intentions and expectations:

1.1 Purpose. This Implementation Agreement (“Agreement”) describes the mechanisms for implementation of the Natomas Basin Habitat Conservation Plan (“NBHCP” or “Plan”) a cooperative federal, state and local program for the conservation of those plant and animal species listed on Exhibit D (collectively the “Covered Species”) and their habitats in the Natomas Basin. The purposes of this Agreement are: a) to ensure the implementation of each of the terms of the NBHCP; b) to describe remedies and recourse should any party fail to perform its obligations as set forth in this agreement; and c) to provide assurances to the Permittees that as long as the terms of the NBHCP are properly implemented, no additional mitigation will be required of them except as provided for in this Agreement or required by law. This Agreement also establishes terms and conditions that support issuance of Permits by the USFWS under Section 10(a)(1)(B) of the Endangered Species Act (“ESA”) and CDFG under Section 2081 of the California Fish and Game Code to allow the taking of the Covered Species within the Permit Area a) by the CITY and SUTTER, and third persons under the CITY’s and SUTTER’s direct control, incidental to Authorized Development and b) by TNBC, and third persons under TNBC’s direct control, incidental to management activities for a period of fifty (50) years.

1.2 Parties’ Intent. The intent of the Parties, in addition to the purposes set forth above, is that a comprehensive conservation program be established, and be implemented under the auspices of TNBC for the conservation of the Covered Species and their habitats, to provide an opportunity for individual Authorized Development project proponents to obtain incidental take authorization, through CITY’s and SUTTER’s Take Permits, for a broad array of Covered Species under the ESA and CESA including both currently listed species and species that may be listed in the future; to minimize the review of individual projects by the USFWS and CDFG; and to standardize take mitigation and onsite take avoidance and minimization measures for projects covered by the NBHCP.

1.3 Coordination. The NBHCP will be implemented by the Parties through execution of this Agreement, subject to and in accordance with the Permits.

1.4 Habitat. The Covered Species may use or inhabit portions of the Natomas Basin area which is situated northeasterly of the confluence of the American River and Sacramento River. Consequently, Planned Development of 17,500 acres, including CITY and SUTTER Authorized Development and Metro Air Park’s 1,983 acres of authorized development, related infrastructure, and government public works planned in this area over the next fifty (50) years may result in a loss

of habitat and takings of the Covered Species, incidental to the normal course of this Planned Development.

1.5 Mitigation. Implementation of the NBHCP through this Agreement is intended to avoid, minimize and mitigate to the maximum extent practicable, and minimize and fully mitigate, the individual and cumulative impacts of take of Covered Species resulting from Authorized Development within the CITY's and SUTTER's respective Permit Areas in the Natomas Basin. All required mitigation is specified in the NBHCP.

1.6 Integrity and Viability of NBHCP. While the NBHCP was developed as a comprehensive multi-species habitat conservation plan to avoid, minimize and mitigate for the expected loss of habitat values and incidental take of the Covered Species that could result from urban development, operation and maintenance of irrigation and drainage systems, and certain activities associated with TNBC management of its system of reserves within the Natomas Basin when it is fully implemented, the biological viability of the NBHCP is not compromised by the failure of other Potential Permittees to participate in the NBHCP and execute this Agreement. The mitigation strategies provided in the NBHCP are designed to allow for separate and independent implementation of NBHCP mitigation measures by CITY, SUTTER or other Potential Permittees, and may be adjusted under the terms of the Plan if fewer than all land use jurisdictions or other Potential Permittees participate, so that the NBHCP is viable and will minimize and mitigate the impacts associated with take of Covered Species resulting from Covered Activities carried out within the Natomas Basin by each Permittee, even if the Plan is not implemented by other Potential Permittees.

1.7 Reliance. In reliance upon this Agreement, CITY and SUTTER are making long range plans and financial investments in public infrastructure improvements necessary for the preservation of the public health, safety and welfare. Without the assurances identified in this Agreement, they would not enter into, support or approve any such plans or financial commitments.

1.8 Local Land Use Authority. The parties to this Agreement intend that nothing in the NBHCP or in this Agreement shall be interpreted to mean or operate in a manner that expressly or impliedly diminishes or restricts the local land use decision making authority of CITY or SUTTER, provided that the Parties acknowledge that should either CITY or SUTTER exercises its respective land use authority in a manner that conflicts with the terms of the NBHCP, this Agreement or the Permits, the Service and/or CDFG may suspend or revoke CITY's or SUTTER's Permits pursuant to Section 7.4 of this Agreement and applicable laws and regulations.

1.9 CITY, SUTTER and TNBC as Permittees. This Agreement also establishes the conditions under which the incidental take granted to CITY and SUTTER under their respective Permits will apply to landowners and developers within their respective Permit Areas in the Natomas Basin as of the Effective Date (as depicted on Exhibits B and C attached hereto and incorporated herein) in order to allow the taking of the Covered Species incidental to Authorized Development. TNBC's Permit will authorize incidental take of the Covered Species by TNBC anywhere within its Permit Area with respect to the management and other activities and responsibilities that TNBC or third parties under its control assumes on behalf of CITY and SUTTER under the NBHCP.

1.10 USFWS Authorities. USFWS is authorized to enter into this Agreement pursuant to the ESA (16 U.S.C. 1531 et seq.), the United States Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742(f) et seq.).

1.11 CDFG Authorities. CDFG is authorized to enter into this Agreement pursuant to CESA sections 2080 and 2081.

AGREEMENT

FOR AND IN CONSIDERATION of the recitals set forth above, which are incorporated by reference herein, the covenants set forth herein, and other considerations, the receipt and adequacy of which is hereby acknowledged, the Parties hereto agree as follows:

2 DEFINITIONS

Terms used in this Agreement with reference to the ESA shall have the same meaning as those same terms have under the ESA, or in regulations adopted by the USFWS, and terms used in this Agreement with reference to CESA, shall have the same meaning as those same terms have under CESA, or regulations adopted by CDFG. Capitalized terms used in this Agreement shall have the defined meanings specified in the NBHCP as attached hereto as Exhibit A and incorporated herein into this Agreement. Where additional terms are used in this Agreement, definitions are included within the applicable text. Any amendments to the definitions contained in this Agreement shall be deemed automatically to be amendments to the definitions contained in the NBHCP.

3 OBLIGATIONS OF THE PARTIES

3.1 CITY and SUTTER.

3.1.1 Limitation on Total Development in Natomas Basin and Individual Permit Areas. The NBHCP anticipates and analyzes a total of 17,500 acres of Planned Development in the Natomas Basin, 15,517 acres of which constitutes Authorized Development within CITY and SUTTER. (An additional 1,983 acres of development is allocated to the Metro Air Park project in Sacramento County under the Metro Air Park Habitat Conservation Plan and is analyzed within the NBHCP.) CITY agrees not to approve more than 8,050 acres of Authorized Development and to ensure that all Authorized Development is confined to CITY's Permit Area as depicted on Exhibit B to this Agreement). SUTTER agrees not to approve more than 7,467 acres of Authorized Development and to ensure that all Authorized Development is confined to SUTTER's Permit Area as depicted on Exhibit C to this Agreement). The Parties further agree:

(a) Because the effectiveness of the NBHCP's Operating Conservation Program is based upon CITY limiting total development to 8,050 acres within the CITY's Permit Area, and SUTTER limiting total development to 7,467 acres within SUTTER's Permit Area, approval by either CITY or SUTTER of future urban development within the Plan Area or outside of their respective Permit Areas would constitute a significant departure from the Plan's Operating Conservation Program. Thus, CITY and SUTTER further agree that in the event this future urban development should occur, prior to approval of any related rezoning or pre-zoning, such future urban development shall trigger a reevaluation of the Plan and Permits, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits to the permittee for that additional development, and/or possible suspension or revocation of CITY's or SUTTER's Permits in the event the CITY or SUTTER violate such limitations.

(b) For purposes of the NBHCP and this Agreement, CITY agrees that although the West Lakeside Annexation area is proposed by the landowners to be annexed to the CITY, this area currently is located within Sacramento County and is outside of the County's Urban Services Boundary and the City's Sphere of Influence, and it is not included in the 8,050 acres of Authorized Development or within the CITY's Permit Area. Thus, CITY agrees that in the event this annexation occurs, it shall, prior to approval of any rezoning or pre-zoning associated with such annexation, trigger a reevaluation of the Plan, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits to the City for that additional urban development, and/or possible

suspension or revocation of CITY's Permit in the event the CITY violates such limitations without completing such reevaluation, amendment, or revision or new conservation strategy for that additional urban development.

3.1.2 EXCLUSION OF DEVELOPMENT FROM SWAINSON'S HAWK ZONE. With the exception of 252 acres included as Authorized Development by CITY in the NBHCP, the Parties agree that the CITY's and SUTTER's Permit Areas shall exclude a one mile wide strip of land adjacent to the Sacramento River within their respective jurisdictions known as the Swainson's Hawk Zone (SHZ). The Parties further agree as follows:

(a) CITY and SUTTER shall not approve any future urban development within their respective portions of the Swainson's Hawk Zone beyond the 252 acres of Authorized Development identified by CITY in the NBHCP.

(b) Within One Hundred and Eighty (180) days of the Effective Date, SUTTER shall initiate a General Plan Amendment to remove all land within SUTTER's portion of the Swainson's Hawk Zone from the Industrial/Commercial Reserve designation in the Sutter County General Plan and to redesignate such land for agricultural uses.

(c) Because the effectiveness of the NBHCP to adequately minimize and mitigate the effects of take of the Covered Species depends, in part, on the exclusion of urban development from both the CITY and SUTTER's portions of the Swainson's Hawk Zone, approval by either CITY or SUTTER of future urban development in the Swainson's Hawk Zone, except as otherwise explicitly allowed under the NBHCP, would constitute a significant departure from the Plan and would trigger a reevaluation of the Plan and Permits, a new effects analysis, potential amendments to the Plan and/or Permits, a separate conservation strategy and issuance of Incidental Take Permits to the permittee for that additional development, and/or possible suspension or revocation of CITY or SUTTER's Permits in the event CITY or SUTTER violate such restrictions.

3.1.3 Timing of Mitigation. CITY and SUTTER agree to comply with the NBHCP Chapter VI requirements applicable to the timing of acquisition of Mitigation Lands, including, but not limited to, the requirement to maintain a 200-acre cushion of Mitigation Lands, and other timing restrictions on approval of Authorized Development as provided in Sections 4 and 5 of this Agreement and Chapter VI of the NBHCP.

3.1.4 Baseline Map. CITY and SUTTER have prepared, and USFWS and CDFG have approved, the Baseline Maps set forth in Exhibits B and C, attached hereto and incorporated herein by this reference, which depict: (1) those land areas within their respective Permit Areas which are designated as "Exempt Area-Existing Development" and therefore not subject to the NBHCP, the Permits, or this Agreement; (2) those land areas designated as "Development Subject to 1997 HCP," within their respective Permit Areas for which Authorized Development projects have been approved between 1997 and 2002 and have been developed in compliance with the Mitigation Requirements of the NBHCP in effect in 1997; and (3) those undeveloped land areas designated as "Development Subject to 2002 HCP," within the Permit Areas which will be subject to the Mitigation Requirement of the NBHCP.

3.1.5 Restriction on Urban Development/Mitigation Alternatives. CITY and SUTTER shall not issue any Urban Development Permit for any Authorized Development project on a parcel of land in their respective Permit Areas, outside of those areas depicted as "Exempt Area-Existing Development" on the Baseline Map, unless the Authorized Development project proponent has satisfied the Mitigation Requirement specified in Chapters IV through VI of the NBHCP.

3.1.6 Determination of Compliance. CITY and SUTTER shall ensure that an Authorized Development project proponent has complied with the Mitigation Requirements of Chapters IV through VI of the NBHCP prior to issuing an Urban Development Permit for the Authorized Development project.

3.1.7 Urban Development Permit Conditions. CITY and SUTTER shall include in any Urban Development Permit the on-site Take avoidance, minimization and mitigation measures specified in Chapter V of the NBHCP (the “Conservation Measures”) to reduce or eliminate to the extent feasible, the direct and indirect impacts of Authorized Development on the Covered Species and shall include in such Urban Development Permit notice of the need to comply with the requirements of other agencies applicable to the project.

3.1.8 Full Compliance with the NBHCP. The Parties agree that for purposes of CITY’s and SUTTER’s determination that an Urban Development Permittee is in full compliance with the NBHCP, the Urban Development Permittee must: (1) comply with the Mitigation Requirement, (2) implement the Conservation Measures including any such measures that are required to be conducted prior to commencement of grading and/or construction (e.g., pre-construction surveys, species avoidance measures, allowing USFWS or TNBC to conduct translocation and relocation of Covered Species, etc.), and (3) implement any measures specified in or provided for in Chapter V of the NBHCP which are required to be implemented after commencement of grading and/or construction, including but not limited to, pre-construction surveys, retention of Swainson’s Hawk nesting trees, and elderberry shrub preservation.

3.1.9 Transfer of Mitigation Fees. CITY and SUTTER shall promptly transfer all Mitigation Fees collected on account of Authorized Development to TNBC in accordance with the provisions of Chapter VI of the NBHCP.

3.1.10 Enforcement. CITY and SUTTER shall comply with the NBHCP, this Agreement and the Permits and, following their applicable land use permit enforcement procedures and practices, shall take all necessary and appropriate actions to enforce the terms of the Section 10(a)(1)(B) Permit, the Section 2081 Permit, the NBHCP, and this Agreement as to themselves and all third persons subject to their jurisdiction or control, including Urban Development Permittees, that are subject to the requirements established by the NBHCP, the Permits and this Agreement, specifically including the urban permitting and approval requirements set forth in this Section 3. Provided CITY and SUTTER take actions within their respective authorities to enforce compliance with the terms of the NBHCP, this Agreement and the Permits, a violation of the Permits by such third persons shall not be a basis to suspend or revoke the CITY or SUTTER Permits, unless USFWS or CDFG determine that continuation of the Permits would appreciably reduce the likelihood of the survival and recovery of a Covered Species in the wild or USFWS or CDFG determine that the violation renders CITY or SUTTER unable to implement successfully the NBHCP.

3.1.11 Relationship of TNBC to CITY and SUTTER. To comply with the requirements of the NBHCP, CITY and SUTTER have chosen to implement their Mitigation Requirement and other obligations under the NBHCP, including their reporting and monitoring obligations, in part, through the selection of TNBC as the Plan Operator. The Parties further agree:

(a) In the event that the Service determines pursuant to Section 7.6.1 of this Agreement, or CDFG determines pursuant to Section 7.6.2 that TNBC has violated the terms of the NBHCP, the Permits or this Agreement, such violation shall be considered a failure by CITY and SUTTER to implement their obligations of the Operating Conservation Program under the NBHCP. Provided, however, that if the violation by TNBC related to MAP mitigation acquisition or management requirements, or to other violations resulting from and solely pertaining to a violation of the MAP HCP, the provisions of this subsection shall not apply and neither City nor Sutter shall be considered to have failed to implement their obligations of the Operating Conservation Program under the NBHCP.

(b) Notwithstanding the foregoing in the event USFWS or CDFG make the determination set forth in Section 3.1.11(a), CITY’s and SUTTER’s Permits shall not be revoked or suspended, if CITY and/or SUTTER implement corrective measures, within the period

specified by the USFWS and/or CDFG, to remedy TNBC's violation which may include, but shall not be limited to (1) replacing TNBC with another conservation entity qualified to serve as a Plan Operator, (2) transferring the Mitigation Lands to CDFG in accordance with Section 3.2.12 of this Agreement, (3) implementation by TNBC of measures specified by the USFWS and/or CDFG as necessary to remediate the violation unless USFWS or CDFG determine that continuation of the Permits would appreciably reduce the likelihood of the survival and recovery of a Covered Species in the wild or USFWS or CDFG determine that the violation renders CITY or SUTTER unable to implement successfully the NBHCP; or (4) implementation by CITY and/or SUTTER of measures necessary to remediate the violation.

(c) Should the USFWS or CDFG determine that CITY or SUTTER has violated their separate obligations under the NBHCP, the Permits or this Agreement, such violation shall not be attributed to TNBC nor shall TNBC's Permits be affected, so long as TNBC continues to properly implement its obligations under the NBHCP with respect to the Mitigation Lands, including its obligations as the Plan Operator.

3.1.12 Certification of Urban Development Permittee. Urban Development Permits (i.e., the grading permit or notice to proceed) issued by CITY and SUTTER shall constitute a certification to the Urban Development Permittee that the Urban Development Permittee has complied with the Mitigation Requirements of the NBHCP and will be allowed to construct, maintain and operate a public or private project which may result in the Incidental Take of the Covered Species consistent with the conditions in the Permits and the Urban Development Permit, on the parcels for which the Urban Development Permit was issued. The issuance of such certifications shall be considered ministerial actions for the purposes of the laws of the State of California.

3.1.13 Public Works Projects. CITY and SUTTER shall apply the Mitigation Requirement and Conservation Measures set forth in this Section and in Chapters IV through VI of the NBHCP to all public works projects in their respective Permit Areas.

3.1.14 Assistance. CITY and SUTTER shall provide staff members to serve on the NBHCP Technical Advisory Committee.

3.1.15 Annual Report of Authorized Development. CITY and SUTTER shall each implement the Annual Report requirements described at Chapter VI of the NBHCP. In addition, at any other time during the Permit terms, CITY and SUTTER, at the request of USFWS or CDFG, shall provide within thirty (30) days, to the Wildlife Agencies additional information relevant to implementation of the NBHCP reasonably available to CITY and SUTTER.

3.1.16 Adaptive Management. CITY and SUTTER agree to abide by and implement all Adaptive Management provisions specified in, and subject to the limitations of, Chapter VI of the NBHCP, including, but not limited to, implementing revisions to management of Mitigation Lands, such as those which may be included in recovery plans for the Covered Species, in response to monitoring results in the Plan Area or to peer-reviewed new scientific information, in response to substantial land use changes in the Basin outside the Permit Areas and system of reserves, and Plan responses to Changed Circumstances.

3.1.17 Overall Program Review/Independent Midpoint Reviews. CITY and SUTTER agree to implement the Overall Program Review and Independent Mid-Point Reviews described in Chapter VI of the NBHCP to evaluate the performance and effectiveness of the NBHCP in achieving its biological goals and objectives.

3.1.18 CITY and SUTTER Liaison. CITY and SUTTER shall each designate a liaison to CDFG and USFWS for communications concerning this Agreement and the NBHCP. The CITY's and SUTTER's liaisons shall be responsible for reporting on their respective agency's implementation of and compliance with this Agreement, the NBHCP, and the Permits. CITY and SUTTER shall notify CDFG and USFWS of the name, address and telephone number of the liaison within 30 days of the Effective Date and shall subsequently notify CDFG and USFWS within 30 days in writing if the name, address or telephone number of the liaison is changed.

3.1.19 Implementation of other NBHCP Components. CITY and SUTTER agree to implement each of the other components of the NBHCP identified in the Plan or this Agreement, specifically including enactment of and periodic revisions to the Mitigation Fee ordinances and Catch Up Fee ordinances or through other funding mechanisms except for the CITY or SUTTER general funds, as described in Chapter VI of the Plan as necessary to ensure the NBHCP is fully funded. The commitments set forth herein shall be subject to the limitation that implementation of such measures is within the CITY's or SUTTER's land use or other legal authority.

3.2 The Natomas Basin Conservancy.

3.2.1 Establish Mitigation. TNBC agrees that it will serve as the Plan Operator under the NBHCP, and will Acquire, locate, operate, manage, and maintain Mitigation Lands in accordance with Chapters IV through VI of the NBHCP and Section 5 of this Agreement. To the extent provided in the NBHCP, such activities shall be carried out in consultation with the TAC and with the approval of the Wildlife Agencies.

3.2.2 Acceptance of Mitigation Fees. TNBC agrees that it will accept Mitigation Fees from CITY and SUTTER and use them exclusively to implement its Acquisition, management, monitoring, reporting and other responsibilities identified in Chapters IV through VI of the NBHCP.

3.2.3 TNBC Land Management, Site Specific Management Plan/NBHCP Biological Monitoring Plans/Surveys. TNBC agrees that it shall be responsible for implementing the following management obligations within its Permit Area:

(a) TNBC, in consultation with the TAC and subject to the approval of the Wildlife Agencies as provided in the NBHCP, shall prepare a Site Specific Management Plan for each Mitigation Land site acquired by TNBC under the Plan. Each Site Specific Management Plan shall be completed in accordance with the timing requirements specified in Chapter IV and VI, of the NBHCP and shall contain each of the elements described in Chapters IV and VI, E. of the NBHCP. TNBC agrees to implement the Site Specific Management Plans in accordance with the NBHCP and upon approval.

(b) TNBC, in consultation with the TAC and subject to the approval of the Wildlife Agencies as provided in the NBHCP, shall prepare an overall Biological Monitoring Plan consistent with the provisions of Chapter VI of the NBHCP. Upon approval, TNBC agrees to implement the overall NBHCP Biological Monitoring Plan in accordance with the NBHCP.

(c) TNBC shall conduct annual surveys of the Covered Species on Mitigation Lands and periodic surveys of the Covered Species throughout the Plan Area as provided in the NBHCP, the Site Specific Management Plans and Plan-wide Biological Monitoring Plan.

3.2.4 Implementation Annual Report. TNBC shall provide the Parties with an Implementation Annual Report by May 1 of each calendar year the NBHCP is in effect. The Implementation Annual Report shall include all of the information identified in Chapter VI of the NBHCP, including the results of the Compliance Monitoring implemented by CITY, SUTTER and TNBC and the Effectiveness Monitoring implemented by TNBC during the prior calendar year, and provide an accounting of all Mitigation Fees collected, all Urban Development Permits Issued, and all Mitigation Lands Acquired.

3.2.5 Implementation Annual Meeting. On or before July 1 of each calendar year each Permittee, USFWS and CDFG shall meet to discuss the Implementation Annual Report submitted by the TNBC, and any concerns, comments or recommendations any of the Parties may have regarding implementation of the NBHCP.

3.2.6 Funding. At least annually, TNBC shall evaluate the adequacy of Mitigation Fees to fund implementation of the NBHCP and shall recommend to CITY and SUTTER adjustments to the Mitigation Fee as necessary to ensure the Plan is fully implemented.

3.2.7 Budgeting and Planning. Prior to the end of each calendar year, the TNBC

shall prepare a budget and a plan for its proposed activities for the forthcoming year and provide copies to each Permittee, CDFG and USFWS.

3.2.8 Successor. With the prior written approval of CITY, SUTTER, USFWS and CDFG, the assets and obligations of TNBC may be transferred to any other non-profit corporation provided that the successor corporation assumes each of the obligations of TNBC as set forth under the NBHCP the TNBC Permit, and this Agreement.

3.2.9 Transfer to CDFG. In the event TNBC is unable to meet its financial obligations and is dissolved, becomes insolvent or goes bankrupt, and no other suitable successor is found, then the ownership of the Mitigation Lands (including conservation easements), accumulated Mitigation Fees and other sums designated for enhancement and maintenance of those lands, shall be transferred to the CDFG or a non-profit association or corporation organized for conservation purposes that is approved by USFWS, CDFG, CITY and SUTTER, which shall hold the Mitigation Lands (including conservation easements) in perpetuity and use the Mitigation Fees for the acquisition and permanent management, operation, maintenance, monitoring, and conservation of the Mitigation Lands in accordance with the NBHCP. In the event the ownership of Mitigation Lands (including conservation easements), accumulated Mitigation Fees and other sums designated for enhancement and maintenance of those lands are transferred to CDFG, CDFG shall have the authority to seek adjustments to the Mitigation Fee consistent with the provisions of the NBHCP.

3.2.10 Operation in Perpetuity. Subject to the requirements of Chapters IV and VI of the NBHCP, Mitigation Lands acquired to meet the NBHCP's Mitigation Requirement shall function in perpetuity to provide Habitat Values for the Covered Species. TNBC shall establish a sufficient endowment from the endowment components of the Mitigation Fees adopted by CITY and SUTTER to permanently sustain management of the Mitigation Lands in accordance with the NBHCP following expiration or termination of the Permits.

3.2.11 Conflicts of Interest. TNBC shall establish and maintain by-laws which include, at a minimum, restrictions on interests in contracts by Board members and employees which are at least as stringent as those applied to government officers and employees by California Government Code §1090 and following, as well as restrictions on participation in decisions and requirements of financial disclosure which are at least as stringent as those applied to government officers and employees by the Political Reform Act of 1974 and any regulations promulgated pursuant thereto.

3.2.12 TNBC Proceedings Open to Public. TNBC agrees that its actions and proceedings shall be conducted in public, in a manner consistent with the Ralph M. Brown Act, California Government Code Sections 54950, et seq. TNBC may conduct closed sessions for real estate negotiations as permitted in its Bylaws, referenced in the NBHCP, as may be amended from time to time ("TNBC Bylaws"). Pursuant to the TNBC Bylaws, the provisions of the Ralph M. Brown Act regarding the disclosure of information with respect to real property transactions (including, but not limited to Government Code Sections 54954.5(b), 54956.8 and 54957.1(a)(1)), whether such transactions are pending or completed, shall not apply. As used herein, "real property transactions" shall include options to purchase or lease, purchases, and leases of real property, as well as farming contracts affecting real property that TNBC has acquired or is in negotiations to acquire.

3.2.13 Implementation of Other NBHCP Components. TNBC shall implement each of the other components of the NBHCP identified in the Plan or this Agreement, including but not limited to the conservation strategies and Take avoidance, minimization and mitigation measures, to the extent such measures fall under its authority and control.

3.3 USFWS

3.3.1 Oversight. After issuance of each Section 10(a)(1)(B) Permit, the USFWS shall monitor the implementation of such Permit, this Agreement, and each Permittee's activities thereunder, to ensure compliance with the NBHCP, this Agreement and the Permits.

3.3.2 Technical Assistance. Subject to Section 8.12 of this Agreement, the USFWS shall provide staff to serve on the NBHCP Technical Advisory Committee (TAC), shall provide responses to TNBC as required under the NBHCP in a timely manner, and recommend, as appropriate, revisions to the NBHCP under the Plan's Adaptive Management, Overall Program and Independent Mid-Point Reviews, and other applicable provisions, to ensure the viability of the Plan. USFWS shall also make available USFWS staff for informal consultations and meetings with the staffs, boards or councils of the Permittees to assist with implementation of the NBHCP. Consistent with its legal authorities, the USFWS shall cooperate with TNBC in obtaining additional funding from sources including, but not limited to, existing and future state and federal grant programs and bond issues to augment the conservation strategies of the NBHCP. Such funds are in addition to, and not in substitution of, the funding required to implement the NBHCP as described in this Agreement.

3.3.3 Newly Listed Uncovered Species. Coverage and authorization for Take of newly listed species which are not covered under the Permits shall require amendment of the NBHCP and the Permits. Until and unless the Section 10(a)(1)(B) Permits are amended to cover the newly listed species, the Permittees shall adhere to the Changed Circumstances provisions applicable to the listing of a new species as described in Chapter VI of the NBHCP. Modification of the NBHCP as necessary to amend the Permits to authorize take of new species not previously covered by the NBHCP shall be at the discretion of all parties to the NBHCP, this Agreement and the associated Permits.

3.3.4 Effective Date and Issuance of Section 10(a) Permits.

(a) For purposes of the Section 10(a)(1)(B) Permit, as to each Land Use Agency Permittee, the USFWS and TNBC, the Effective Date of this Agreement shall be the date, following execution of this Agreement by that Land Use Agency Permittee, the USFWS and TNBC, that the Section 10(a)(1)(B) Permits are issued to that Land Use Agency Permittee and TNBC.

(b) Following execution of this Agreement, the Service will issue a Section 10(a) Permit to each signatory Permittee authorizing the Take of each listed Covered animal Species incidental to the Covered Activities, subject to and in accordance with the NBHCP, this Agreement and the Permits.

(c) For Covered animal Species not listed as an endangered species or threatened species under ESA as of the Effective Date, the Section 10(a) Permits shall become effective as to each such species concurrent with the listing of the species as a threatened species or endangered species under the ESA. The NBHCP also covers seven (7) plant species. Take of listed plants is not prohibited under the ESA and therefore will not be authorized under the Section 10(a) Permits. Plants are included as Covered Species under the NBHCP and will be listed on the federal permits in recognition of the conservation measures provided for them under the NBHCP. Plant species covered under the NBHCP will also be provided assurances under the federal "No Surprises" rule.

3.3.5 Permit Findings. USFWS, based on the best scientific and commercial data available and the terms and provisions of this Agreement and the NBHCP, has found that with respect to the Covered Species:

(a) The Taking of Covered Species will be incidental to otherwise lawful activities.

(b) Implementation of the NBHCP by the Permittees will, to the maximum extent practicable, minimize and mitigate the impacts of the Incidental Take of Covered Species.

(c) CITY and SUTTER will ensure that adequate funding for the NBHCP will be provided and the NBHCP and this Agreement provide procedures for addressing Changed Circumstances and Unforeseen Circumstances.

(d) The Take of Covered Species in accordance with this

Agreement will not appreciably reduce the likelihood of the survival and recovery of the Covered Species in the wild.

(e) The measures agreed upon by the Permittees and the USFWS for purposes of the NBHCP will be met.

(f) Through this Agreement, the USFWS has received the required assurances that the NBHCP will be implemented.

3.4 CDFG

3.4.1 Oversight. After issuance of the Section 2081 Permit to CITY and SUTTER, CDFG shall monitor the implementation of the Section 2081 Permit, this Agreement and TNBC's activities thereunder, including but not limited to, the modification, enhancement, operation and maintenance of the Mitigation Lands in order to ensure compliance with this Agreement and consistency with CDFG's trustee agency duties pursuant to CESA, and recommend any amendments to the NBHCP CDFG deems desirable, in the reasonable exercise of its discretion, under the Plan's Adaptive Management provisions as described in Chapter IV, Section E of the NBHCP or the Overall Program Review as described in Chapter IV, Section I of the NBHCP.

3.4.2 Assistance. CDFG shall provide staff to serve on the NBHCP TAC, and shall ensure the availability of its staff for informal consultations and meetings with TNBC and the staffs, boards or councils of the other Parties to this Agreement to ensure the appropriate monitoring of permitted activities which may lead to the Incidental Take of State Protected Species. CDFG will assist TNBC (to the extent authorized by the California Legislature) in obtaining additional funding from sources including, but not limited to, existing and future state and federal grant programs and bond issues to augment the conservation strategies of the NBHCP. Such funds are in addition to, and not in substitution of, the funding required to implement the NBHCP as described in this Agreement.

3.4.3 New Species. CDFG shall make available to Permittees information it has or acquires regarding new sightings or occurrences of any species in the Permit Areas which is state listed as threatened or endangered, is a candidate for listing as threatened or endangered, or is otherwise likely to be state listed, and which is determined to be dependent upon habitat in the Permit Area, if such species is not otherwise described in Exhibit D hereof. Once a year, upon the request of TNBC, CDFG shall provide TNBC with updated information from the California Natural Diversity Data Base ("CNDDB") covering new sightings and occurrences of any species not otherwise described in Exhibit D within the Permit Areas. At the same time, CDFG may propose any amendments to the NBHCP CDFG deems reasonably necessary to preserve Habitat Values for the benefit of such species.

3.4.4 CDFG Land Management. CDFG shall manage in perpetuity, in a manner consistent with the NBHCP, for the conservation of the Covered Species any Mitigation Lands conveyed to it by TNBC pursuant to the terms and provisions of this Agreement.

3.4.5 Effective Date and Issuance of Section 2081(b) Permit

(a) For purposes of the Section 2081(b) Permit, as to each Land Use Agency Permittee, CDFG and TNBC, the Effective Date of this Agreement shall be the date, following execution of this Agreement by that Land Use Agency Permittee, CDFG and TNBC, that the Section 2081(b) Permits are issued to that Land Use Agency Permittee and TNBC.

(b) Following execution of this Agreement, CDFG will issue a Section 2081(b) Permit or modification to an existing Permit to each Permittee authorizing the Take of each Covered Species incidental to Covered Activities, subject to and in accordance with the NBHCP and this Agreement.

(c) As to each Covered Species that is not currently listed under CESA, the Incidental Take Authorization under the Section 2081(b) Permits shall become effective consistent with Section 6.2.4 of this Agreement.

3.4.6 Section 2081(b) Permit Findings.

CDFG, based on the best scientific and other information that is reasonably available, and the terms and provisions of this Agreement and the NBHCP, has found that with respect to the Covered Species:

- (a) Incidental Take. The authorized Take of Covered Species will be incidental to an otherwise lawful activity.
- (b) Minimize and Fully Mitigate. The impacts of the authorized Take will be minimized and fully mitigated.
- (c) Roughly Proportional. The measures required to minimize and fully mitigate the impacts of the authorized Take will be roughly proportional in extent to the impact of the authorized Take of Covered Species.
- (d) Applicant's Objectives. The measures required to minimize and fully mitigate the impacts of the authorized Take will preserve Permittee objectives to the greatest extent possible, consistent with the obligation to minimize and fully mitigate the impacts of the authorized Take.
- (e) Capable of Successful Implementation. All required measures will be capable of successful implementation.
- (f) Adequate Funding. Permittees have ensured adequate funding to implement the required minimization and mitigation measures, and for monitoring compliance with, and effectiveness of, those measures.
- (g) No Jeopardy. The issuance of the Section 2081(b) Permits will not jeopardize the continued existence of any Covered Species.
- (h) Unlisted Species. Covered Species that are not currently listed as threatened or endangered under CESA have been treated in the NBHCP as if they were listed, and the NBHCP identifies measures to minimize and fully mitigate the impacts of the authorized Take of such unlisted species. The findings in this Section 3.4.5 apply to all Covered Species, including Covered Species that are not listed.

4 MITIGATION

4.1 Mitigation Lands. Mitigation Lands will be established and managed pursuant to the NBHCP.

4.2 Respective Permit Areas. Developers of all lands within the respective Permit Areas that are developed pursuant to an Urban Development Permit, shall provide mitigation pursuant to the NBHCP for the direct, indirect and cumulative impacts of development upon Covered Species and their habitat. CITY and SUTTER shall require an Urban Development Permittee to provide mitigation for the conversion of land to Authorized Development in the respective Permit Areas, in conformity with the NBHCP and the following sections.

4.3 Existing Development Exempt. Parcels of land within the respective Permit Areas that are shown as "Exempt Area-Existing Development" and "Development Subject to 1997 HCP" on the Baseline Maps depicted on Exhibits B and C of this Agreement are not covered by the NBHCP, this Agreement, or the Permits, provided, however, that nothing in this Agreement shall be construed to exempt such existing development from any applicable requirements of the ESA or CESA.

4.4 Mitigation Ratio. Mitigation for the conversion of land in the respective Permit Areas to Authorized Development will be required at the ratio of one half (½) acre of land protected or conserved for every one (1) acre of land converted to Authorized Development (the "Mitigation Ratio").

4.5 Calculation of Mitigation Requirement for Authorized Development Projects. The Mitigation Requirement for each public or private project is determined by applying the Mitigation Ratio to the land area converted to Authorized Development (the "Mitigation Requirement"). The

land area converted to Authorized Development is determined as follows:

(1) For both private and public development projects, except as provided in (2) and (3) below, the gross area of a particular project is considered "land area converted to Authorized Development" whether the entire project is graded or not. The fees payable shall be calculated by multiplying the Mitigation Fees (in dollars per acre) times the land area converted to Authorized Development, prorated for fractional acres.

(2) For private development projects, a separate parcel or portion of a parcel which will be transferred to a public agency for a public use consisting of a park, school or other public building, is exempt. The Mitigation Requirement for such uses must be satisfied when the parcel of public use property is developed by the respective public agency owning the parcel. With respect to other lands designated for public use, the following criteria will apply: (a) Roads: where a road is included within the respective Land Use Agency's finance plan for purposes of financing, the land transferred or to be transferred by fee or easement to the agency for the road project is excluded; where a road is not one which is financed pursuant to the agency's finance plan, but is to be paid for entirely by the private landowner or developer of the project, even though ultimately it will be dedicated to the agency, the land transferred or to be transferred to the agency for the road is included; (b) Utilities: where the landowner or developer is required to transfer to the respective Land Use Agency or another public entity (e.g., Sacramento Municipal Utility District), by easement or fee, land for a structure such as a pump station, outfall station, or similar structure, such land is excluded; where the landowner or developer is required to transfer to the agency non-exclusive easements for utility lines (water lines, sewer lines, and similar lines), the land covered by such easements is included; if the easement is exclusive, the land covered by the easement is excluded, but the transferee agency will be required to provide mitigation upon development of the transferred parcel. With respect to each parcel or portion of a parcel exempted or excluded pursuant to this section, the Mitigation Requirement shall be satisfied by CITY or SUTTER at the time such parcel or portion of land is converted to Authorized Development.

(3) For both private and public projects, excluded is any parcel or portion of the parcel approved as Mitigation Land by TNBC and the Wildlife Agencies in accordance with the NBHCP and which will be transferred in fee to TNBC or will be encumbered by a Conservation Easement in favor of TNBC for purposes of satisfaction of the Mitigation Requirement for the particular development project.

4.6 Satisfaction of Mitigation Requirement. The Land Use Agency Permitee each retains authority to require an Urban Development Permitee/landowner to satisfy the Mitigation Requirement by: (1) payment of the Mitigation Fees; or (2) subject to the approvals required by the NBHCP, transfer of Mitigation Land to TNBC, together with payment of all components of the Mitigation Fee except the Land Acquisition Fee as specified in the NBHCP. Credit against the Land Acquisition Fee component of the Mitigation Fees is based on the number of acres of land being transferred and is not based on cost or perceived value of the land transferred. Where a Land Use Agency Permitee elects to require an Urban Development Permitee to transfer land to TNBC, (1) TNBC and the Wildlife Agencies must approve the transfer of each parcel of Mitigation Land considering its location, proximity to urban uses and roads, current land condition, and all other factors specified in the NBHCP, and (2) such land must be dedicated prior to authorization by the applicable Land Use Agency Permitee for disturbance of the land resulting from the associated Urban Development Project. If the amount of land transferred to TNBC is less than the Mitigation Land required for the public or private project, the landowner is obligated to pay the outstanding balance of the Land Acquisition Fee component of the Mitigation Fees. If the amount of land transferred to TNBC is greater than the amount of Mitigation Land required for the development project, the landowner may choose one of the following credit options: (i) receive credit from the excess amount of land toward required Mitigation Land under the NBHCP for future Authorized Development of property owned by the landowner; or (ii) transfer credit from the excess amount of

land toward required Mitigation Land under the NBHCP for Authorized Development of property owned by another specified landowner. If either credit option is chosen, then prior to the transfer of Mitigation Land being finalized, the landowner shall inform CITY or SUTTER, as appropriate and TNBC in writing of the choice to receive or transfer credit and to whom the credit is to be transferred. Any transfer of fee title to lands or a Conservation Easement therein in order to satisfy the Mitigation Requirement shall be accomplished by a deed or grant of a conservation easement to TNBC in a form acceptable to USFWS and CDFG, in recordable form on or before issuance of an Urban Development Permit (i.e., a building permit, grading permit, or other permit which allows a disturbance of the surface of the earth for the public or private project). All land proposed to be transferred to TNBC in satisfaction of the Mitigation Requirement must meet the acquisition criteria specified in the NBHCP.

4.7 Jurisdictional Wetlands. Nothing in this Agreement shall relieve any Urban Development Permittee desiring to discharge any fill or other material into any jurisdictional wetlands, of any requirement to obtain a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers and comply with all the terms and conditions thereof. Take of Covered Species related to jurisdictional wetlands by the Urban Development Permittee shall be authorized through the incidental take permits issued to CITY and SUTTER and shall be subject to the requirements of the NBHCP.

4.8 Rivers, Streams or Lakes. Nothing in this Agreement shall relieve any Urban Development Permittee desiring to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the CDFG, or use any material from the streambeds, of any requirement to comply with Fish and Game Code, Division 2, Chapter 6, commencing with Section 1600 (concerning Streambed Alteration Agreements). This Agreement and implementation of the NBHCP are intended to satisfy only site-specific mitigation requirements for impacts of taking Covered Species as a result of an Authorized Development project which may be imposed under Chapter 6 of the California Fish and Game Code, with the exception of mitigation specifically directed at those vernal pool species included on the list of Covered Species.

4.9 Funding for Operating Conservation Program. CITY and SUTTER shall fund the Operating Conservation Program in accordance with Chapter VI of the NBHCP.

4.9.1 Mitigation Fees. Where an Urban Development Permittee selects payment of Mitigation Fees as its method of satisfying the Mitigation Requirement for the public or private project, the provisions of Section 4 shall govern the calculation and collection of such fees, and such Urban Development Permittee shall pay the Mitigation Fees as so calculated. The amount payable for the Mitigation Fee shall be the amount specified by ordinance or resolution adopted by the governing body of the CITY or SUTTER, including but not limited to the “catch-up fee” ordinances or other ordinances or resolutions adopted prior to or after the Effective Date.

4.9.2 Adjustments to the Mitigation Fee for Purposes of Funding the Operating Conservation Program Other than Changes to the Managed Marsh Component. Notwithstanding any other provision of this Agreement, upon request of TNBC or upon the written request of USFWS or CDFG as supported by documented evidence in the form of a written report and technical analysis, and as otherwise necessary, CITY and SUTTER shall review, and at the discretion of each, adjust the Mitigation Fees to take into account costs of land acquisition and TNBC operations, to maintain or meet the Mitigation Ratio specified in Section 4.4 of this Agreement, and to meet TNBC management, monitoring, adaptive management, or related costs required to fund the Operating Conservation Program as set forth in Chapters IV, V and VI of the NBHCP. The decision to adjust the Mitigation Fees may include but is not limited to consideration of the following factors: (1) the market price of land being acquired as Mitigation Land; (2) the necessity to maintain the 0.5 to 1 Mitigation Ratio; (3) the need to fund ongoing and permanent management and monitoring costs in accordance with the NBHCP; (4) the necessity to ensure the

effectiveness of the NBHCP's Operating Conservation Program; and (5) the availability of other sources of revenues, including the sale of hunting rights on Mitigation Lands, proceeds from the cultivation of rice on Mitigation Lands and other funds and grants.

(a) Notwithstanding the foregoing and in accordance with, and subject to the limitations of, Chapter VI of the NBHCP, CITY or SUTTER shall be obligated to increase the Mitigation Fees to fund recommended changes to the Operating Conservation Program resulting from future recovery plans, monitoring results from the Plan Area or peer-reviewed new scientific information relevant to the Plan only when such recommendations:

- (1) Relate to the physical management of Mitigation Lands;
- (2) Would improve the effectiveness of the NBHCP's Operating Conservation Program by identifying relevant new information, approaches, techniques, or species protection needs;
- (3) Can be implemented within the NBHCP Plan Area; and
- (4) Fit within the overall intent and framework, are consistent with the NBHCP's biological goals and objectives and would not exceed the established Mitigation Ratio of the NBHCP; and
- (5) Would not substantially sacrifice habitat values for Covered Species that are not addressed by the recovery plan, the monitoring results or other peer-reviewed new scientific information.

(b) Adjustment of the Mitigation Fees pursuant to this subsection is independent of adjustments made on account of inflation/deflation pursuant to Section 4.9.4 of this Agreement. Nothing in this Agreement shall be construed to diminish or otherwise affect the discretionary authority of the Land Use Agencies with respect to fee adjustments under this Section 4.9.1.

4.9.3 Adjustments to the Mitigation Fee for purposes of Funding the Changes to the Managed Marsh Component. Upon written notification supported by documented evidence in the form of a written report and technical analysis by USFWS or CDFG to CITY and SUTTER of the adoption of a future Giant Garter Snake Recovery Plan, the availability of monitoring results from the Plan Area, or peer-reviewed new scientific information indicating an adjustment in the enhancement and management activities for managed marsh as specified in Chapter VI of the NBHCP, the CITY and SUTTER shall review, and at the discretion of each, adjust the Mitigation Fees to take into account increased costs of TNBC's enhancement and management of a higher proportion of managed marsh on Mitigation Lands acquired after adoption of the final Giant Garter Snake Recovery Plan by the USFWS, the availability of peer-reviewed new scientific information or monitoring results from the Plan Area indicate an adjustment in the enhancement and/or management activities for managed marsh is warranted as specified and subject to the limitations contained in Chapter VI of the NBHCP. The obligation to adjust the Mitigation Fees shall be subject to the following limitations set forth in Chapter VI of the NBHCP:

(b) the obligation to increase the Mitigation Fees shall be applied prospectively to future Mitigation Lands acquired after adoption of the Recovery Plan, in response to monitoring results from the Plan Area or in response to peer-reviewed new scientific information.

(c) if the Recovery Plan, monitoring results collected from the Plan Area, or peer-reviewed new scientific information indicate a higher proportion of managed marsh (1) will improve the effectiveness of the NBHCP's Operating Conservation Program to meet its biological goals and objectives, (2) is beneficial to the snake, and (3) will not adversely affect any other listed Covered Species.

(d) the maximum levels of managed marsh which may apply to future Mitigation Land acquisitions which occur after the results of monitoring from the Plan Area or

peer-reviewed new scientific information, or Giant Garter Snake Recovery Plan adoption shall not exceed seventy-five percent (75%) of such Mitigation Lands.

Adjustment of the Mitigation Fees pursuant to this subsection is independent of adjustments made on account of inflation/deflation pursuant to Section 4.9.4 of this Agreement. (Nothing in this Agreement shall be construed to diminish or otherwise affect the discretionary authority of the Land Use Agencies with respect to fee adjustments under this Section 4.9.2.)

4.9.4 Fee Adjustments for General Inflation. On or before January 1 of each year, CITY and SUTTER shall review and, at the discretion of each, adjust the dollar amount of the Mitigation Fees (as adjusted from time to time pursuant to Section 4.4.1), to take into account the effects of inflation/deflation generally. Adjustments will be calculated as follows: the current Mitigation Fee shall be multiplied by the index for October of the year prior to January 1, divided by the index for October of the preceding year [e.g., 2003 Fee = 2002 Fee x (October, 2002 CPI Index/October, 2001 CPI Index)]. For purposes of making this adjustment, the index utilized shall be the Consumer Price Index for All Urban Consumers, All Items, San Francisco–Oakland–San Jose (1982-1984=100), as published by the U.S. Department of Labor, or its successor. Technical adjustments made pursuant to this Section 4.9.4 shall be independent of, in addition to and not a part of adjustments to, the Mitigation Fee adjustments made pursuant to Section 4.9.2 and 4.9.3.

4.9.5 Failure to Adjust Mitigation Fees. CITY and SUTTER acknowledge that the failure of either CITY or SUTTER to adjust the Mitigation Fees as necessary to maintain the Mitigation Ratio and ensure implementation of each of the other requirements of the NBHCP identified in Chapters IV through VI of the NBHCP and/or in this Section 4 may result in suspension or revocation of their respective Permits as set forth in Section 7.6 of this Agreement.

5 Mitigation Lands

5.1 Location of Mitigation Lands. TNBC shall locate Mitigation Lands in accordance with Chapters IV through VI of the NBHCP and this Section.

5.2 Setbacks and Buffers. All Mitigation Lands Acquired by TNBC shall conform to the buffer and setback requirements set forth in Chapters IV and VI of the NBHCP.

5.3 In-Basin Acquisition. All Mitigation Lands shall be acquired within the Natomas Basin as provided in the NBHCP.

5.4 Coordinating Mitigation Land Acquisition With Agency Acquisitions. Prior to the Acquisition of any parcel of Mitigation Land, TNBC shall provide written notice to the USFWS, CDFG, and both CITY and SUTTER of its intent to Acquire such lands. USFWS and CDFG agree that they will not knowingly interfere or compete with TNBC for the Acquisition or control of such lands and that they will consult with TNBC in formulating any Acquisition plans. As to those lands identified by USFWS or CDFG for acquisition, TNBC, likewise, shall not knowingly interfere with or compete with the affected agency for acquisition or control until TNBC is notified by that agency that it is no longer pursuing acquisition or control of the lands.

5.5 Timing of Mitigation Land Acquisition. TNBC shall comply with the requirements of the NBHCP relating to the Acquisition of Mitigation Lands in advance of approval of Authorized Development set forth in Chapter VI of the NBHCP. The Parties further agree that in order to ensure that Mitigation Lands are Acquired in an amount sufficient to meet the Mitigation Requirement that attaches to all Authorized Development under the NBHCP, TNBC shall establish a 200 acre cushion of Mitigation Lands prior to the approval of any Authorized Development by CITY or SUTTER under the Plan and shall maintain the 200 Acre Mitigation Land cushion until the approval of the last 400 acres of Authorized Development under the Plan. CITY, SUTTER and TNBC shall implement this requirement in accordance with the NBHCP, as follows.

(a) No Urban Development Permits for Authorized Development shall be issued by CITY or SUTTER after September 30 of each calendar year until TNBC notifies CITY and SUTTER that it has Acquired Mitigation Lands which equal the number of acres necessary to meet the Mitigation Requirement attached to all prior Urban Development Permits issued by CITY and SUTTER plus an additional 200 acres of Mitigation Land.

(b) Because TNBC is responsible for Acquiring Mitigation Lands for Planned Development, TNBC will credit mitigation fees collected under the Metro Air Park HCP (MAP HCP) along with all Mitigation Fees collected by CITY and SUTTER for Authorized Development. The collection of Mitigation Fees for Planned Development will be credited against the Mitigation Lands Acquired by TNBC, in chronological order, with priority given to the oldest project among those approved under the MAP HCP and the CITY's or SUTTER's Permits to have paid Mitigation Fees.

5.6 Acquisition of 400 and 2,500-Acre Blocks. TNBC shall comply with those provisions of the NBHCP relating to Acquisition of Mitigation Lands to ensure that the Mitigation Lands are consolidated in minimum 400-acre habitat blocks and at least one 2,500 acre habitat block prior to the expiration of the Permits. The 400 acre minimum block requirement and the 2,500 acre minimum block requirement shall be applied in the aggregate to all Permittees and to all other approved HCPs in the Natomas Basin that are based on the NBHCP, so that the plans as a whole must achieve the identified habitat block consolidation requirements set forth in the NBHCP upon Plan completion. Notwithstanding the above, CITY and SUTTER each retain the independent obligation to provide 400 acre minimum blocks and one 2,500 acre minimum block prior to the date their respective Permits expire in the event the other Permittees cease participation in the NBHCP, or in the event the Potential Permittees choose not to participate in the NBHCP. None of the provisions contained herein shall be construed to prohibit the USFWS or CDFG from authorizing Mitigation Land acquisitions that do not comply with the minimum 400-acre minimum block size in the event that TNBC identifies potential Mitigation Lands which otherwise provide opportunities for the preservation of important biological resources.

5.7 Accounting for Mitigation Lands

5.7.1 Managed Marsh. Mitigation Lands acquired and converted to and managed as seasonal or perennial marsh, and existing marsh lands acquired by TNBC and managed as seasonal or perennial marsh, will count fully toward the 0.5:1 Mitigation Ratio described in Section 4.4 of this Agreement.

5.7.2 Rice Land. Mitigation Lands in current rice production as Rice Lands will count fully toward the 0.5:1 Mitigation Ratio described in Section 4.4 of this Agreement.

5.7.3 Uplands. Mitigation lands providing upland habitats will count fully towards the 0.5:1 Mitigation Ratio described in Section 4.4 of this Agreement.

5.7.4 Proportion of Mitigation Lands as Marsh. Within three years of the approval of a Site Specific Management Plan a minimum of 25 percent of the Mitigation Lands must be in managed marsh as specified in the NBHCP. Thereafter, a minimum of 25 percent of the Mitigation Lands shall be in managed marsh until and unless that amount is increased up to a maximum of 75 percent of the Mitigation Lands in accordance with Section 4.9.3 of this Agreement and Chapter VI

of the NBHCP. Pursuant to Section 4.9.3 of this Agreement and Chapter VI of the NBHCP, any increase in the amount of Mitigation Lands required to be in managed marsh shall apply only to Mitigation Lands Acquired to satisfy the Mitigation Requirement for Authorized Development which are acquired after the USFWS or CDFG provide written notice and its accompanying documentation of Recovery Plan adoption, the availability of monitoring results from the Plan Area, or the availability of credible scientific information collected in the Plan Area. Provided the Wildlife Agency's requested increase in managed marsh complies with Chapter VI of the NBHCP, the failure of TNBC to adopt the increase in managed marsh as requested by either Wildlife Agency shall trigger a reevaluation of the Plan and possible suspension or revocation of the CITY and SUTTER's Permits as set forth under Section 7.6 of this Agreement.

5.8 Conservation Measures. CITY and SUTTER shall include in each Urban Development Permit the Conservation Measures provided in Chapter V of the NBHCP.

6 ASSURANCES

6.1 USFWS

6.1.1 No Surprises Assurances.

(a) Unforeseen Circumstances. As provided in 50 C.F.R. 17.3, the term "Unforeseen Circumstances" shall mean changes in circumstances affecting a species or geographic area covered by the NBHCP that could not reasonably have been anticipated by the plan developers and USFWS at the time of the Plan's negotiation and development, and that results in a substantial and adverse change in the status of a Covered Species.

(1) "No Surprises" Assurances. Pursuant to the No Surprises Rule at 50 C.F.R. Sections 17.3, 17.22(b)(5) and 17.32(b)(5), and provided that CITY, SUTTER and TNBC are properly implementing the NBHCP, USFWS shall not require CITY, SUTTER or TNBC to provide additional land, water or other natural resources, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level provided for under the NBHCP, this Agreement and the Permits with respect to Covered Activities under the Permits without the consent of CITY or SUTTER. However, nothing in this Section or in the Assurances Rule shall be interpreted: (1) to restrict the authority of USFWS to take appropriate action under the ESA or applicable regulations to ensure that the NBHCP is properly implemented in accordance with this Agreement; (2) to apply to future Adaptive Management modifications for Mitigation Lands that are deemed necessary or appropriate by the USFWS or CDFG as determined in accordance with Chapter VI of the NBHCP and in consultation with CITY, SUTTER and TNBC, to respond to the results of monitoring in the Plan Area, or to new scientific information relevant to the NBHCP, (3) to apply to future modifications to the NBHCP as a result of future recovery plans as determined in accordance with Chapter VI of the NBHCP, (4) to apply to the NBHCP responses to Changed Circumstances identified in Chapter VI of the NBHCP, or (5) to apply to changes anticipated to occur as a result of the Urban Development activities anticipated by the Section 10(a)(1)(B) Permit, Section 2081(b) Permit, or as otherwise approved by the USFWS, provided that such actions, modifications and changes comply with the limitations and restrictions set forth in Chapter VI of the NBHCP. If USFWS makes a finding of unforeseen circumstances, during the period necessary to determine the nature and location of additional or modified mitigation, CITY, SUTTER and TNBC will avoid contributing to appreciably reducing the likelihood of the survival and recovery of the affected species and ensure that third persons under their control that are carrying out Covered Activities avoid contributing to appreciably reducing the likelihood of the survival and recovery of the affected species.

(2) Unforeseen Circumstances Finding. In the event that USFWS believes that Unforeseen Circumstances may exist in accordance with the "No Surprises" rule, it shall notify CDFG, CITY, SUTTER and TNBC in writing of the applicable specific facts described in Section 6.1.1 above. In the notification, USFWS shall clearly document the basis for

the proposed finding regarding the existence of Unforeseen Circumstances in accordance with the requirements of 50 C.F.R. § 17.22(b)(5)(iii)(C) and 17.32(b)(5)(iii)(C). Within fifteen (15) days of receiving such notice, CITY, SUTTER and TNBC, USFWS and CDFG shall meet to consider the facts cited in the notice and potential changes to the NBHCP's Operating Conservation Program or management and operation of the Mitigation Lands. Pursuant to 50 C.F.R. § 17.22(b)(5)(iii)(C) and 17.32(b)(5)(iii)(C), USFWS shall make an Unforeseen Circumstances finding based on the best scientific evidence available, after considering any responses submitted by any other Parties pursuant to this section, and USFWS shall have the burden of demonstrating that Unforeseen Circumstances exist.

(3) Effect of Unforeseen Circumstances Finding. Pursuant to 50 C.F.R. 17.22(b)(5) and 17.32(b)(5), in the event that USFWS makes a finding of Unforeseen Circumstances and additional conservation and mitigation measures are deemed necessary to respond to such Unforeseen Circumstances, USFWS may require additional measures from CITY, SUTTER or TNBC where the NBHCP is being properly implemented, but only if such measures are limited to modifications within the Mitigation Lands and the NBHCP's Operating Conservation Program for the affected species and maintain the original terms of the NBHCP to the maximum extent possible. Additional conservation and mitigation measures shall not involve the commitment of additional land, water or other natural resources without the consent of CITY and SUTTER.

(b) Changed Circumstances.

(1) Changed Circumstances Defined. As provided in 50 C.F.R. 17.3, the term "Changed Circumstances" means changes in circumstances affecting a species or geographic area covered by the NBHCP that can reasonably be anticipated by CITY, SUTTER or TNBC and that can be planned for in the NBHCP (e.g. the listing of a new species, or a fire or other natural catastrophic event in areas prone to such events.) Changed circumstances and planned responses to those circumstances are described in Chapter VI of the NBHCP.

(2) Permittee-Initiated Response to Changed Circumstances. CITY, SUTTER or TNBC, as appropriate, will immediately notify USFWS and all other Permittees upon learning that any of the Changed Circumstances listed in Chapter VI of the NBHCP has occurred, and shall provide written notice within seven (7) days. Permittees shall modify their activities and shall require third persons under the Permittees' control to modify their activities, as appropriate, in accordance with Chapter VI of the NBHCP, to the extent necessary and feasible to minimize and mitigate the effects of the Changed Circumstances. CITY, SUTTER and TNBC and will report to USFWS on their actions. Such modifications will be initiated without awaiting notice from USFWS. Such changes are provided for in the NBHCP, and hence do not constitute unforeseen circumstances or require amendment of Permits or the NBHCP.

(3) USFWS-Initiated Response to Changed Circumstances. If USFWS determines that Changed Circumstances have occurred and that CITY, SUTTER or TNBC have not responded in accordance with Chapter VI of the NBHCP, the USFWS in coordination with CDFG will so notify CITY, SUTTER and TNBC and, as appropriate, direct them to make the required changes. Within thirty (30) days after receiving such notice, CITY, SUTTER or TNBC, as appropriate, will make the required changes and report to USFWS on their action. Such changes are provided for in the NBHCP, and hence do not constitute unforeseen circumstances or require amendment of Permits or of the NBHCP.

6.1.2 Migratory Bird Treaty Act (MBTA). If during the term of the Section 10(a)(1)(B) Permits, an avian Covered Species which is protected under the MBTA is listed under the ESA, the Section 10(a)(1)(B) Permits will also constitute Special Purpose Permits under 50 C.F.R. Section 21.27 for the "take" (for purposes of this Section, as that term is understood under the MBTA) of those Covered avian Species which are listed as threatened or endangered under the ESA and which are also protected by the MBTA. The take of such species in conjunction with any Authorized Development Project, in accordance with the terms of this Agreement, the NBHCP and

CITY's, SUTTER's or TNBC's Section 10(a)(1)(B) Permits, will not be in violation of the MBTA. Such Special Purpose permits shall be valid for a period of three years from the date the species is listed under the ESA provided that City's, Sutter's, or TNBC's Section 10(a)(1)(B) Permit, as applicable, remains in effect for that period. Such Special Purpose Permit will authorize take of any avian Covered Species listed under the ESA during the three year Special Purpose Permit term. Such Special Purpose Permit shall be renewed as to each Permittee, provided that each Permittee continues to fulfill its obligations under this Agreement. Each such renewal shall be valid for the maximum period of time allowed by 50 C.F.R. Section 21.27 or its successor at the time of renewal.

6.1.3 Beneficial Effects With Respect to Future Listings. To the extent permitted by the ESA and consistent with the provisions of the NBHCP, the USFWS shall consider the NBHCP and this Agreement in any future determination by the USFWS with regard to the listing of one or more of the currently unlisted Covered Species as an endangered species or threatened species pursuant to the ESA.

6.1.4 Critical Habitat. The USFWS further agrees that it will consider the NBHCP in its preparation of any proposed designation of critical habitat concerning any Covered Species and agrees that, consistent with 50 C.F.R. 424.12, the NBHCP incorporates those special management considerations necessary to manage the Covered Species and their habitats in a manner that will provide "for the conservation of the species involved" within the CITY, SUTTER's and TNBC's respective Permit Areas in the Natomas Basin. Consistent with the No Surprises Rule set forth in Section 6.1.2(a), in the event that a critical habitat designation is made for any Covered Species and upon a determination that CITY, SUTTER and TNBC are properly implementing the NBHCP, no additional mitigation in the form of land, land restrictions or financial compensation, beyond that required by the NBHCP, shall be required of any Permittee in connection with Urban Development in its Permit Area as a result of such critical habitat designation without the consent of that Permittee.

6.1.5 ESA Listing of Currently Unlisted Covered Species. In the event that one or more of the Covered animal Species that are not currently listed as an endangered species or threatened species are so listed pursuant to the ESA, the Section 10(a)(1)(B) Permit shall become effective to permit the Incidental Take of such species in connection with Urban Development within each Permittee's Permit Area as of the date the species is listed provided the CITY, SUTTER and TNBC are properly implementing the NBHCP. The Parties expressly acknowledge that it is the intent of this Agreement that the Mitigation Lands will be administered so as to conserve and enhance the habitat values for all listed and unlisted Covered Species reasonably expected to be found in Natomas Basin, to the extent provided for in the NBHCP.

6.2 CDFG

6.2.1 CESA Compliance. CDFG shall consider adherence to the terms of this Agreement to be compliance with the CESA and the California Native Plant Protection Act for the impacts of Authorized Development on State Protected Species in the Permit Area. Take of Fully Protected Species is not authorized by this Agreement.

6.2.2 Adequate Mitigation Under CESA. CDFG shall consider adherence to the terms of the Section 2081 Permit, the NBHCP and this Agreement to minimize and fully mitigate the impacts associated with the Incidental Take of State Protected Species in the Permit Areas as authorized by the Section 2081 Permit and this Agreement pursuant to CESA.

6.2.3 Assurances. Except as otherwise required by law, no further mitigation from Urban Development Permittees and/or CITY and SUTTER consisting of land, additional land restrictions, or financial compensation beyond that described herein and provided for in the NBHCP, will be required by CDFG to address the impacts of Authorized Development within the respective Permit Areas on the State Protected Species, Covered Species which become listed in the future as State-protected species, or their habitats pursuant to the CESA.

6.2.4 CESA Listing of Currently Unlisted Covered Species. In the event that one or more of the Covered Species that are not State Protected Species are listed as an endangered species or threatened species or candidate species pursuant to the CESA (“Additional State Protected Species”), the Section 2081 Permit shall become effective to permit the Incidental Take of such species in connection with Authorized Development within each Permittee’s Permit Area as of the date the species is accepted and designated as a candidate species pursuant to California Fish and Game Code section 2074.2, upon confirmation by CDFG that substantial evidence demonstrates that the Section 2081 Permit will continue to meet the standards in California Fish and Game Code Section 2081(b) and Title 14 of the California Code of Regulations, Section 783.4 for the Additional State Protected Species. In the event CDFG determines that such standards will not be met, and the Section 2081 Permit does not become effective upon the designation of an Additional State Protected Species as a candidate, threatened, or endangered species under CESA, CDFG shall accept and give due consideration to the minimization and mitigation measures in the NBHCP and this Agreement in support of an application for a permit amendment or for a separate Section 2081 Permit authorizing Incidental Take of any such Additional State Protected Species. CDFG shall make reasonable efforts to review and process the application for an amendment to the Section 2081 Permit or a new Section 2081 Permit to authorize Incidental Take of an Additional State Protected Species to ensure, to the extent consistent with CESA, that the Incidental Take authorization is effective at the time the Covered Species is accepted and designated as a candidate species under CESA.

(a) The Parties expressly acknowledge that it is the intent of this Agreement that the Mitigation Lands will be administered so as to enhance their Habitat Values for all the Covered Species reasonably expected to be found in the Permit Areas.

(b) To the extent permitted by the CESA, the CDFG shall consider the NBHCP and this Agreement in any future determination by the CDFG with regard to the listing of one or more of the currently unlisted Covered Species as an endangered species or threatened species pursuant to the CESA.

6.2.5 Changed Conditions. For the purposes of this Agreement, the term “Changed Conditions” shall have the same meaning as expressed in CESA and its related implementing regulations in Title 14 of the California Code of Regulations, commencing with section 783.0. Prior to making a finding of Changed Conditions, CDFG shall provide notice to CITY, SUTTER, TNBC and other Parties hereto of any proposed amendments to this Agreement which CDFG proposes to remedy the Changed Condition. CDFG shall, to the extent feasible, meet with CITY, SUTTER, TNBC, and other Parties hereto at least ninety (90) days prior to making a finding of Changed Conditions to provide such parties with an opportunity to submit their comments and suggested revisions to the proposed amendment.

6.3 Limits on Future Revisions to NBHCP. The Parties acknowledge that the NBHCP expressly provides for revisions to the Plan’s Operating Conservation Program and Mitigation Lands as a result of monitoring results collected from the Plan Area, peer-reviewed new scientific information, or future recovery plans for the Covered Species, as part of the Adaptive Management program, in response to Changed Circumstances and for any other cause identified in Chapter VI of the NBHCP, provided that such revisions comply with Chapter VI of the NBHCP. Such revisions are provided for under the Plan and are therefore not subject to the restrictions on additional Mitigation contained in USFWS’s No Surprises Rule or agreed to by CDFG, nor do such revisions require amendment of the Plan or the Permits. Notwithstanding the above, such revisions shall be subject to the following limitations unless such limitations are waived in writing by CITY, SUTTER and TNBC.

(a) The modifications shall not require more than 75 percent of the Mitigation Lands to be converted to or maintained as managed marsh; and

(b) The modifications shall not require the Mitigation Ratio to be greater than 0.5 acre mitigation to 1.0 acre development.

(c) The modifications shall comply with the requirements, limitations and restrictions specified in Chapter VI of the NBHCP.

6.4 Reservation of Rights Re: Subsequent Listing of Species. This Agreement shall not be construed as a waiver of any rights or objections that any of the Parties hereto or Urban Development Permittees may have with respect to the proposed listing of any Candidate Species under the ESA or CESA or of any of the other Covered Species described in this Agreement. The Permittee and the Urban Development Permittees reserve their right to oppose any formal listing of any Candidate Species or other Covered Species pursuant to the ESA or CESA. Likewise, nothing in this Agreement is intended, nor shall be construed to limit the authority of USFWS or CDFG to enforce or otherwise carry out their respective responsibilities under the federal or state Endangered Species Acts and other applicable federal and state laws.

6.5 Land Use Authority. Nothing in the NBHCP or in this Agreement shall be interpreted or operate in a manner that expressly or impliedly diminishes or restricts the local land use authority of CITY and SUTTER. Notwithstanding the foregoing sentence, CITY and SUTTER acknowledge that they have chosen to implement several of the commitments made by them under the NBHCP through the exercise of their respective land use authorities. Therefore, a failure of CITY or SUTTER to exercise their land use authorities in a manner consistent with their obligations under the NBHCP could compromise the effectiveness of the Plan, would trigger a reevaluation of the Plan and their respective Permits and could result in suspension or revocation of such Permits as set forth in Section 7.6 of this Agreement.

6.6 No Liability. All Parties hereto agree that under no circumstances shall CITY, SUTTER and TNBC have any liability whatsoever for any debts, liabilities or financial obligations incurred by another Permittee under the NBHCP. Notwithstanding the foregoing sentence CITY and SUTTER acknowledge that they are obligated under their Permits to fully implement the NBHCP, including funding each of the obligations assigned to TNBC as the Plan Operator under the NBHCP. Therefore, a failure of CITY or SUTTER to fully fund TNBC's obligation under the Plan could compromise the effectiveness of the Plan, would trigger a reevaluation of the Plan and CITY, SUTTER and TNBC's respective Permits and could result in suspension or revocation of such permits pursuant to Section 7.6 of this Agreement.

7 AMENDMENTS AND REMEDIES

7.1 Revisions and Amendments to the NBHCP. Revisions to the NBHCP shall be implemented in accordance with Chapter VI of the Plan. Revisions shall not require Amendment of the Plan or Permits. Amendments to the NBHCP shall require amendment of the Permits and shall be processed in accordance with the amendment provisions of Chapter VI of the Plan and all applicable laws and regulations.

7.2 Amendments to Agreement. This Agreement may be amended only by written document signed by all of the Parties.

7.3 Land Use Changes. The Parties to this Agreement agree that the adoption and amendment of General Plans, Specific Plans, Community Plans, zoning ordinances and similar ordinances, and the granting of implementing land use entitlement by CITY or SUTTER pertaining to land in their respective Permit Areas, shall be matters within the sole discretion of CITY and SUTTER, and shall not require amendments to this Agreement or the approval of the other Parties to this Agreement. No such action by CITY or SUTTER shall in any way alter or diminish its obligations under this Agreement and the NBHCP. Notwithstanding the foregoing sentences, CITY and SUTTER acknowledge that they have chosen to implement several of the commitments made

by them under the NBHCP through the exercise of their respective land use authorities. Therefore, a failure of CITY or SUTTER to exercise their land use authorities in a manner consistent with their obligations under the NBHCP could compromise the effectiveness of the Plan, would trigger a reevaluation of the Plan and their respective Permits and could result in suspension or revocation of such Permits as set forth in Section 7.6 of this Agreement.

7.4 Remedies in General. The Parties acknowledge that each of the Covered Species is unique and that the loss of any of the Covered Species would be irreparable and that therefore injunctive and/or temporary relief may be appropriate in certain circumstances involving a breach of this Agreement. Notwithstanding any other provision of this Agreement, the Parties shall not be liable in monetary damages to any Party or any person for any breach of this Agreement, in the performance or failure to perform a mandatory or discretionary obligation imposed by this Agreement, or any other cause of action arising from this Agreement. Subject to the foregoing, the Parties shall have all of the remedies available in equity (including specific performance and injunctive relief) and at law to enforce the terms of this Agreement and the Section 10(a)(1)(B) Permit and Section 2081 Permit and to seek remedies for any breach thereof, consistent with and subject to the terms of this Agreement. It is expressly understood by the Parties that monetary damages will not provide an adequate remedy for material breach of this Agreement.

7.5 Third Party Enforcement. This Agreement shall not create in the public, any member of the public, or any other person or entity, including any Urban Development Permittee, any rights under this Agreement, nor shall it authorize anyone not a signatory to this Agreement to maintain a suit (1) in equity or law to enforce the terms of this Agreement and/or the NBHCP, Section 10(a)(1)(B) Permit or Section 2081 Permit, or (2) for compensation or damages under the provisions of the Agreement, NBHCP, or Permits.

7.6 Suspension or Revocation.

7.6.1 Suspension or Revocation by USFWS. The Parties acknowledge that the USFWS has the authority to suspend or revoke any of the Section 10(a)(1)(B) Permits, in whole or in part, in the event of a material violation of the Section 10(a)(1)(B) Permit and pursuant to any applicable federal laws or regulations that govern the permitted activity. The regulations found at 50 C.F.R. §§13.27 - 13.29 and 17.22(b)(8), or any successor regulations, shall govern the suspension or revocation of the Section 10(a)(1)(B) Permit issued by the USFWS.

7.6.2 Suspension or Revocation by CDFG. The Parties acknowledge that CDFG shall have the authority to suspend or revoke the Section 2081 Permit in the event of a material breach or violation of the Section 2081 Permit or any applicable California laws or regulations governing the permitted activity.

7.6.3 Status of Urban Development Permittees after Suspension or Revocation. Notwithstanding the suspension or revocation of a Permittee's Permit, CITY and SUTTER shall remain liable under this Agreement to carry out all of their responsibilities under the Permits and this Agreement arising from any Authorized Development approved, authorized, or carried out by CITY or SUTTER, within their respective Permit Areas between the Effective Date of the Agreement and the date a Permittee's Permit is suspended or revoked. As to any Authorized Development project approved or authorized by CITY or SUTTER prior to the Permit suspension or revocation and that is in compliance with the Permit, but as to which construction activity has not commenced as of the suspension or revocation, so long as CITY or SUTTER and the Urban Development Permittee, if any, continue to fulfill their obligations under the Permit, the Permit shall continue in effect for that Authorized Development project until that project is completed.

7.6.4 No Further Approvals by Permittees. Subject to the provisions of section 7.6.3 above, if a Permit is suspended or revoked, CITY and SUTTER shall not have the authority to rely upon the Permit to approve or carry out any actions that would violate the ESA or CESA in the absence of such Permit. Notwithstanding the suspension or revocation, CITY and SUTTER shall remain fully liable under the Permits and this Agreement to carry out all of their responsibilities,

including the Mitigation Requirement, under the NBHCP, the Permits and this Agreement arising from Authorized Development approved, authorized or carried out by an Urban Development Permittee within the respective Permit Areas between the Effective Date and the date the Permit is suspended or revoked.

7.6.5 Severability. The violation by CITY or SUTTER of their respective Permits shall not adversely affect or be attributed to, nor shall it result in the loss or diminution of any right, privilege or benefit under a Permit held by a non-responsible Permittee. Nor shall CITY and SUTTER be deemed to have violated the Permits solely as a consequence of the actions of an Urban Development Permittee or other third person subject to CITY's or SUTTER's jurisdiction and control, so long as CITY or SUTTER takes all necessary and appropriate steps, if any are available, to halt and correct the violation in accordance with this Agreement and consistent with their police powers and local land use authority. However, the violation by TNBC of its Permits shall be considered a failure by CITY and SUTTER to implement their obligations of the Operating Conservation Program under the NBHCP. In such event, CITY and SUTTER's Permits shall not be revoked or suspended, if CITY and/or SUTTER implement corrective measures in accordance with Section 3.1.11 of this Agreement. Notwithstanding the above, to the extent that action or inaction by a Permittee, an Urban Development Permittee or other third party subject to CITY's or SUTTER's jurisdiction and control, or TNBC prevents proper implementation of the NBHCP or compliance by one or more of the remaining Permittees with their Permits or results in a determination by the USFWS or CDFG that continuation of the Permits would appreciably reduce the likelihood of the survival and recovery of a Covered Species in the wild, such Permits may be suspended or revoked in accordance with applicable USFWS and CDFG regulations.

7.6.6 Validity of Permits. In the event a court of competent jurisdiction invalidates either City, County's or TNBC's Section 10(a)(1)(B) or Section 2081 Permits with regard to one or more Covered Species, other than the Giant garter snake or Swainson's hawk, such action shall not be construed to invalidate the permits with regard to the remaining Covered Species. The requirements of the State and Federal Incidental Take Permits and the NBHCP shall continue to be implemented by each Permittee with regard to the remaining Covered Species.

8 MISCELLANEOUS

8.1 Term of Agreement. This Agreement shall remain in effect for a period of fifty (50) years from the Effective Date.

8.2 Termination

8.2.1 Termination by Mutual Consent. CITY or SUTTER may, by mutual agreement with the Wildlife Agencies, terminate this Agreement as to itself. In the event that such mutually agreed-upon termination occurs, a written termination agreement shall be executed to ensure that the mitigation required under the NBHCP and this Agreement for all Authorized Development approved, authorized or carried out prior to termination is carried out. Upon execution of such agreement and surrender of the Permits to the Wildlife Agencies, no further take shall be authorized under the terms of the surrendered Permits.

8.2.2 Termination by USFWS or CDFG. The USFWS or CDFG may terminate this Agreement upon revocation of the Section 10(a)(1)(B) Permit or the Section 2081 Permit in accordance with Section 7.6.

8.2.3 Termination by the TNBC. The TNBC may terminate voluntarily its participation under this Agreement only if it has an agreement to do so with the CITY, SUTTER, USFWS and CDFG. Any agreement allowing TNBC to terminate its participation and its status as Plan Operator, shall contain provisions for assuring that the provisions of the NBHCP will be implemented.

8.2.4 Effect of Termination. In the event this Agreement is terminated by the USFWS or CDFG with respect to a Permittee, that Permittee's Section 10(a)(1)(B) Permit or

Section 2081 Permit, as applicable, shall, subject to Section 8.2.1 above, be void. CITY and SUTTER acknowledge that, although the NBHCP Operating Conservation Program would mitigate for effects resulting from the Land Use Agencies' Covered Activities, because the percentage of uplands to wetlands differs between their respective Permit Areas, the NBHCP allows for the Operating Conservation Program provided for under the NBHCP to be reevaluated and revised in the event either CITY's or SUTTER's Permits are terminated or revoked to ensure that the configuration of Mitigation Lands provided for under the NBHCP continues to adequately mitigate for the impacts of Authorized Development in the remaining jurisdiction.

8.2.5 Status of Mitigation Lands Upon Termination. The Mitigation Lands are to be established in perpetuity. Management of the Mitigation Lands by TNBC in accordance with the NBHCP shall continue in perpetuity, notwithstanding termination, suspension or revocation of CITY's or SUTTER's Section 10(a)(1)(B) Permit or Section 2081 Permit for any reason, unless the suspension or revocation of CITY's or SUTTER's Permits is due to a violation by TNBC of its Permits. TNBC's management activities shall be funded from the Mitigation Fees collected on account of past Authorized Development under the Permits which includes endowment components to fund permanent management. None of the assets of the TNBC, including lands or interests in land may be transferred, conveyed, or assigned to any person or entity, except as specified in Sections 3.2.11 and Section 3.2.12 of this Agreement. However, take previously authorized through Urban Development Permits or for public or private projects for which the Mitigation Requirement was been completed or is otherwise assured shall continue to be authorized. In the case of the federal Permit, upon notification from the Service that implementation of all minimization and mitigation measures identified in the termination agreement have been implemented, the permit shall be deemed canceled.

8.3 Binding Effect. The terms, provisions and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

8.4 Notices. Any notice required or permitted to be given hereunder shall be in writing, shall be deemed made upon receipt, and shall be given by personal delivery or by certified mail/return receipt requested, addressed to the Parties as follows:

City of Sacramento
915 I Street, Room 109
Sacramento, CA 95814
Attn: City Manager

County Administrative Officer
County of Sutter
1160 Civic Center Blvd., Ste. A
Yuba City, CA 95993

United States Fish and Wildlife Service
Office of the Regional Director
Portland, OR 97232

with a copy to:

Field Supervisor
U.S. Fish and Wildlife Service
3310 El Camino Avenue, Suite 130
Sacramento, CA 95821-6340

California Department of Fish and Game Office of the Director
1416 9th Street, 12th floor
Sacramento, CA 95814

with copies to:

General Counsel
California Department of Fish and Game
1416 9th Street, 12th floor
Sacramento, CA 95814

and to:

Regional Manager
California Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

The Natomas Basin Conservancy
1750 Creekside Oaks Dr., Suite 290
Sacramento, CA 95833
Attn: Executive Manager

Any Party may give notice to the others specifying a different address for notice purposes.

8.5 Captions. The headings of the various sections hereof are for convenience only, and shall not affect the meaning of any provisions of this Agreement.

8.6 Counterparts. This Agreement may be executed in multiple counterparts, all of which shall constitute but one and the same instrument.

8.7 Governing Law. This Agreement shall be governed by and construed in accordance with the ESA, the CESA, and other applicable state and federal laws. In particular, nothing in this Agreement is intended to limit the authority of USFWS to fulfill its responsibilities under the ESA or CDFG under CESA or other applicable law, including but not limited to seeking penalties against CITY, SUTTER or TNBC. Moreover nothing in this agreement is intended to limit the legal responsibilities of USFWS as an agency of the federal government or CDFG as an agency of the State of California.

8.8 Complete Agreement. This Agreement, together with the NBHCP, constitutes the full and complete agreement between the Parties concerning the subject matter hereof and supersedes any prior or contemporaneous agreements or understandings, whether oral or written, all of which shall be deemed to have been merged herein, it being the intention of the Parties that this be a completely integrated agreement. Specifically, this Agreement shall supercede the Implementation Agreement executed in December, 1997.

8.9 Federal Section 7 Consultations. Nothing in this Agreement is intended to eliminate or modify the obligation of a federal agency to consult with the USFWS pursuant to section 7(a) of the ESA (16 U.S.C. Section 1536(a)). To the maximum extent appropriate, in any consultation

under said provision involving CITY or SUTTER or a prospective or other Urban Development Permittee with regard to Covered Species, the USFWS shall ensure that the biological opinion issued in connection with the proposed public or private Project which is the subject of the consultation is consistent with the biological opinion issued in connection with the NBHCP, provided that the proposed public or private Project is consistent with the NBHCP. Any biological measures included under the terms and conditions of the Section 7 biological opinion shall, to the maximum extent appropriate, be consistent with the Mitigation Requirement imposed by CITY or SUTTER under the NBHCP as implemented by this Agreement, provided that, unless otherwise required by law, the USFWS shall not impose additional mitigation measures on the project proponent in excess of those that have been or will be required by the CITY or SUTTER pursuant to the NBHCP, this Agreement and the Permits.

8.10 Conflict with NBHCP. The NBHCP and each of its terms are intended to be, and by this reference are, incorporated herein. In the event of any contradiction, conflict or inconsistency between the terms of this Agreement and the NBHCP, the terms of this Agreement shall control. In all other cases, the terms of this Agreement and of the NBHCP shall be interpreted to be supplementary to each other. Where interpretation is required, this Agreement shall be interpreted as a vehicle for implementation of the NBHCP.

8.11 Other Permittees. The failure of other Potential Permittees identified in the NBHCP to obtain Permits shall not preclude this Agreement from going into effect within the geographical boundaries of each Permittee, or on lands Acquired by the NBC, nor preclude the issuance of the Permits to such other Potential Permittees or to subsequent signatories of this Agreement.

8.12 Federal Appropriations. USFWS's commitment to provide technical assistance under the NBHCP and to implement this Agreement, including the assurances provided herein, are subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this agreement will be construed by the parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The parties acknowledge that the USFWS will not be required under this Agreement to expend any federal agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

8.13 State Appropriations. Implementation of this Agreement and the NBHCP and the assurances provided herein, is subject to the availability of appropriated funds. Nothing in this agreement will be construed by the parties to require the obligation, appropriation, or expenditure of any money from the Treasury of the State of California. The parties acknowledge that CDFG will not be required under this Agreement to expend any State of California agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

8.14 References to Regulations. Any reference in this Agreement, the NBHCP, or the Permits to any regulation or rule of USFWS or CDFG shall be deemed to be a reference to such regulation or rule in existence at the time the action is taken.

8.15 Applicable Laws. All activities undertaken pursuant to this Agreement, the NBHCP or the Permit must be in compliance with all applicable state and federal laws and regulations.

8.16 No Partnership. Neither this Agreement nor the NBHCP shall make or be deemed to make any party to this Agreement the agent for or the partner of any other party.

8.17 Elected Officials Not to Benefit. No member of or delegate to Congress shall be entitled to any share or part of this Agreement, or to any benefit that may arise from it.

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective as of the date first set forth above.

U.S. FISH AND WILDLIFE SERVICE,
An Agency of the Department of the Interior
of the United States of America

By: David G. Paullin JUN 27 2003

Name: DAVID G. PAULLIN

Acting Title: DEPUTY MANAGER
CALIFORNIA/NEVADA OPERATIONS OFFICE

CALIFORNIA DEPARTMENT OF FISH AND GAME,
A Subdivision of the Resources Agency
of the State of California

By: Sandra Morey

Name: Sandra Morey

Title: Chief, Habitat Conservation Planning Branch

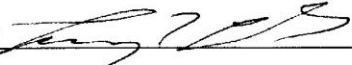
CITY OF SACRAMENTO,
A Municipal Corporation

By: Robert P. Thomas
Robert P. Thomas
City Manager

Approved as to Form:

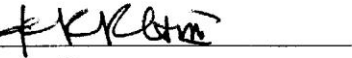
Jo Conello
City Attorney

COUNTY OF SUTTER,
A Political Subdivision of the State of California

By: 
County Administrative Officer

Approved as to Form: 
County Counsel

NATOMAS BASIN CONSERVANCY,
A Non-Profit Corporation

By: 

Name: JOHN R. ROBERTS

Title: EXECUTIVE DIRECTOR

[add signatories]

EXHIBIT A: DEFINITIONS

NBHCP Definitions

Terms used in the NBHCP and Implementation Agreement shall have the same meaning as those same terms have under the ESA and CESA, except as set forth below. Capitalized terms used but not defined herein, but which are defined in the Plan, shall have the meanings specified in the Plan.

1. Adaptive Management. The term "Adaptive Management" means a method for examining alternative strategies for meeting measurable goals and objectives, and then, if necessary adjusting future conservation management actions according to what is learned to achieve those goals and objectives.
2. Amendment. The term "Amendment" shall refer to significant changes to the NBHCP, Implementation Agreement and/or Incidental Take Permit for circumstances as described in Chapter VI, Section 3(b) of the NBHCP. Amendments include activities which are more significant than and different from revisions (see also "Revisions").
3. Area B (Out of Basin Mitigation Area). Area B shall refer to lands identified on Figure 20 of the HCP in which TNBC may pursue acquisition of Mitigation Lands under the specific terms described in Chapter IV, Section 2.b of the HCP, with approval of USFWS and CDFG. TNBC shall account for all acreage acquired in Area B to ensure that the total amount of such lands does not exceed 20 percent of the total Mitigation Lands. The additional requirements for acquisition of mitigation lands in Area B (out of basin) apply only to Area B and do not apply to any acquisitions of mitigation lands located within the Natomas Basin or the outer "ring" of the Natomas Basin defined as the land bounding the Natomas Basin and extending to the edge of the water immediately outside the Natomas Basin levees.

(Note: During the final NBHCP approval process by the City Council of the City of Sacramento and the Board of Supervisors of Sutter County, authorization to purchase Mitigation Lands to offset the impacts of development was limited to the Natomas Basin and the "outer" ring around the levees of the Natomas Basin. No authorization to purchase lands to mitigate impacts of Authorized Development in Area B (out of basin) was granted by the City Council and the Board of Supervisors.)

4. Authorized Development. The term "Authorized Development" means that development for which incidental take is authorized for the City of Sacramento and Sutter County under this NBHCP. Authorized Development is limited to a total of 15,517 acres of Planned Development (as further defined below in Section III.A) under the NBHCP. Included within the City's 8,050 acre portion of the Authorized Development are 28 acres of infrastructure development associated with the Metro Air Park (MAP) project in Sacramento County. Included within Sutter County's 7,467 acres of Authorized Development is 16.5 acres of proposed drainage channel improvements located within Sacramento County. Incidental take resulting from the 1,983 acre MAP project, including the 28 acres located in the City of Sacramento, is covered by separate incidental take permits issued by the Wildlife Agencies. The 15,517 acres of Authorized Development related incidental take within the City and Sutter County combined with the 1,983 acres of development related take within Sacramento County for the MAP project represent a total of 17,500 acres of potential urban development in the Natomas Basin which has been analyzed in the NBHCP as Planned Development, as further defined below. Any development within the City of Sacramento

beyond the 8,050 acres to be covered under its incidental take permits, within Sutter County, beyond the 7,467 acres to be covered under its incidental take permits, or within Sacramento County beyond the MAP project, will not be covered under the respective incidental take permits and will trigger a reevaluation of impacts to and mitigation for biological and other resources in the Natomas Basin and amendment of the NBHCP and the incidental take permits or development of a new HCP and issuance of new incidental take permits to address such impacts and mitigation as appropriate.

5. Biological Monitoring. The term “Biological Monitoring” means the mandatory element of all HCPs that is designed and implemented to provide the information necessary to assess compliance and project impacts, and verify progress toward the biological goals and objectives for the Plan’s Covered Species and habitats.
6. Biological Monitoring Plan. Refers to specific monitoring requirements to be conducted in the Natomas Basin as specified in Chapter VI, Section E, Subsection 2, and includes both the overall NBHCP Biological Effectiveness Monitoring Program and the Site Specific Biological Monitoring Programs.
7. Changed Circumstances. This term “Changed circumstances” is defined in Title 50 of the Code of Federal Regulations, Section 17.3 as changes in circumstances affecting a species or geographic area covered by the NBHCP that can reasonably be anticipated by Plan Participants and the USFWS, and that can be planned for (e.g., the listing of a new species, or a fire or other natural catastrophic event in areas prone to such events.)” Changed circumstances addressed in NBHCP are outlined in Chapter VI, Section K of the HCP.
8. Compliance Monitoring. The term “Compliance Monitoring” means an itemized, task specific method of verifying that the Permittee is carrying out the terms of the NBHCP, Permit and IA.
9. Conservation Measures. The term “Conservation Measures” means that accepting and conveying developer mitigation fees, and possibly land dedications, as required under the NBHCP, the Land Use Agencies shall implement a variety of measures that will avoid, minimize or mitigate the take of Covered Species.
10. Covered Activities. The term “Covered Activities” means the Land Use Agencies Covered Activities and the TNBC Covered Activities.
11. Covered Activities, Land Use Agencies. The term “Land Use Agencies Covered Activities” refers to those specific activities identified at Chapter I, Section N.(1) of the NBHCP for which each Land Use Permittee shall be provided coverage under the federal Section 10(a)(1)(B) permits, and the State Section 2081 Permits. Covered Activities generally means the conversion from vacant land or agricultural uses to residential, commercial, and industrial uses, including related public and private infrastructure development and improvements by the City or Sutter County.
12. Covered Activities, TNBC. The term “TNBC Covered Activities” means those activities conducted by TNBC on behalf of the City, Sutter County and other Permittees who may obtain take authorization pursuant to the NBHCP or an HCP based on the NBHCP, within TNBC’s Permit Area. These activities include acquisition, habitat creation, restoration,

preservation, enhancement, management and monitoring activities within Conserved Habitat Areas. TNBC's Covered Activities are described at Chapter I, Section N (3) of the NBHCP.

13. Covered Activities, Water Agencies. The term "Water Agencies Covered Activity" refers to those specific activities identified in Chapter I, Section N (2) of the NBHCP for which each Water Agency Permittee shall be provided coverage under the federal Section 10(a)(1)(B) permits, and the State Section 2081 Permits. Such Covered Activities generally include physical maintenance and operation of the Water Agencies' existing facilities located within the Plan Area, including channel maintenance, vegetation control (where no herbicides are utilized), and construction or improvement of facilities where there is no increase to the footprint of the existing facility.
14. Covered Species. The term "Covered Species" means the Federally Protected Species, State Protected Species and the Other Species identified within Table I-1 hereto.
15. ESA and CESA. The term "ESA" means the Federal Endangered Species Act of 1973, as amended. The term "CESA" means the California Endangered Species Act, as amended.
16. Exempt Area. The term refers to areas within the Natomas Basin, within the City of Sacramento which are already approved for development or already developed and as shown on Exhibit B of the Implementation Agreement.
17. Federally Protected Species. The term "Federally Protected Species" means those plants and animals listed by the United States ("U.S.") under the provisions of ESA and shown as Covered Species on Table I-1 hereto that are found, or may be found, in the Permit Areas, as well as those other Covered Species listed on Table I-1 that the USFWS may list in the future.
18. Five Point Policy. The term "Five Point Policy" refers to an addendum to the HCP Handbook published by the Fish and Wildlife Service and the National Marine Service on June 1, 2000. The five point policy addendum provides clarifying guidance for conducting the incidental take permit program and for those applying for an incidental take permit under section 10(a)(1)(B) of the Endangered Species Act (ESA).
19. Habitat Values. The term "Habitat Values" means the capability of a land or water area or associated areas, where indigenous plant(s) or animal(s), individually or collectively, may occur and upon which the Covered Species are dependent, in whole or in part, to provide for some or all of their maintenance, growth and reproduction.
20. Implementation Annual Meeting. The term refers to the annual public meeting held jointly with TNBC, other Permittees, USFWS and CDFG to report on the progress of the HCP Conservation Strategy as described in Chapter VI. G of the NBHCP.
21. Implementation Annual Report. The term refers to the annual report prepared by the TNBC describing the compliance and effectiveness monitoring processes and findings and the status of the progress in implementing the NBHCP in accordance with the requirements of Chapter VI, Section G of the NBHCP.

22. Incidental Take. The term "Incidental Take" means any taking of Covered Species that is incidental to, and not the purpose of, the carrying out of otherwise lawful activity.
23. Incidental Take Permits. The terms "Incidental Take Permits," "ITPs" and "Permits" mean the individual permits issued to each Permittee subject to Section 10(a)(1)(B) of the Endangered Species Act and Section 2081 of the California Endangered Species Act.
24. Independent Mid-Point Review. This term refers to the required review and evaluation of the effectiveness of the HCP by each of the land use agencies at a defined mid-point in the approval of Authorized Development and as more specifically defined in Chapter VI, Section J of the NBHCP.
25. Land Use Agencies. The term "Land Use Agencies" means the City of Sacramento and Sutter County. If and when Sacramento County submits and receives approval of its own ITP, Sacramento County would be considered a Land Use Agency as defined herein.
26. MAP (Metro Air Park) Habitat Conservation Plan (MAP HCP). This term refers to the approved Habitat Conservation Plan for the Metro Air Park Project located in the unincorporated portion of the Natomas Basin within Sacramento County, specifically, "Habitat Conservation Plan for the Metro Air Park Project in the Natomas Basin, Sacramento County, California, Prepared by Metro Air Park Property Owner's Association, Dated 2001."
27. Mitigation Fees. As defined in Chapter VI, the term "Mitigation Fees" means the one time, up-front fees levied upon an Authorized Development site (in gross acres) that is used to pay for the Mitigation Land acquisition, enhancement, management, monitoring, and other activities required under the NBHCP. The Mitigation Fees must be paid prior to the issuance of an Urban Development Permit by the Land Use Permittee. The components of the Mitigation Fee include: Land Acquisition, Restoration/Enhancement/Monitoring, Administration O&M, O&M Endowment Fund, Supplemental Endowment Fund, and Fee Collection Administration as defined in Chapter VI.
28. Mitigation Lands. The term "Mitigation Lands" means the reserve lands acquired through collection and use of Mitigation Fees from Authorized Development, and in some cases land which has been accepted for dedication from Authorized Development, which will be set aside and managed at a ratio of one-half (½) acre of land protected or preserved for every one (1) acre of land converted to Authorized Development. The NBHCP Operating Conservation Program will result in 8,750 acres of Mitigation Lands to be established and managed by TNBC.
29. Mitigation Ratio. The term "Mitigation Ratio" means mitigation for the conversion of land in the respective Permit Areas to Authorized Development at a ratio of one-half (½) acre of land protected or preserved for every one (1) acre of land converted to Authorized Development.
30. Mitigation Requirement. The term "Mitigation Requirement" means the mitigation requirement for each public and private project is determined by applying the Mitigation Ratio to the land area converted to Authorized Development as calculated in accordance with the requirements set forth in Chapter VI, Section 1.

31. Natomas Basin. "Natomas Basin" or "Basin" means that geographical area depicted in Figure 2, Natomas Basin and Affected Jurisdictions.
32. Natomas Basin Habitat Conservation Plan. The terms "Natomas Basin Habitat Conservation Plan," "NBHCP" and "the Plan" mean the year 2002 version of the Natomas Basin Habitat Conservation Plan prepared for the City of Sacramento, Sutter County, The Natomas Basin Conservancy (TNBC), RD 1000 and Natomas Mutual.
33. Natomas Basin Habitat Conservation Plan, 1997. The terms "1997 NBHCP" and "1997 Plan" mean the previously approved City of Sacramento Natomas Basin HCP that was the original basis for this 2002 NBHCP.
34. No Surprises Rule. The term "No Surprises Rule" refers the terms and conditions specified in the February 28, 1998, the U.S. Fish and Wildlife final rule codifying its "No Surprises" policy into federal regulation (63 FR 8859). The "No Surprises" rule states, in part, that: "In negotiating unforeseen circumstances, the [Service] will not require the commitment of additional land, water or financial compensation or other natural resources beyond the level otherwise agreed upon for the species covered by the conservation plan without the consent of the Permittee. If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, the [Service] may require additional measures of the Permittee where the conservation plan is being properly implemented, but only if such measures are limited to modifications within conserved habitat areas, if any, or to the Conservation Plan's Operating Conservation Program for the affected species, and maintain the original terms of the Conservation Plan to the maximum extent possible. Additional conservation and mitigation measures will not involve the commitment of additional land, water or financial compensation or restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the conservation plan, without the consent of the Permittee." (50 C.F.R. Sections 17.22(b)(5)(iii) and 17.32(b)(5)(iii).) The No Surprises Rules is discussed in Chapter VI, Section K of the NBHCP.
35. Operating Conservation Program. The term "Operating Conservation Program" means the totality of the conservation and management measures provided for under the NBHCP to avoid, minimize, mitigate and monitor the impacts of take of the Covered Species as described in Chapters IV through VI of the Plan. The Operating Conservation Program includes totals the Permittees reporting obligations under the Permits and responses to Changed Circumstances described in Chapter VI.
36. Overall Program Review. This term refers to a required program review of the effectiveness of the Operating Conservation Program to be initiated at the point Urban Development Permits covering a total of 9,000 acres of development in the Natomas Basin have been issued by the Land Use Permittees and by Sacramento County for the Metro Air Park. The areas to be covered by the Overall Program Review are specified and described in Chapter VI, Section I of the NBHCP.
37. Permit Area, City of Sacramento. The term "Permit Area" as applied to the City of Sacramento means that area designated on Figure 2 of the NBHCP Implementation Agreement that totals 8,050 acres located within the City of Sacramento city limits and in

certain locations (i.e., the Panhandle Annexation Area) within the unincorporated areas of Sacramento County. Incidental take authority for the City of Sacramento is limited to this Permit Area.

38. Permit Area, County of Sutter. The term "Permit Area" as applied to Sutter County means that area designated on Figure 2 of the NBHCP Implementation Agreement that totals 7,467 acres located within the unincorporated areas of Sutter County, and approximately 10.5 acres located within unincorporated Sacramento County. Incidental take authority for Sutter County is limited to this Permit Area.
39. Permit Area, Natomas Mutual. The term "Permit Area" as applied to Natomas Mutual means canals, ditches, waterways, ponds and open water areas, as well as roads, right-of-ways, facilities, maintenance yards, pumps, pipelines, and water detention facilities, under the direct jurisdiction of Natomas Mutual and inside the inner toe of levees surrounding the Natomas Basin, but not including the Sacramento River levees. Incidental take authority for Natomas Mutual is limited to this Permit Area.
40. Permit Area, RD 1000. The term "Permit Area" as applied to RD 1000 means canals, ditches, waterways, ponds and open water areas, as well as roads, right-of-ways, facilities, maintenance yards, pumps, pipelines, and water detention facilities, under the direct jurisdiction of RD 1000 and inside the inner toe of levees surrounding the Natomas Basin, but not including the Sacramento River levees. Incidental take authority for RD 1000 is limited to this Permit Area.
41. Permit Area, TNBC. The term "Permit Area" as applied to The Natomas Basin Conservancy (TNBC) consists of all lands within the Natomas Basin (the Plan Area), as well as the land bounding the Natomas Basin and extending to the edge of water immediately outside the Natomas Basin levees and Area B as depicted on Figure 20, Out of Basin Mitigation Areas.
42. Permittees. The term "Permittees" means the City of Sacramento, Sutter County, RD 1000, Natomas Mutual and The Natomas Basin Conservancy.
43. Plan Area. The term "Plan Area" means the entire 53,537 acres of land within the inside toe of levee of the Natomas Basin levees. The Plan Area refers to the portion of the Natomas Basin that is bounded on the west by the Sacramento River, on the north by the Natomas Cross Canal, on the east by Steelhead Creek (formerly known as Natomas East Main Drain Canal), and on the south by the Garden Highway.
44. Planned Development. The term "Planned Development" means the Authorized Development plus the development of the 1,983 acre Metro Air Park, which is subject to the Metro Air Park Habitat Conservation Plan ("MAP Authorized Development").
45. Plan Operator. The term "Plan Operator" means The Natomas Basin Conservancy, the entity responsible for implementing the NBHCP.
46. Plan Participants. The term "Plan Participants" means parties actively involved in implementing the NBHCP, including the Wildlife Agencies (USFWS and CDFG), the Permittees (City of Sacramento, Sutter County, Natomas Mutual and RD 1000), and the Plan Operator (TNBC).

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the City of Sacramento and Sutter County, or as a result of the operation and/or maintenance, including the construction and improvements with no significant increase to the existing footprint, of flood control or water supply activities, water ditches, canals, pumphouses, maintenance facilities, or other ancillary facilities within the Natomas Basin, or as a result of habitat management, enhancement, or restoration activities on reserve lands. "Permits" may also be used in this Agreement to refer collectively to the Section 10(a)(1)(B) Permits and/or the Section 2081(b) or 2081.1 Permits.

54. Site Specific Management Plan. The terms "Site Specific Management Plan" and "SSMP" mean those plans that TNBC is required to complete for each reserve unit that it acquires. SSMP's shall include operations plans that address on-site habitat restoration, enhancement, maintenance and management activities that will be presented to the NBHCP TAC for approval on a three year basis.
55. State Protected Species. The term "State Protected Species" means those plants and animals listed by the State of California ("State") under the provisions of CESA and shown as Covered Species on Table I-1 hereto that are found, or may found, in the permit areas.
56. Swainson's Hawk Zone. This zone is defined as the lands which are not currently developed (excluding the 250 acres of land designated "Urban" on the City of Sacramento General Plan and the North Natomas Community Plan located within the City of Sacramento) and which are located within the Natomas Basin and within one mile east of the toe of the inside levee of the Sacramento River and extending from the Natomas Cross Canal on the north and Interstate 80 on the south. See also Figure 13 of the NBHCP.
57. System of Reserves. The term "system of reserves" means Mitigation Lands generally and includes all habitat conserved and managed for the Covered Species, including rice fields by TNBC.
58. Take or Taking. With regard to any activities subject to ESA, the terms "Take" or "Taking" shall have the same meaning as provided in the ESA. With regard to any activities subject to CESA, the terms "Take" or "Taking" shall have the same meaning as provided in CESA.
59. Technical Advisory Committee. The terms "Technical Advisory Committee" and "TAC" mean the advisory group of technical experts selected by the Permittees and the Wildlife Agencies to assist TNBC Board with directing the implementation of the NBHCP.
60. The Natomas Basin Conservancy. The terms "The Natomas Basin Conservancy," "the Conservancy" or "TNBC" shall mean the independent entity established for the purpose of implementing the Natomas Basin Habitat Conservation Plan on behalf of the City, Sutter County and other Potential Permittees. The TNBC is also a Permittee for purposes of implementation of the reserve system.
61. TNBC Mitigation Land or Reserve Area. The term "TNBC Reserve Area" or "TNBC Mitigation Land" shall mean those areas where TNBC is authorized to acquire and manage wildlife reserves subject to the provisions of the NBHCP. Such areas shall include all lands within the Natomas Basin, as well as the land bounding the Natomas Basin and extending to the edge of water immediately outside the Natomas Basin levees and Area B as depicted

on Figure 20, Out of Basin Mitigation Areas. The TNBC Reserve Area and the TNBC Permit Area are coterminous.

62. Unforeseen Circumstances. The term "Unforeseen circumstances" is defined at 50 C.F.R. 17.3 as changes in circumstances affecting a species or geographic area covered by a conservation plan that could not reasonably have been anticipated by plan developers and the USFWS at the time of the NBHCP's negotiation and development, and that result in a substantial and adverse change in the status of the Covered Species. Unforeseen circumstances are discussed in Chapter VI, Section K of the NBHCP.
63. Urban Development Permit and Urban Development Permittee. The term "Urban Development Permit" shall mean the final authorization granted by the Land Use Agencies prior to disturbance of undeveloped land in conjunction with a public or private development project. An Urban Development Permit may also be used to refer to a grading permit or notice to proceed. An "Urban Development Permittee" refers to the individual, agency or company applying for approval, or receiving approval of an Urban Development Permit from the Land Use Agencies.
64. Water Agencies. The term "Water Agencies" means RD 1000 and Natomas Mutual. Natomas Mutual is a private company and not a governmental agency.
65. Wildlife Agencies. The term "Wildlife Agencies" means the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

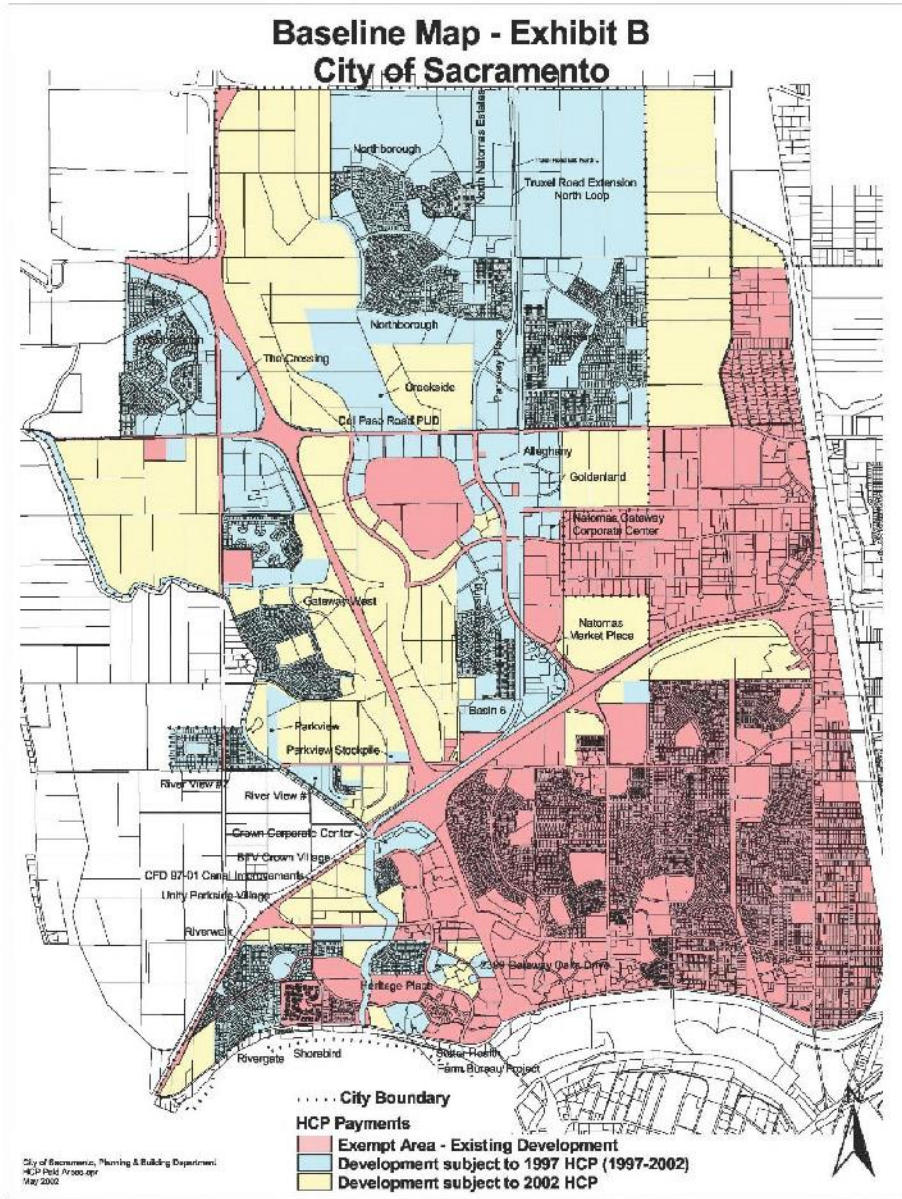
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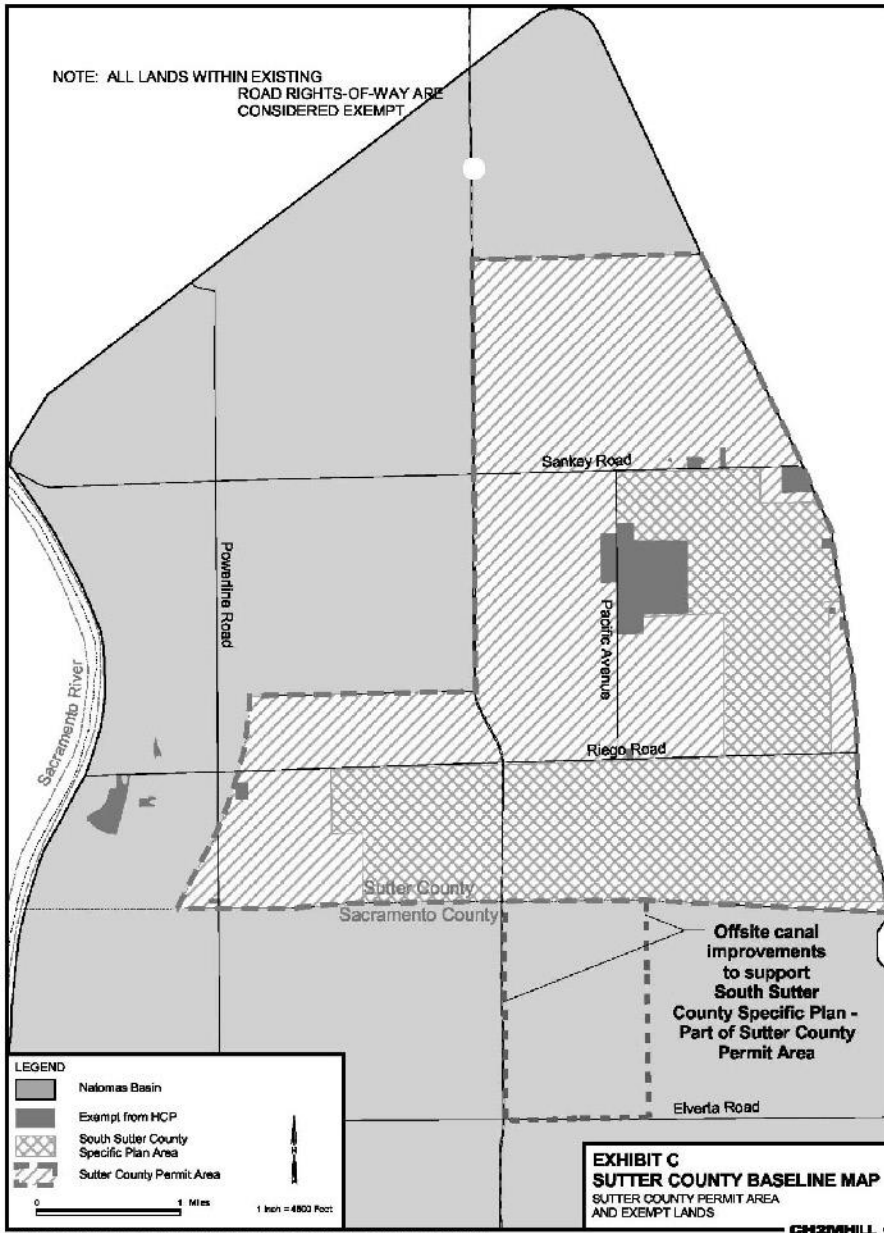
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Exhibit D -List of Covered Species in Permit Area

TABLE I - 1
LISTED, CANDIDATE, AND OTHER SPECIES ADDRESSED IN THE NBHCP
AND/OR COVERED BY ITS ASSOCIATED PERMITS

#	Species	Federal Status	State Status	Habitat Notes
1	Aleutian Canada goose <i>Branta canadensis leucopareia</i>	SC		Grazes in marshes and stubble fields, roosts on the water
2	bank swallow <i>Riparia riparia</i>		T	Nests in river banks, forages for insects over open water, croplands, and grasslands
3	burrowing owl <i>Athene cucularia</i>		SSC	Prefers open, dry grassland and desert habitats
4	loggerhead shrike <i>Lanius ludovicianus</i>	SC	SSC	Prefers open habitats with scattered shrubs, trees, fences, and posts. Will use cropland.
5	Swainson's hawk <i>Buteo swainsoni</i>		T	Breeds in riparian forest; known nesting sites in trees along Sacramento River in Natomas Basin. Forages for small mammals in grasslands and croplands.
6	tricolored blackbird <i>Agelaius tricolor</i>	SC	SSC	Nests in marshes with bulrush, blackberry or cattails; three known occurrences in Natomas Basin. Forages on the ground in grasslands and croplands.
7	white-faced ibis <i>Plegadis chihi</i>	SC	SSC	Forages in flooded rice fields
8	giant garter snake <i>Thamnophis gigas</i>	T	T	Forages in marshes, low gradient open waterways and flooded rice fields, hibernates in canal berms and other uplands; several known occurrences in Natomas Basin
9	northwestern pond turtle <i>Clemmys marmorata marmorata</i>	SC	SSC	Lives in permanent bodies of water; requires floating vegetation, logs, rocks or banks for basking. Hibernates and lays eggs in uplands.
10	California tiger salamander <i>Ambystoma californiense</i>	C	SSC	Winters in ground squirrel burrows or other holes; breeds in vernal pools, stockpools, and other seasonal wetlands.
11	western spadefoot toad <i>Scaphiopus hammondi</i>	SC	SSC	Primary habitat is grasslands; breeds in shallow temporary pools
12	valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	T		Lives and reproduces on elderberry shrubs found along rivers and canals.
13	midvalley fairy shrimp <i>Branchinecta mesovallensis n. sp.</i>			Vernal pool obligate often found in small pools; likely to occur in Plan Area
14	vernal pool fairy shrimp <i>Branchinecta lynchi</i>	T		Vernal pool obligate; widely distributed in Sacramento County
15	vernal pool tadpole shrimp <i>Lepidurus packardii</i>	E		Vernal pool obligate; widely distributed in Sacramento County
16	Boggs Lake hedge-hyssop <i>Gratiola heterosepala</i>		E	Low-terrace species found in shallow water margins of vernal pools
17	Colusa Grass <i>Neostapfia colusana</i>	T		Occurs in large deep pools with substrates of adobe mud but also in smaller pools; known in Yolo County

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#	Species	Federal Status	State Status	Habitat Notes
18	delta tule pea <i>Lathyrus jepsonii</i> ssp. <i>jepsonii</i>	SC		Perennial twining vine occurs in both riparian and marsh habitats
19	legene <i>Legene limosa</i>	SC		Found in wet places or vernal pools below 400 feet in elevation
20	Sacramento Orcutt grass <i>Orcuttia viscida</i>	E	E	Found in relatively large, deep vernal pools in eastern Sacramento County
21	Sanford's arrowweed <i>Sagittaria sanfordii</i>	SC		Tuberose perennial likely to occur in drainage or irrigation ditches
22	slender Orcutt grass <i>Orcuttia tenuis</i>	T	E	Found in relatively large, deep vernal pools in eastern Sacramento County

Key to Abbreviations

Federal

E = Listed as endangered C = Candidate for federal listing, data sufficient
T = Listed as threatened SC = Species of Concern--informal category, formerly called candidate 2 species (data for listing insufficient)

State

E = Listed as Endangered R = Listed as Rare
T = Listed as Threatened SSC = Species of Special Concern

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Biological Resources

Policies in this section guide the location, design, and quality of development to protect important biological resources such as wildlife habitat, open space corridors, and ecosystems. Conservation and protection of important biological resources are integral to a healthy human population and contribute to regional economic advantages such as quality of life.

GOAL ER 2.1

Natural and Open Space Protection. Protect and enhance open space, natural areas, and significant wildlife and vegetation in the city as integral parts of a sustainable environment within a larger regional ecosystem.

Policies

ER 2.1.1 Resource Preservation (S). The City shall encourage new development to preserve on-site natural elements that contribute to the community's native plant and wildlife species value and to its aesthetic character. (RDR/MPSP)

ER 2.1.2 Conservation of Open Space (S). The City shall continue to preserve, protect, and provide appropriate access to designated open space areas along the American and Sacramento Rivers, floodways, and undevelopable floodplains, provided access would not disturb sensitive habitats or species. (MPSP/IGC)

ER 2.1.3 Natural Lands Management (S). The City shall promote the preservation and restoration of contiguous areas of natural habitat throughout the city and support their integration with existing and future regional preserves. (RDR/IGC)

ER 2.1.4 Retain Habitat Areas (S). The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors. (RDR/IGC)



Retention of wetland habitat within a residential neighborhood.



Part Two : CITYWIDE GOALS AND POLICIES



American River riparian habitat.

ER 2.1.5

Riparian Habitat Integrity 🌿. The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with State and Federal regulations or at a minimum 1:1 ratio, in perpetuity. *(RDR/IGC)*



ER 2.1.6

Wetland Protection 🌿. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and Federal regulations protecting wetland resources, and if applicable, threatened or endangered species. Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net-loss of value and/or function. *(RDR/IGC)*

ER 2.1.7

Annual Grasslands 🌿. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and Federal regulations protecting foraging habitat for those species known to utilize this habitat. *(RDR/IGC)*

ENVIRONMENTAL RESOURCES : Biological Resources

ER 2

ER 2.1.8 **Oak Woodlands** (C). The City shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the city that provide habitat for common native, and special-status wildlife species, and shall address all adverse impacts on oak woodlands in accordance with the City's Heritage Tree Ordinance. (RDR)



ER 2.1.9 **Wildlife Corridors** (C). The City shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provides movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value or enhanced to enable the continued movement of species. (RDR/MPSP)

ER 2.1.10 **Habitat Assessments**. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the project site. Survey Reports shall be prepared and submitted to the City and the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law. (RDR)



ER 2.1.11 **Agency Coordination**. The City shall coordinate with State and Federal resource agencies (e.g., California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, and United States Fish and Wildlife Service (USFWS) to protect areas containing rare or endangered species of plants and animals. (C-C)

Part Two : CITYWIDE GOALS AND POLICIES



Natomas Basin habitat conservation area.

Photograph courtesy of The Natomas Basin Conservancy

ER 2.1.12 Natomas Basin Habitat Conservation Plan. The City shall continue to participate in and support the policies of the Natomas Basin Habitat Conservation Plan for the protection of biological resources in the Natomas Basin. (RDR/IGC)

ER 2.1.13 Support Habitat Conservation Plan Efforts. The City shall encourage and support regional habitat conservation planning efforts to conserve and manage habitat for special-status species. New or amended Habitat Conservation Plans should provide a robust adaptive management component sufficient to ensure that habitat preserves are resilient to climate change effects/impacts and to ensure their mitigation value over time. Provisions should include, but are not limited to: greater habitat ranges and diversity, corridors and transition zones to accommodate retreat or spatial shifts in natural areas; redundant water supply; elevated topography to accommodate extreme flooding; and flexible management and fee structure. (RDR/IGC)

ER 2.1.14 Climate Change-related Habitat Shifts (S). The City shall support the efforts of The Natomas Basin Conservancy and other habitat preserve managers to adaptively manage wildlife preserves to ensure adequate connectivity, habitat range, and diversity of topographic and climatic conditions are provided for species to move as climate shifts. (IGC)

ER 2.1.15 Climate Change-related Habitat Restoration and Enhancement (S). The City shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the city. The City shall support the efforts of Sacramento County to improve the resilience of habitat areas in the American River Parkway.

ER 2.1.16 Public Education. The City shall support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements. (PI)

ENVIRONMENTAL RESOURCES : Biological Resources

ER 2

ER 2.1.17 **Community Involvement.** The City shall encourage community volunteerism and stewardship to help protect and rehabilitate the area's natural resources. (11/11)

Adopted March 3, 2015

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Response to Letter 10

ECOS Environmental Council of Sacramento
(Susan Herre, AIA, AICP, President of the Board of Directors and Judith Lamare, Founder,
Friends of Swainson’s Hawks)

10-1 The comment lists six areas where it is asserted the Master EIR does not sufficiently address impacts in the Natomas area. Subsequent comments go into more detail relative to these six areas, please see responses below. The comment concludes that the Draft Master EIR should be updated and recirculated to fully disclose and mitigate potential impacts.

The responses provided to this letter address all of the concerns regarding the adequacy of the Draft Master EIR raised by the commenter. Changes to the analysis contained in the Draft Master EIR (see Chapter 3 of this Final Master EIR) represent minor clarifications/amplifications and do not constitute substantial new information, and recirculation of the Draft Master EIR is not required. (CEQA Guidelines, Section 15088.5.)

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 Draft EIR for public review but prior to certification of the Final EIR. 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 Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, Section 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.*)

The changes described in the Final EIR below clarify and amplify the existing language. Thus, none of these changes involves "significant new information" triggering recirculation because the changes did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications were either environmentally benign or negligible, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under such circumstances, recirculation of a Draft EIR is not required.

- 10-2** The commenter asserts the Draft Master EIR fails to address impacts on the Natomas Basin Habitat Conservation Plan (NBHCP) and the Natomas Basin Conservancy (NBC) and consistency with the NBHCP Implementation Agreement.

The Draft Master EIR acknowledges that the City is a party to the NBHCP and complies with the provisions of the NBHCP, which includes the Implementation Agreement, and has considered impacts of the 2040 Draft General Plan on the NBHCP. The Draft Master EIR states in Section 4.4, Biological Resources on page 4.4-4 that the NBHCP was reviewed and considered in order to inform impacts and mitigation measures and was also reviewed for potential inconsistencies with the 2040 General Plan, as described in Chapter 3, Land Use, Housing and Population on page 3-1 of the Draft Master EIR. The analysis of the 2040 General Plan within Chapter 4 of the Draft Master EIR makes frequent references to the NBHCP in terms of compliance. The City is a party to the NBHCP, is committed to the success of the NBHCP, and continues to adhere to all requirements set forth within the plan.

- 10-3** The comment asserts that the Draft Master EIR fails to disclose the responsibilities of the City in regard to the NBHCP and NBC to avoid development outside of the City's permit area and refers to the language of the Implementing Agreement that requires the City to support the conservation strategy for the Natomas Basin and not support development in the unincorporated area of the Basin.

The Draft Master EIR acknowledges that the City must abide by the NBHCP and frequently refers to the document – see Response to Comment 10-2, above. By acknowledging that the NBHCP is a policy document with which the City complies, compliance with the mandates within the NBHCP document, specifically listed in the Draft Master EIR or not, is included. Please see also Chapter 2, Project Description page 2-27. The Draft Master EIR confirms that the City designates the Natomas Basin Study Area (NBSA) as a proposed Area of Concern and acknowledges the County "is currently processing two large specific plans (Grand Park and Upper Westside) which call for development of lands in the NBSA and are not currently within the city's SOI. Providing input and analysis of these development plans and influencing their outcome will help to lessen potential adverse effects to the City and its residents."

- 10-4** The comment states the 2040 General Plan does not include as many biological resource protection policies, as compared to the 2035 General Plan.

The commenter is correct. Omission of several policies was inadvertent. Please see Chapter 3, Changes to the Draft Master EIR that includes the addition of several goals and policies related to Biological Resources from the 2035 General Plan, including Policy ER 2.1.12. This policy pertaining

to the Natomas Basin Habitat Conservation Plan will be included in the revised draft of the 2040 General Plan. The City remains committed to the NBHCP.

10-5 The comment asks why biological resource policies from the 2035 General Plan were removed from the 2040 General Plan.

Several goals and policies related to Biological Resources from the 2035 General Plan were inadvertently removed from the 2040 General Plan. Please see Response to Comment 10-4.

10-6 The comment questions why the Draft Master EIR does not address impacts to agricultural and biological resources within the Natomas Basin Study Area due to future urbanization.

As stated in Chapter 2, Project Description of the Draft Master EIR on page 2-1, “The 2040 General Plan Planning Area is defined as the land area addressed by the 2040 General Plan, including land within the city limits and the City’s Sphere of Influence (SOI) (outside the city limits), including five Special Study Areas. The Planning Area comprises approximately 113,572 acres (197 square miles) of incorporated and unincorporated land.” The Draft Master EIR Planning Area includes the Natomas Basin Study Area. However, please note that Figure 2-1 in the Draft Master EIR incorrectly highlights the Study Area as only the city limits and has been corrected in Chapter 3, Changes to the Draft Master EIR. Please see Chapter 3, Changes to the Draft EIR for corrections.

The Draft Master EIR does address biological resources in the Natomas Basin Special Study Area. For example, protections for rare plant species covered under the NBHCP, as well as a discussion of required mitigation measures, including land acquisition fees for the Natomas Basin Conservancy, are listed on pages 4.4-11 through 4.4-12 of the Draft Master EIR. The other technical sections included in Chapter 4 of the Draft Master EIR contain numerous references to the NBHCP in relation to various environmental issues areas analyzed. The Draft Master EIR does not ignore the NBHCP but rather indicates that it is a plan which would be applicable to any future development that could occur with approval of the 2040 General Plan (see Chapter 3, Land Use, Population and Housing section 3.3.2 starting on page 3.21 of the Draft Master EIR). The 2040 GPU acknowledges the NBHCP, as well as the balance of agriculture, development, and conservation that the NBHCP establishes (see page 11-SSA-5 of the 2040 General Plan). As stated previously in Response to Comment 10-4, policies from the 2035 General Plan have been added to the 2040 General Plan, as shown in Chapter 3, Changes to the Draft Master EIR.

The designation of a Study Area does not imply that the area is to be developed or will incur “massive future impacts.” Special Study Areas reflect land areas in which careful coordination between the City and County is required to protect natural resources and efficiently deliver services (see page 2-27 of the Draft Master EIR). The City has a responsibility to carry out the NBHCP, further justifying the need for the City to identify and designate the Natomas Basin as a Study Area and Area of Concern (as defined by Sacramento Local Area Formation Commission [LAFCo]). Because the County is not a party to the NBHCP, it is particularly important for the City to confirm its vested interest in the future of the Natomas Basin including the potential development proposals that are in process with the County and how that development could potentially impact environmental resources or the successful completion of the NBHCP. The 2040 General Plan does not propose any land use changes or new land use designations in the Special Study Areas, as they are not in the jurisdictional purview of the City. Any request to the City to develop within the

Special Study Areas would require future annexation and full environmental review. Only Sacramento LAFCo has the statutory authority to change the city's boundary.

- 10-7** The comment asks if the Special Study Area and Area of Concern for the Natomas Basin would conflict with the NBHCP's Operating Conservation Program and should be addressed in the Draft Master EIR.

A designation of a "Special Study Area" or an "Area of Concern" does not itself conflict with the NBHCP's conservation strategy. The designation does not propose or imply any physical changes to the Natomas Basin. Therefore, the designation of a Study Area and proposed Area of Concern is not an unidentified impact associated with implementation of the 2040 General Plan. The five Special Study Areas including the Natomas Basin are clearly described as areas adjacent to the city limits that are of interest to the City.

The Natomas Basin has been of interest to the City for decades in regard to the preservation of open space, agricultural and habitat areas, transportation/circulation, water resources and planning for municipal services. The Natomas Basin Study Area is not located within the City's Sphere of Influence (SOI) but is located completely within the NBHCP. An Area of Concern is used for the purpose of identifying geographic areas which are presently beyond the city's boundary (or SOI if applicable) in which land use decisions or other governmental actions of the County may be expected to impact indirectly or directly the City's intermediate or long-range planning horizons. This criterion is established in Sacramento LAFCo Policies and Procedures. An Area of Concern is a land use planning designation used to signify that the area is of importance and concern to the City, but the designated area is not currently located within the City's SOI.

For over 25 years, the City has demonstrated its commitment to the NBHCP's conservation strategy. The Natomas Basin Conservancy (TNBC) has acquired approximately 5,100 acres of land in the Natomas Basin and has received over \$50 million dollars of HCP fees collected by the City as a result of planned and approved development in North Natomas and South Natomas (the City's NBHCP Permit Area). The designation of the Natomas Basin in the 2040 General Plan as a Study Area and a proposed Area of Concern does not conflict with the NBHCP. Conversely, it highlights that the City has a vested interest in the Natomas Basin, wants to be aware of any proposed development by the County that may conflict with interests of the NBHCP, and supports proactive transregional planning of the area.

- 10-8** The comment asks if the Natomas Basin includes over 30,000 acres of agricultural and land for habitat.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. For information, page 11-SSA-5 of the 2040 General Plan notes the Natomas Basin Study Area is within an unincorporated portion of Sacramento County that encompasses approximately 18,424 acres of the approximately 53,000-acre Natomas Basin, which includes agricultural lands. Urban development has occurred in the Natomas Basin, and the City is a party to the NBHCP. Other agencies and plans affect the Natomas Basin (e.g., airport, Metro Air Park, Sacramento County), and there are other parties to the NBHCP. The exact acreage of remaining agricultural and land for habitat in the Natomas Basin is estimated to be less than 30,000.

Map I-2 of the 2040 General Plan depicts the boundary of the Natomas Basin Study Area.

10-9 The comment alleges the Draft Master EIR does not analyze impacts to farmland or habitat in the Natomas Basin Study Area or include policies from the Sacramento County General Plan that protect farmland and habitat in the Basin.

The Draft Master EIR acknowledges all known proposed major developments within the Natomas Basin Special Study Area, as highlighted in the cumulative section analyses throughout the technical sections, are included in Chapter 4. The City has no authority to develop outside current city boundaries or outside the Permit Area designated by the NBHCP. The designation of the Natomas Basin as a Study Area does not imply that the City has plans to annex any land to convert farmland or accommodate development. However, the City acknowledges the need to have more influence over the Natomas Basin, as the City is responsible for carrying out the NBHCP. Therefore, the 2040 General Plan includes Policy LUP-A.1, which includes the goal to work with Sacramento LAFCo to designate the Natomas Basin Study Area as an Area of Concern to allow the City greater influence on land use decisions and other governmental actions that directly and indirectly affect the City in this area. The City takes cognizance of any proposed development by the County that may conflict with interests of the NBHCP and seeks to avoid disjointed transregional planning of the area.

Although the County General Plan has policies to protect farmland and habitat in the Natomas Basin, the City does not have authority to enforce these policies or any land in the unincorporated areas of the County. Recent development proposals by the County in the Natomas Basin, such as ones related to the Upper Westside and Grand Park Specific Plans, have highlighted the importance for increased City oversight of the Natomas Basin, as the City is responsible for the NBHCP successful completion. See also Response to Comment 10-7.

10-10 The comment indicates the Draft Master EIR refers to two development projects in the Natomas Basin currently being processed by the County that the City should be engaged with and goes on to note that these projects require amending the County’s Urban Services Boundary and obtaining required permits from the regulatory agencies.

The comment refers to the Grand Park Specific Plan and Upper Westside Specific Plan, projects that are within the jurisdiction of the County. The Draft Master EIR acknowledges these two projects as reasonably foreseeable under the analysis of “Additional Cumulative Impacts” in Chapter 4. The geographic area for many resources extends beyond the boundaries of the Planning Area and includes land within the larger region, air basin, or watershed area. Thus, the cumulative analysis acknowledges these two projects.

The City cannot make a determination to approve or deny these projects because they are outside of the City’s jurisdiction. The City can submit public comment and/or opposition during the public review process. The Natomas Basin has been designated as a Special Study Area by the City for over a decade. The 2040 General Plan includes a name change from the prior “Natomas Joint Vision Study Area” to the Natomas Basin Study Area, as the County indicated on their website that they have withdrawn the Natomas Joint Vision project in order to move forward with the Grand Park Specific Plan and Upper Westside Specific Plan projects. However, the geographical area of the study area remains the same; only a name change occurred. The City has continued to designate the Natomas Basin as a Special Study Area in the 2040 General Plan and proposes

designation of an Area of Concern in order to have more influence on the buildout of the Natomas Basin by non-City entities. See also Response to Comment 10-7.

- 10-11** The comment references a figure showing the Urban Services Boundary within the Natomas Basin and notes the two projects in the County acknowledged in the Draft Master EIR are proximate to mitigation properties acquired for the City’s North Natomas Community Plan.

As explained in Response to Comment 10-10, the Grand Park and Upper Westside Specific Plan projects are in the jurisdiction of the County and the City has no land use authority over these projects. The City has designated the Natomas Basin as a Special Study Area and an Area of Concern in the 2040 General Plan to signify that the future of the Basin is of great importance and concern to the City and to have more influence on land use decisions or other governmental actions of the County that may be expected to indirectly or directly impact the City.

- 10-12** The comment asserts the 2040 General Plan land use policies are internally inconsistent and therefore the Draft Master EIR is also internally inconsistent because the City is considering providing urban services to development in the Natomas Basin.

The 2040 General Plan Policy LUP-1 establishes the goal of a compact urban footprint to promote efficient development and delivery of public services. The designation of Special Study Areas or Areas of Concern does not imply that urban sprawl or non-compact growth would occur. Many of these areas, such as Arden Arcade, Fruitridge/Florin, East Study Special Study Area, and the Town of Freeport Special Study Areas are already developed and could potentially benefit from city services in the future. As noted previously, the City has designated these as Study Areas for many years.

The City designating the Natomas Basin as a Study Area and an Area of Concern does not imply that the City would directly provide urban services or develop outside the City’s Permit Area of the NBHCP. The City does not promote providing City services to areas outside the city’s boundary. The City has designated the Natomas Basin as a Study Area because it has a vested interest in the basin as a whole and has a duty to be aware of future transregional projects adjacent to the city limits that could potentially affect City services and goals, such as transportation networks, social/emergency services, environmental conservation, housing supply, and successful implementation of the NBHCP. See also Response to Comment 10-7.

As discussed above, the County is currently processing two large specific plans (Grand Park and Upper Westside) which call for development of lands in the Natomas Basin Study Area that are not currently within the city’s SOI. As stated in the Draft Master EIR (see p. 2-27), providing input and analysis of these development plans and influencing their outcome would help to potentially reduce potential adverse effects to the City and its residents. The fact that the County is not a party to the NBHCP and could potentially develop lands within the NBHCP boundary makes it especially important for the City to have more of an influence on development proposed within the Natomas Basin.

- 10-13** The comment states designating the Natomas Basin Study Area as an Area of Concern contradicts the City’s General Plan land use policies which should have been addressed in the Draft Master EIR.

The Special Study Areas identified in the 2040 General Plan reflect areas in which careful coordination between the City and County is required to protect natural resources and efficiently

deliver services. The Draft Master EIR evaluated the proposed policies and did not identify an internal inconsistency. The inclusion of the Natomas Basin as a Study Area and Area of Concern supports the City’s land use policies, as it allows the City to coordinate to protect farmland (Policy LUP-1.12), ensure regional planning and growth is sustainable and coordinated (Policy LUP-1.7) and remain proactively engaged in the future of the basin by adjacent jurisdictions to identify and avoid potential land use, circulation, or other conflicts (Policy LUP-1.10). See also Response to Comment 10-12.

- 10-14** The comment states the designation of the Natomas Basin as a Special Study Area is growth-inducing because it implies the City would consider annexing land for future development and the Draft Master EIR does not evaluate the impact of placing farmland and habitat within a Special Study Area or Area of Concern.

The City’s designation of the Natomas Basin as a Special Study Area does not imply that the City is pursuing growth in the Natomas Basin. The City cannot annex areas outside of SOI or expand the SOI without review and approval from Sacramento LAFCo, and the Natomas Basin Study Area is not within the City’s SOI. Only Sacramento LAFCo has the authority to change the City’s boundary or SOI. See also Response to Comment 10-7.

The City does not seek to promote urbanization of farmland in the Natomas Basin. Rather, the City states its intention to protect farmland in the 2040 General Plan, specifically in policies LUP-1.11 “Coordinate to Protect Farmland” and LUP-1.12 “Development Adjacent to Agriculture”.

- 10-15** The comment asserts the Draft Master EIR creates the impression that the City supports future urbanization in the Natomas Basin and does not address growth-inducing impacts of the Special Study Area designations and fails to disclose all the NBHCP terms and conditions.

Proposals for urban development in the Natomas Basin are processed consistent with the land use regulations adopted by the relevant agency. The 2040 General Plan will establish policy guidance for development that occurs within the City land use jurisdiction and reflects the City’s focus on support of infill housing and its support, for example, for approaches to housing, such as missing middle housing policies, that promote livable, walkable, and affordable neighborhoods.

All new development within the Natomas Basin is subject to the Natomas Basin Habitat Conservation Plan (HCP). The HCP specifies avoidance measures and mitigation for loss of habitat, and incidental take coverage. Prior to new grading, development must ensure payment of HCP fees. Documents and additional information relating to the Plan are located online on the City’s website at: <https://www.cityofsacramento.org/Community-Development/Planning/Natomas>.

The City has treated and considered the Special Study Areas in the Master EIR to the extent of any direct or indirect effects on the environment that could occur in these areas during the general plan period. In the event the City considers policies or programs relating to any Special Study Area, the proposal would be subject to appropriate review pursuant to the California Environmental Quality Act (CEQA). Please also see Responses to Comments 10-7 and 10-14.

- 10-16** The comment cites language from the Draft Master EIR addressing the analysis of growth inducement and asserts that the Draft Master EIR does not evaluate impacts to the Natomas Basin

Study Area, including growth inducement, and suggests that a separate analysis that addresses growth inducement should be included.

The comment quotes language from the Draft Master EIR (see p. 5-4) that explains to the reader that the analysis of impacts due to buildout assumed under the 2040 General Plan captures any growth inducing potential of the general plan. As further described in the Draft Master EIR in Chapter 5, CEQA Considerations on page 5-4, “a significant growth-inducement impact would occur if the 2040 General Plan, directly or indirectly removes physical or regulatory obstacles to growth such that the induced growth would significantly burden existing community services or impact the environment through economic expansion and population growth. A physical obstacle to population growth typically involves the lack of public service infrastructure. While most new development will be within areas already served by utilities and services, some new development may require the extension of public service infrastructure, including roadways, water mains, and sewer lines, into areas that currently do not have these services.” The discussion goes on to explain implementation of the 2040 General Plan is focused in areas where new land uses are proposed or redevelopment and reinvestment could intensify the uses over what currently exists in some areas.

The 2040 General Plan includes policies to ensure that capacities and functionality of existing public utilities (e.g., water, wastewater and drainage facilities) can accommodate future growth that could occur with approval of the 2040 General Plan. The General Plan includes buildout assumptions that could result in growth induced directly and indirectly that could adversely affect the greater Sacramento area through an increase in vehicle miles traveled (VMT); air quality deterioration; increase in greenhouse gases; loss of habitat and wildlife on vacant or underutilized land associated with development; increase in the amount of impervious area and stormwater runoff; increase in demand for utilities and services, such as fire and police protection, water supply, recycled water, wastewater treatment, solid waste disposal, energy, and natural gas; and increased demand for housing. These growth inducing effects have been identified and a separate analysis specific to the Special Study Areas is not required.

The 2040 General Plan remains focused on promoting infill development and reuse of underutilized properties, as well as on intensifying development near transit and mixed-use activity centers, as stated on page 3-9 of the General Plan “[a]s a largely built out city, new growth in Sacramento will be accommodated primarily through infill development on vacant and underutilized properties.” Please see Response to Comment 10-20.

10-17 The comment asks why the City is including the Natomas Basin as a Special Study Area if there are no plans for annexation.

Special Study Areas are not a tool for pre-planning a request for annexation. The 2040 General Plan defines on page I-6 Special Study Areas as “unincorporated locations adjacent to city limits where careful coordination between the City and the County is required to plan for natural resource protection and the efficient delivery of services.” The City has an interest in transregional planning issues adjacent to the city limits such as housing supply, environmental conservation, transportation networks, social/emergency services, and economic development. Furthermore, the City has a responsibility to carry out the NBHCP. Therefore, the City has a vested interest in the future of the Natomas Basin as a whole and has designated it as a Special Study Area. Please also see Responses to Comments 10-12 and 10-13.

10-18 The comment requests the City remove the Natomas Basin as a Special Study Area and remove the growth inducement impact.

It is not clear from the comment what growth inducement impact the commentor is referencing. The Draft Master EIR notes on page 5-6 under Impacts of Induced Growth, the 2040 General Plan would also provide residential and employment opportunities for existing and future residents of the city. In addition, it would help to prevent suburban sprawl in “greenfield” areas outside the city by planning for and providing increased employment and housing opportunities within the Planning Area. As noted in Responses to Comments 10-7, 10-14 and 10-17, the City has an interest in transregional planning issues and areas adjacent to the city limits; therefore, the City will retain the designation of the Natomas Basin as a Special Study Area.

10-19 The comment states since there is no feasible mitigation to address cumulative impacts on biological resources a recommendation is provided to remove the Natomas Basin Special Study Area from the 2040 General Plan as feasible mitigation.

The inclusion of the Natomas Basin Special Study Area in the 2040 General Plan does not represent a change from baseline conditions. This area was included under a different name “Natomas Joint Vision Study Area” in the 2035 General Plan and was analyzed in the associated Master EIR. Designation of this Special Study Area does not commit the City to any action or decision. Instead, this designation ensures that the City continues to carefully coordinate with the County to protect natural resources and efficiently deliver services. The City has an interest in transregional planning issues adjacent to city limits such as housing supply, environmental conservation, transportation networks, provision utilities (i.e., water supply and wastewater treatment), and economic development. Furthermore, the City has a responsibility to carry out the NBHCP. Therefore, the City has a vested interest in the future of the Natomas Basin as a whole and designates it as a Special Study Area. The inclusion of the Natomas Basin Special Study Area does not contribute to cumulative impacts to biological resources, and its elimination from the 2040 General Plan would not constitute mitigation.

10-20 The comment suggests the City include policies to prohibit greenfield development, similar to policies included in the Sacramento County General Plan and the County’s Urban Services boundary.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. However, as explained in the Introduction chapter of the 2040 General Plan (see p. 1-10), the City undertook a comprehensive update of the general plan in 2009 (2030 General Plan) which included a focus on promoting infill development and reuse of underutilized properties, as well as on intensifying development near transit and mixed-use activity centers. A technical update to the General Plan was adopted in 2015 (the 2035 General Plan), which incorporated these same themes. The 2040 General Plan is the most current iteration of this comprehensive planning document and reiterates the same concept noting on page 3-9 “[a]s a largely built out city, new growth in Sacramento will be accommodated primarily through infill development on vacant and underutilized properties.” Additionally, the Draft Climate Action & Adaptation Plan includes Measure E-5 to “Support infill growth with the goal that 90% of new growth is in the established and center/corridor communities and 90% small-lot and attached homes by 2040, consistent with the regional Sustainable Communities Strategy.” There is very little land that would constitute a “greenfield” remaining within the city limits that has not already

been planned for development. The 2040 General Plan includes five Special Study Areas that generally include lands within the City’s Sphere of Influence (SOI). These Special Study Areas have been included since the 2030 General Plan and are locations adjacent to the city limits where careful coordination between the City and the County is required to plan for natural resource protection and the efficient delivery of services. The 2040 General Plan does not propose any changes to the existing land use designations or zoning within any of the Special Study Areas. If the City were to receive an application for development within any of these areas, it would be required to go through the Sacramento LAFCo review process to evaluate conversion of agricultural and open space and provision of services as well as the CEQA process to evaluate impacts. The commenter’s suggestion has been forwarded to the City’s long range planning team for their review and consideration.

10-21 The comment is requesting the City accelerate the implementation of studies to address the effects of heat islands.

The 2040 General Plan and Climate Action & Adaptation Plan (CAAP) includes policies, Implementing Actions and timelines designed to address site design and building materials that have an effect on heat islands, see below. It is not clear from the comment what implementation schedule the commentor is referencing. However, the City has developed a multi-pronged approach to address heat islands and extreme heat events through various policies and programs that would be implemented starting in 2024 to address heat effects associated with new development. The commenter’s request to accelerate implementation is noted and forwarded to the decision makers for their consideration.

- The 2040 General Plan includes policies ERC-8.1 through ERC-8.6 that address heat islands through building design and materials along with policies ERC-3.2, 3.3, 3.5, 3.6, 3.9, 3.10 and 3.11 (please see Chapter 3, Changes to the Draft Master EIR for some policy revisions) that address expanding the tree canopy and planting and maintaining the City’s urban forest.
- General Plan Implementing Action ERC-A-4: Heat Reduction in the Public Realm explores opportunities to promote heat mitigation strategies to reduce temperatures in the public realm using a variety of building design strategies. The timeframe to complete this action is 2024-2029. (Please see Chapter 3, Changes to the Draft Master EIR for revisions to this action.)
- General Plan Implementing Action ERC-A-7: Cooling Landscape Standards establishes the City shall prepare a Landscape Manual or landscape standards to help address urban heat island effects. The timeframe to complete this action is 2030 – 2035. (Please see Chapter 3, Changes to the Draft Master EIR for revisions to this action.)
- General Plan Implementing Action ERC-A-8: Heat Resilient Design Techniques includes updating the city’s design guidelines, standards and the municipal code to promote building materials and site design techniques to provide passive cooling. The timeframe to complete this action is 2036 – 2040. (Please see Chapter 3, Changes to the Draft Master EIR for revisions to this action.)
- CAAP measure CS-1 which sets forth a goal of increasing the City’s tree canopy cover to 25% by 2030 and 35% by 2045. The current tree canopy covers 19% of land in the city (CAAP p. 123). The CAAP also lists numerous implementing actions to achieve these goals and policies.

10-22 The comment notes some of the effects of heat islands and extreme heat. Please see Response to Comment 10-21 above.

10-23 The comment requests that the impacts of urban heat islands be quantified by neighborhood as well as the health impacts on both housed and unhoused residents before the end of 2024.

Assembly Bill 296 (Chapter 667, Statutes of 2012) requires that CalEPA develop an Urban Heat Island Index (UHII) to quantify the extent and severity of an urban heat island for individual cities for the purpose of mapping where and how intensely heat attributed to heat islands are present at a local scale. In 2015, CalEPA released maps that show the scientifically assigned UHII scores based on atmospheric modeling for each census tract in and around most urban areas throughout the state, including Sacramento. Small urban areas may have average daily summer temperature increases up to 5°F while larger cities may have increases up to 9°F. Areas with greater temperature differentials over longer periods as compared to surrounding non-urban areas receive a higher Index score, demonstrating where the heat islands occur. Some areas have significantly higher temperatures, but these areas don't necessarily have the most intense urban heat islands. That is because in comparison to more rural areas, upwind of the urban area are also quite hot, so the differential between rural and urban may not be large.

Notably, the UHII does not measure the temperatures of an area, but rather it measures the average temperature difference between rural and urban in a specific area due to the urban heat island. The city has a UHII score in the range of 20 to 45 degree-hours per day (Celsius scale), with the highest UHII score located in East Sacramento. This is equivalent to an average temperature difference between rural and urban in that area of approximately 1.5 to 4.1°F.

There is no analytical tool presently available to quantify impacts due to urban heat islands nor adopted numeric thresholds to identify any potential impact. According to the EPA, trees help reduce urban heat island effects by shading building and ground surfaces, deflecting radiation from the sun, and releasing moisture into the atmosphere, which results in cooling through evapotranspiration.

As discussed in Section 4.3, Air Quality, the 2040 General Plan includes several policies aimed at reducing heat island affects. Policy ERC-8.1, Cooling Design Techniques, requires the City to promote the use of tree canopies, cool pavements, landscaping, building materials, and site design techniques that provide passive cooling and reduce energy demand. In particular, the City shall promote the use of voluntary measures identified in the California Green Building Code to minimize heat island effects, including hardscape and roof materials with beneficial solar reflectance and thermal emittance values and measures for exterior wall shading. Policy ERC-8.2 requires the City to work with property owners and businesses identified in urban heat island hot spots to reduce ambient temperatures in surrounding residential areas. Finally, Policy ERC-8.3, requires the City pursue pilot projects to test the use of new materials (e.g., landscaping, building materials, and site design techniques) in city infrastructure projects to reduce urban heat.

The 2040 General Plan also includes Implementing Actions that address urban heat. Policy ERC-A-4 calls for the City to explore opportunities to amend development standards and guidelines to promote the use of heat mitigation strategies to reduce temperatures in the public realm, particularly near light rail transit stations and along transit corridors. Implementing Action ERC-A-

7 requires the City to prepare landscape standards to mitigate urban heat islands; ERC-A-10 and ERC-A-11 require the City to update the Parking Lot Shade Ordinance and street standards for tree canopy. The general plan policies and Implementing Actions are designed to increase and protect trees and landscaping to help offset some of the highly-localized surface temperature warming effects from buildout of the proposed 2040 General Plan.

- 10-24** The comment refers to projects outside of the Planning Area that would contribute to criteria air pollutants and toxic air pollutants, specifically diesel particulate matter and suggests the Draft Master EIR discuss ways the City could influence proposed development to reduce emissions.

The projects noted in the comment, Grand Park and Upper Westside are two projects under the land use jurisdiction of Sacramento County. The County has indicated it will comply with the California Environmental Quality Act (CEQA) and the City will have an opportunity to comment on the projects. The City does not have permitting authority over the projects, however, and is not a Responsible Agency. The Draft Master EIR considered the effects of these projects as appropriate under cumulative impacts analyses in the various technical sections, but does not have authority to approve, disapprove, or condition the two projects. Regarding the Airport South Industrial project, the City received an application for the annexation and development of this project and is currently going through a separate CEQA process. The City’s decision makers will review the project sometime in 2024.

- 10-25** The comment suggests the Draft Master EIR include a discussion if federal air quality standards are not met, such as a reduction in federal money to support transportation projects.

Information regarding federal and state air quality regulations is included under Section 6.6, Air Quality of the Technical Background Report. The federal Clean Air Act requires the EPA to reassess the National Ambient Air Quality Standards (NAAQS) at least every 5 years to determine whether adopted standards are adequate to protect public health based on current scientific evidence. States with areas that exceed the NAAQS must prepare a State Implementation Plan (SIP) that demonstrates how those areas will attain the NAAQS within mandated time frames. Areas of the state that do not currently meet the NAAQS must develop a SIP to provide a roadmap outlining how the standards will be attained. Projects are required to demonstrate conformity with the approved SIP to receive financial assistance, license or permit, or approve any action. If a project significantly exceeds the thresholds set in the SIP, a separate report on the general conformity analysis and determination would be prepared in connection with the environmental review process.

- 10-26** The comment asks that the Draft Master EIR alternatives analysis include an alternative that excludes the Natomas Basin Special Study Area to reduce impacts to agricultural and biological resources.

The 2040 General Plan Land Use Diagram, provided as Map LUP-5 on page 3-19 of the 2040 General Plan does not propose any new land use designations or changes to the Natomas Basin Special Study Area, and the requested alternative would have no effect on the impact analysis.

The Draft Master EIR did not identify any impacts due to loss of agricultural or biological resources within the Natomas Basin Special Study Area associated with buildout of the 2040 General Plan.

However, under cumulative conditions there is development proposed within the County in the Natomas Basin and one project under consideration in the City (currently undergoing a separate CEQA review process) which is requesting annexation. Buildout of the 2040 General Plan would contribute to the cumulative loss of biological resources, albeit a small amount and not within the Natomas Basin, through the incremental conversion of habitat for special-status species to urban uses. The incremental contribution to the loss of habitat attributed to the 2040 General Plan is considered a significant and unavoidable impact.

As explained in Response to Comment 10-27, the CEQA Guidelines requires EIRs to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives” (14 CCR 15126.6(a)). An EIR must evaluate “only those alternatives necessary to permit a reasoned choice” (14 CCR 15126.6(f)) and does not need to consider “every conceivable alternative” to a project (14 CCR 15126.6(a)). The alternatives evaluated constitute a reasonable range and because no land uses are proposed in the Natomas Basin Special Study Area as part of the 2040 General Plan removing this area would not make any meaningful change to the impacts identified if it were to be considered as an alternative. See also Responses to Comments 10-7, 10-14, 10-17 and 10-18.

10-27 The comment requests that the Draft Master EIR include a “real” no project alternative because state planning law requires general plans be updated.

California Government Code section 65300 requires each city and county to adopt a General Plan “for the physical development of the county or city, and any land outside its boundaries which... bears relation to its planning.” By statute, the general plan is required to be updated “periodically.” According to the Governor’s Office of Planning and Research, there is no requirement for how often to update a general plan, the planning period has traditionally been 15-20 years. The housing element is the only portion of the general plan that is on a mandated update schedule, as defined by the state Housing and Community Development agency. The City’s current 2035 General Plan covers a 20-year planning horizon so although not required, the City has opted to regularly update its general plan to reflect changes in planning law, existing conditions, and vision for future growth.

The CEQA Guidelines require EIRs to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives” (14 CCR 15126.6(a)). An EIR must evaluate “only those alternatives necessary to permit a reasoned choice” (14 CCR 15126.6(f)) and does not need to consider “every conceivable alternative” to a project (14 CCR 15126.6(a)). CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “No Project Alternative,” which is intended to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. As explained on page 6-5 in Chapter 6 of the Draft Master EIR, a No Project/2035 General Plan alternative is included that assumes development would occur consistent with the existing land use designations under the adopted 2035 General Plan, on the basis that the City is required by state law to have a general plan in effect. The No Project/2035 General Plan complies with the approach for evaluating a “no project alternative” set forth in the CEQA Guidelines.

4.3 Response to Individual Comments

Comment Letter 11

10/6/23, 11:43 AM

FW: 2040 GP DEIR comments - Tom Buford - Outlook

FW: 2040 GP DEIR comments

Sac 2040 Gpu <sac2040gpu@cityofsacramento.org>

Fri 10/6/2023 9:57 AM

To: Sacramento 2040 MEIR <meir@cityofsacramento.org>

Cc: Remi Mendoza <RMendoza@cityofsacramento.org>

 1 attachments (25 MB)

2040 General Plan Comments .pdf;

Please also include as a MEIR comment letter. Remi will follow up with Scott.

-----Original Message-----

From: Howard Levine <swlevine@nccn.net>

Sent: Wednesday, October 4, 2023 1:17 PM

To: Sac 2040 Gpu <sac2040gpu@cityofsacramento.org>

Subject: 2040 GP DEIR comments

above are my comments concerning the 2040 Sacramento General Plan update.

Thank you

Howard Levien

about:blank

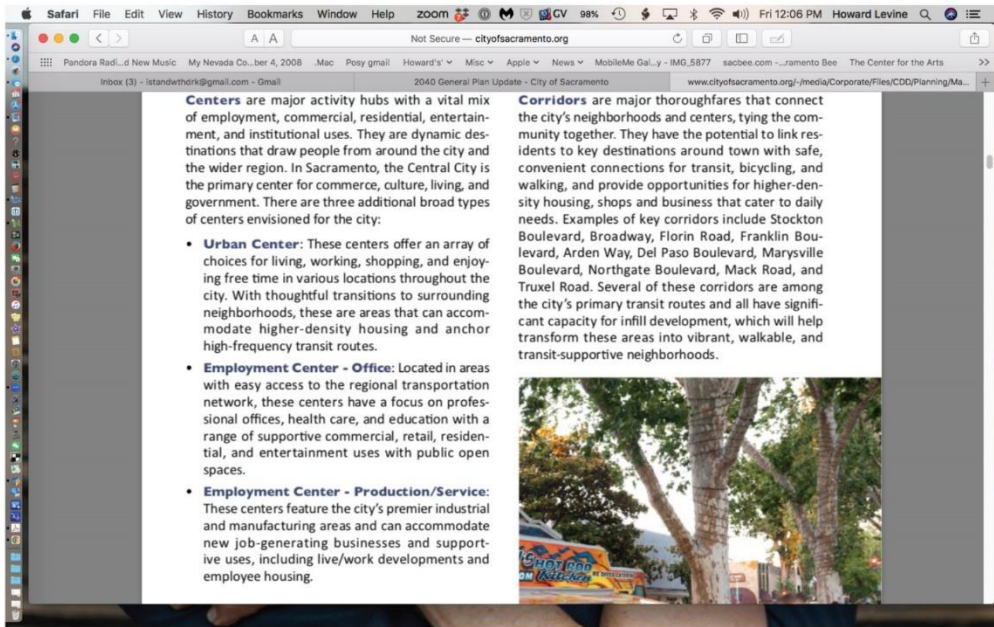
1/1

October 2, 2023

Matt Hertel , Senior Planner
Remi Mendoza
Sacramento Community Development Department
City of Sacramento

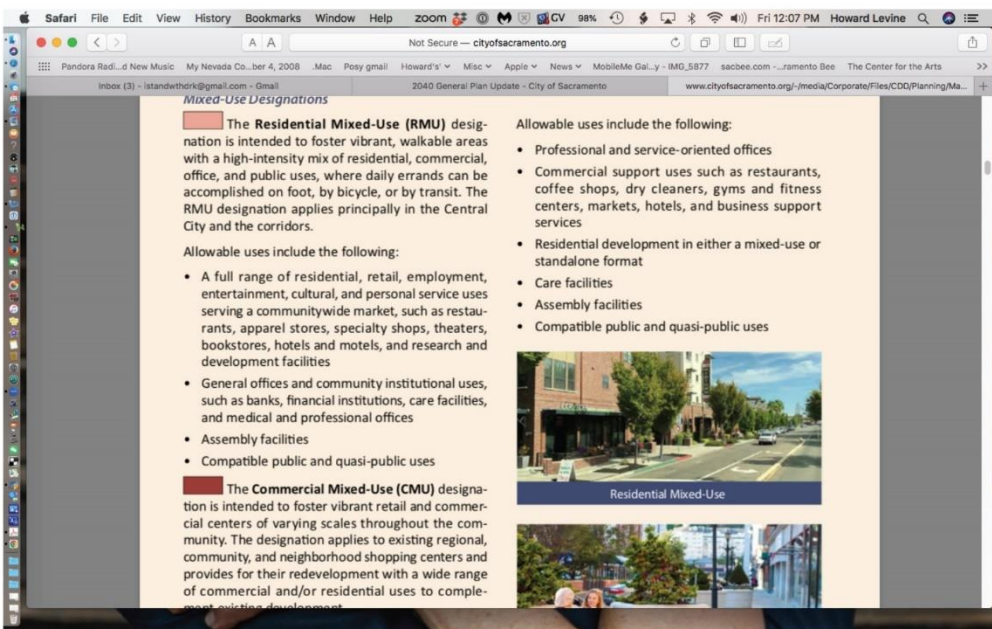
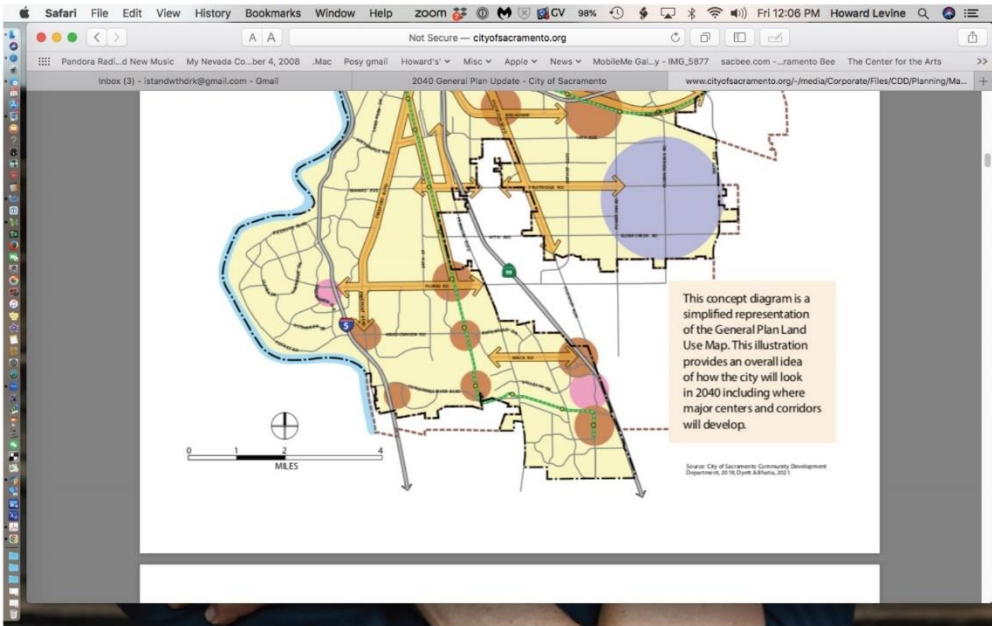
Comments on the 2040 Sacramento General Plan Draft

These responses are based on the current General Plan and the proposed 2040 General Plan may be interpreted. These comments demand review of the General Plan and its fundamental dismissal of its approval process and requirements under the Master Plan and design for the future of the area as approved by Use Permit and annexation. This area is geographically and area north and east of the American River including area to Fair Oaks Blvd and within an area around Howe Ave.



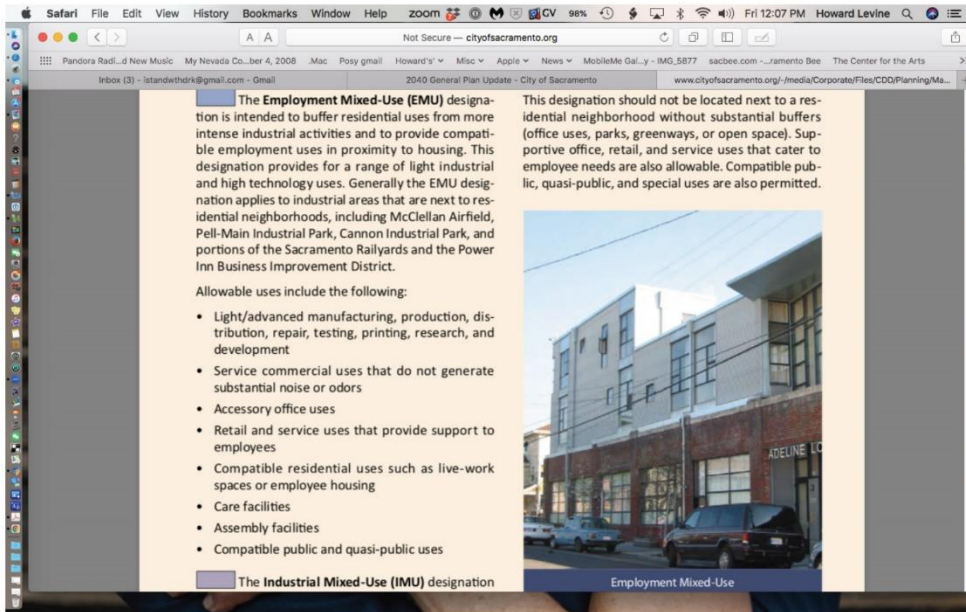
11-1

This page defines Employment Center – Office as depicted on the following map. Employment Center does not include residential.

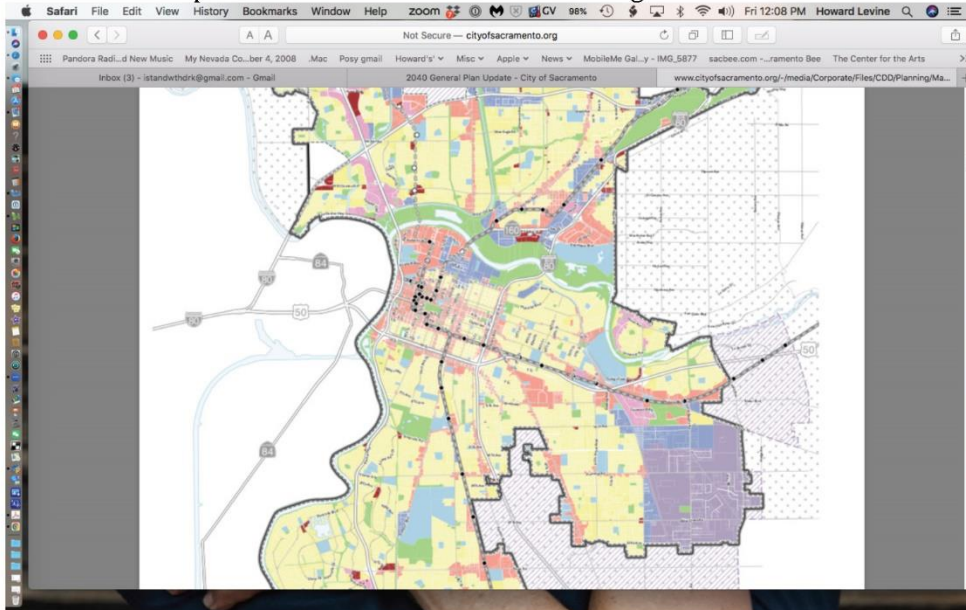


Residential mixed use is a more appropriate zoning for the Campus Commons Master Planned are as prescribed in the Use Permits applicable to this area.

11-1
Cont.

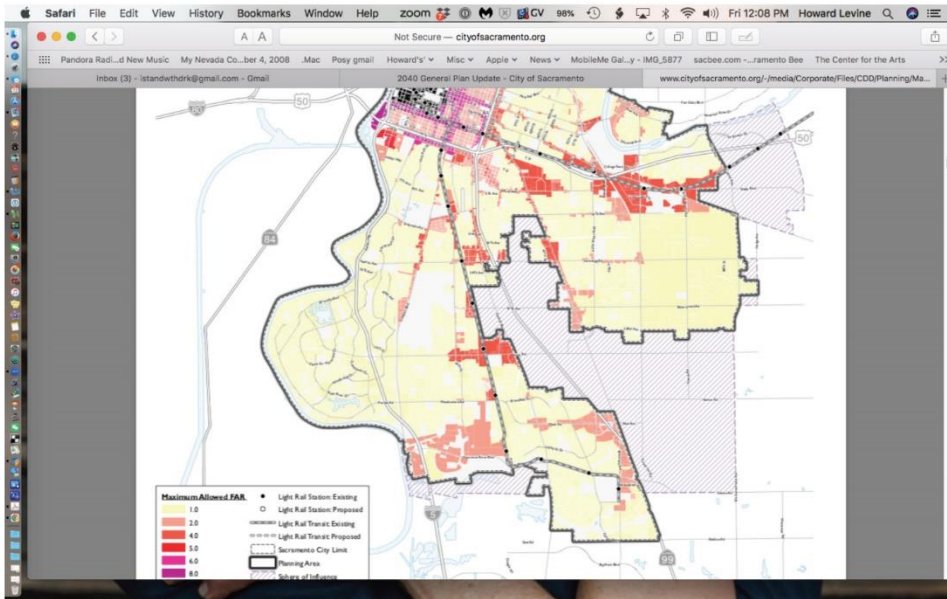


This EMU zoning is destructive to the Campus Commons Master Planned community and should be replaced as Residential Mixed Use zoning



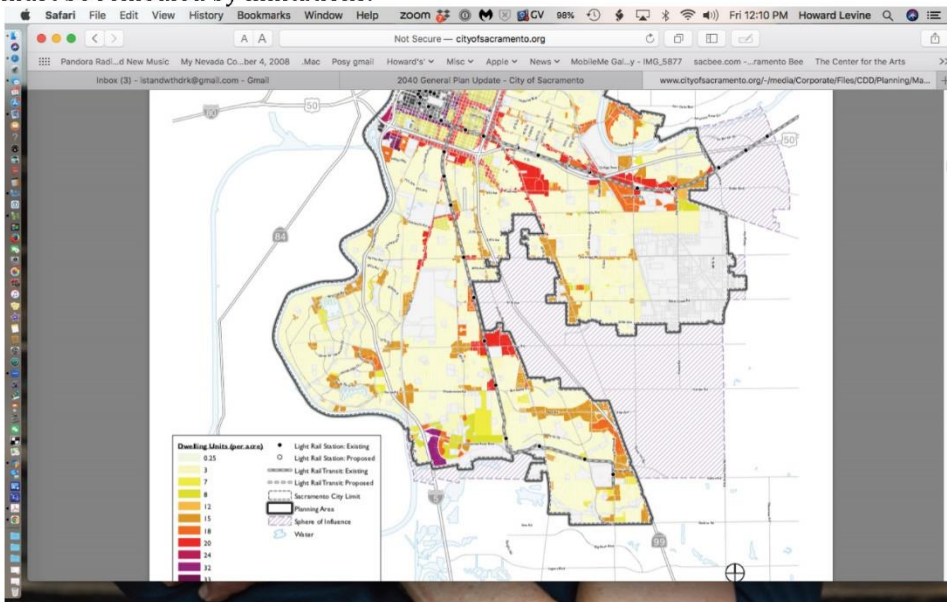
This map designates Campus Commons as Employment Center and residential. Employment Center is not mixed use. This is to say there is not a difference between this plan does not change the 2035 plan, however, the 2035 plan is interpreting this Employment Center as mixed use.

11-1
Cont.

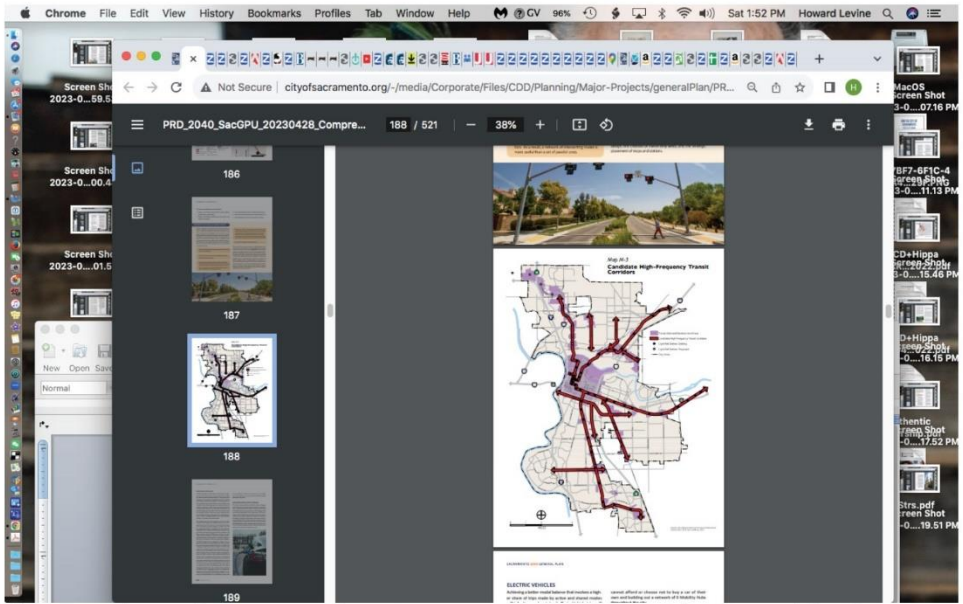


This map allows the Campus Commons Master Plan area as an unfettered 2.0 FAR. On University this could allow as much as a four-story complex that is not compatible with the adjacent with the Campus Commons height and density and must be remedied by limitations.

11-1
Cont.

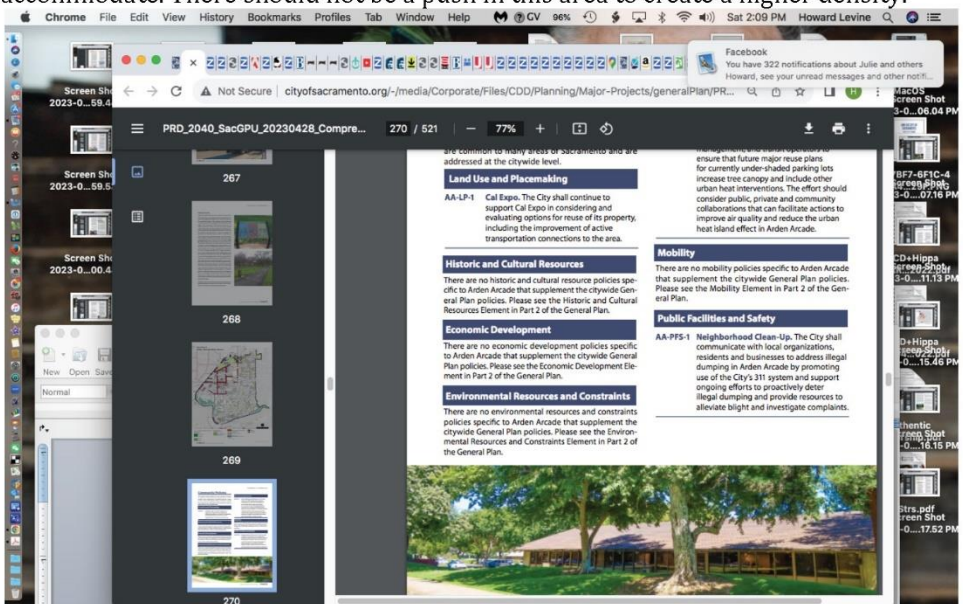


This map exceeds dwelling units in the Campus Commons at minimum 18 units per acre. This density in not compatible with the PUD and the area needs to be reassigned as a Special Study Area.



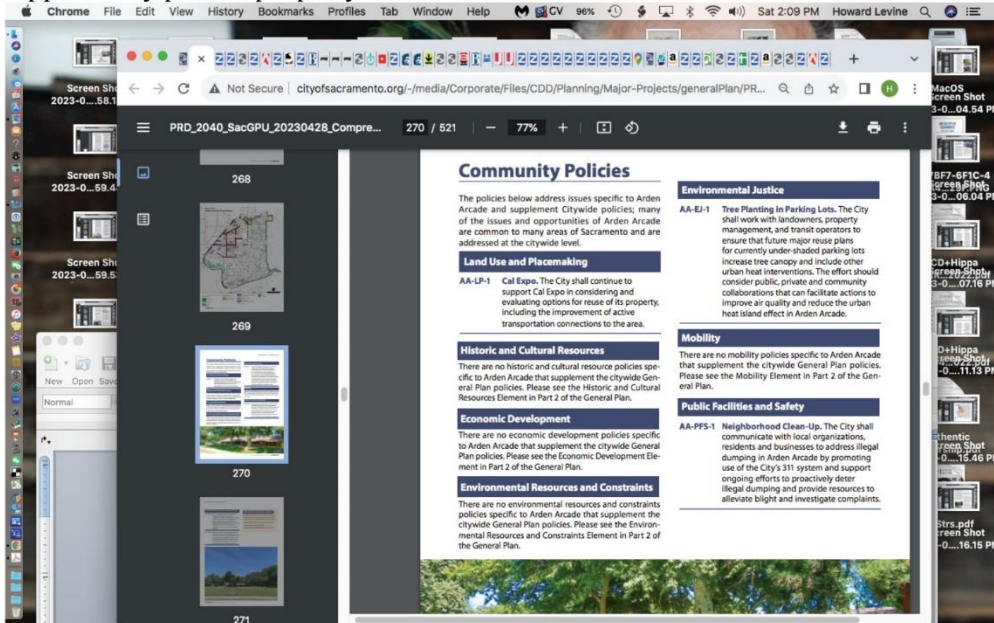
This map shows there is no adequate transportation currently planned for the near future in the Howe-Fair Oaks area near the Campus Commons PUD. Without transportation the ability to transition to higher density is impossible to accommodate. There should not be a push in this area to create a higher density.

11-1
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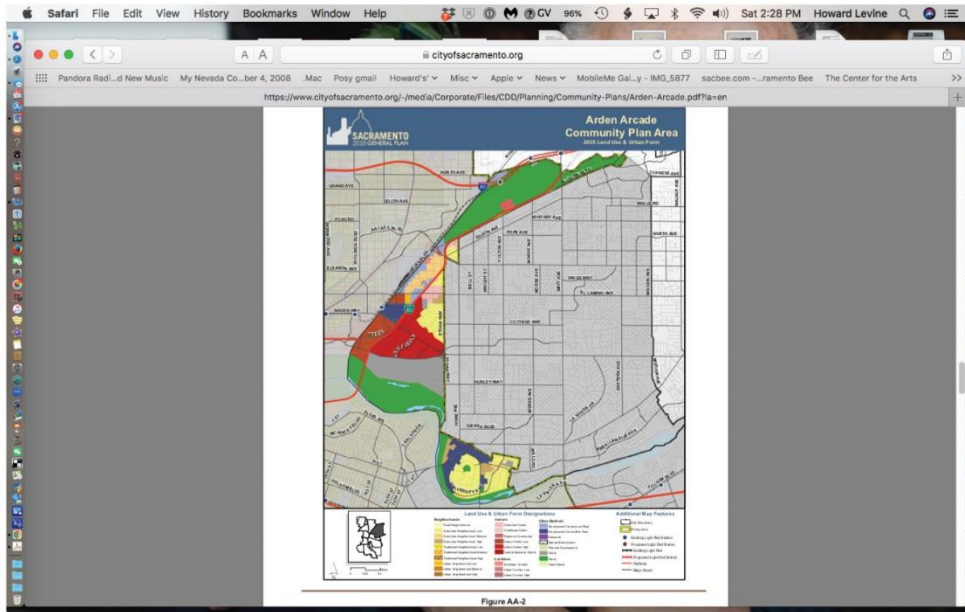


This page of the DIER 2040 Sacramento GP illustrates by photo the unique character of the Campus Common PUD development style. It is an area that had specific concepts regarding cluster housing and open space that is a cultural resource. It has

been recommended by two studies for further review. The Historical and Cultural Resources paragraph dismisses that opportunity. That is an error an should be corrected. It is also an environmental asset. Campus Commons has a well maintained urban forest, with hundreds of significant trees, which is uniquely supported by private property owners.

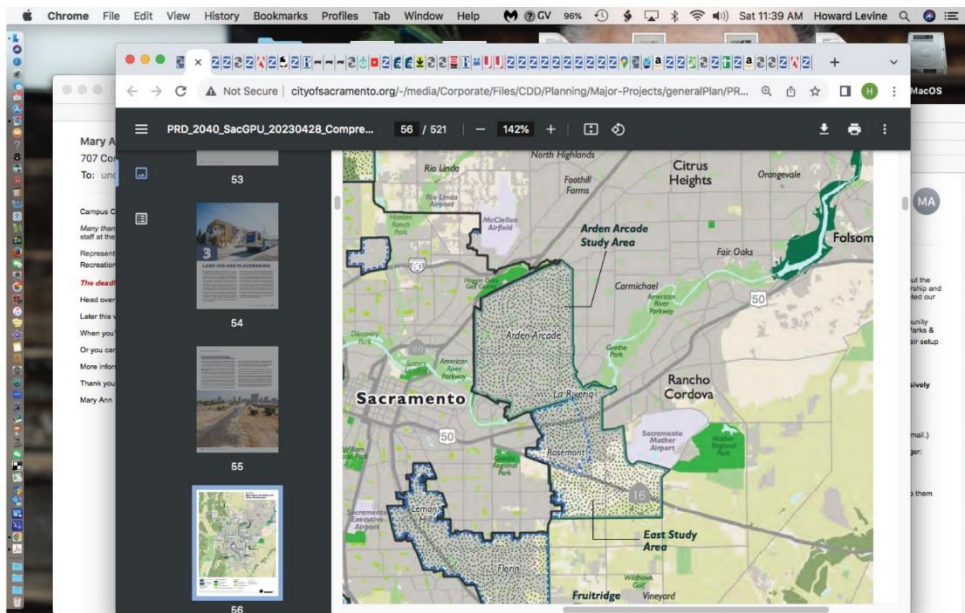


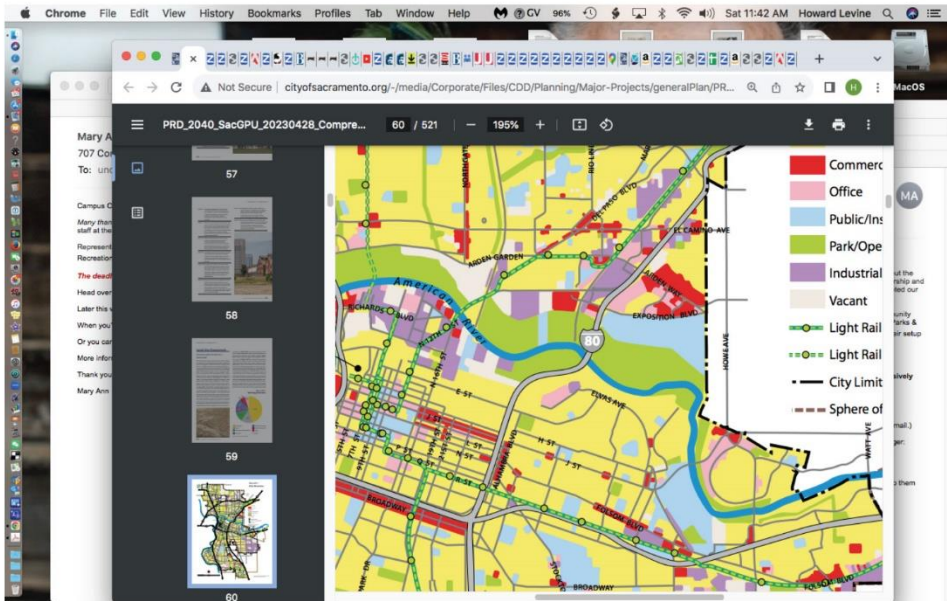
This page is from the Arden Arcade area plan. Referring to Historic and Cultural Resources the document dismisses the fact that there are no resources. In truth, there are City studies that recommend that Campus Commons Master Plan area be studied by the City and possible include it as a possible historical or specific area to retain in its current form. There is also a building recently nominated by Preservation Sacramento to be included in the historical register.



This map differs from the LU-1 as it designates the Campus Commons area as N and Employment Center without OMU. The designation OMU allows higher density dwelling units which can over dominate the Campus Commons Master Plan and current neighborhood strengths. The area, again, should be a land use designation of RMU.

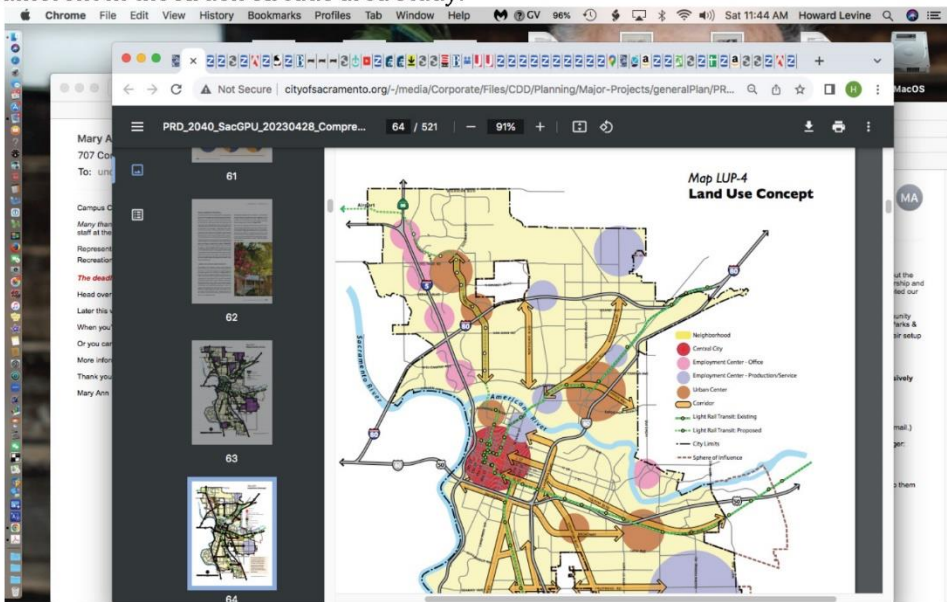
11-1
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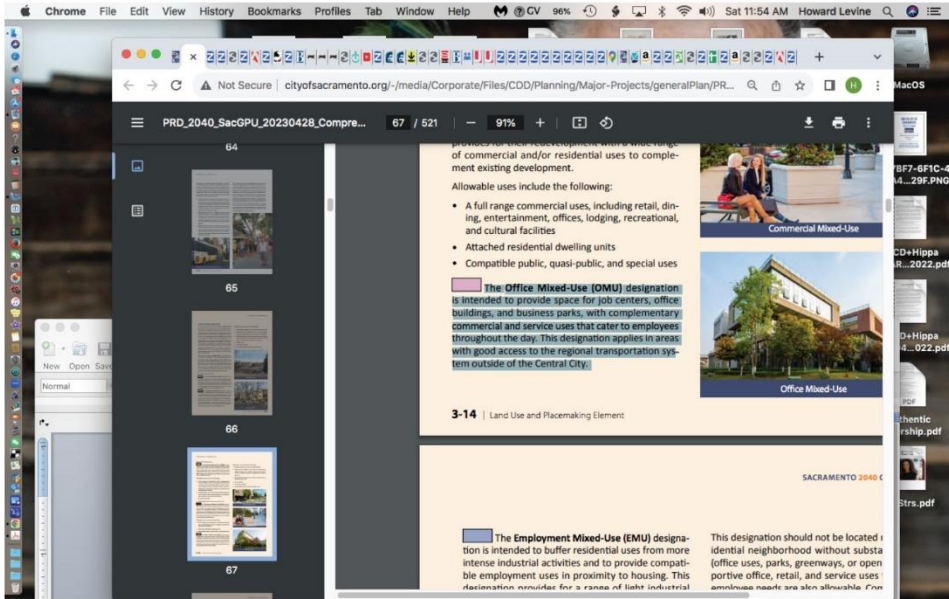


This map show the Campus Commons area with Employment and Residential. Employment does not include residential in its land use . Part of this area of the Employment is being represented as Mixed Use which is a different zoning and its is different in the Arden-Arcade area study.

11-1
Cont.

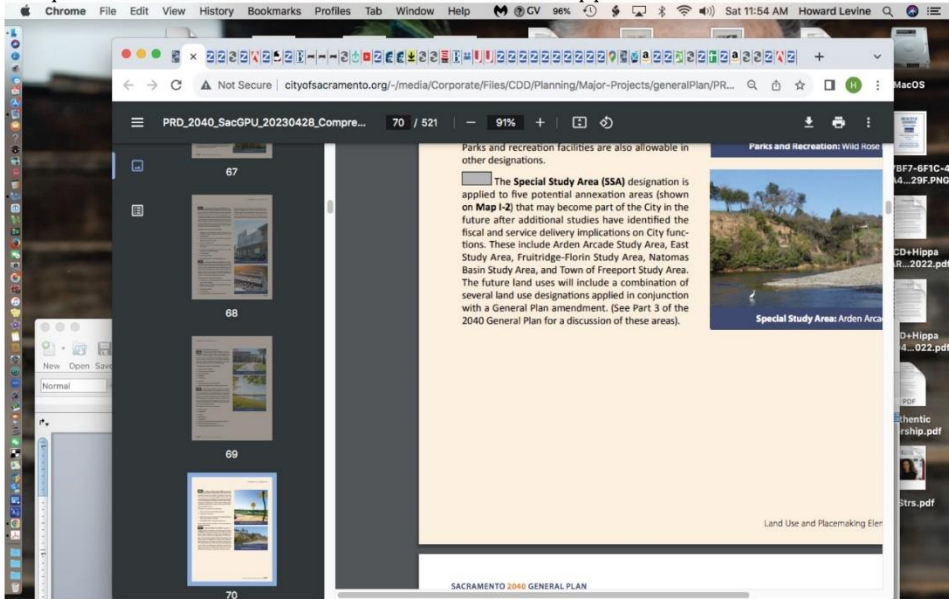


This Map shows Campus Commons as Employment – Production area which is not what it is a not consistent with other maps

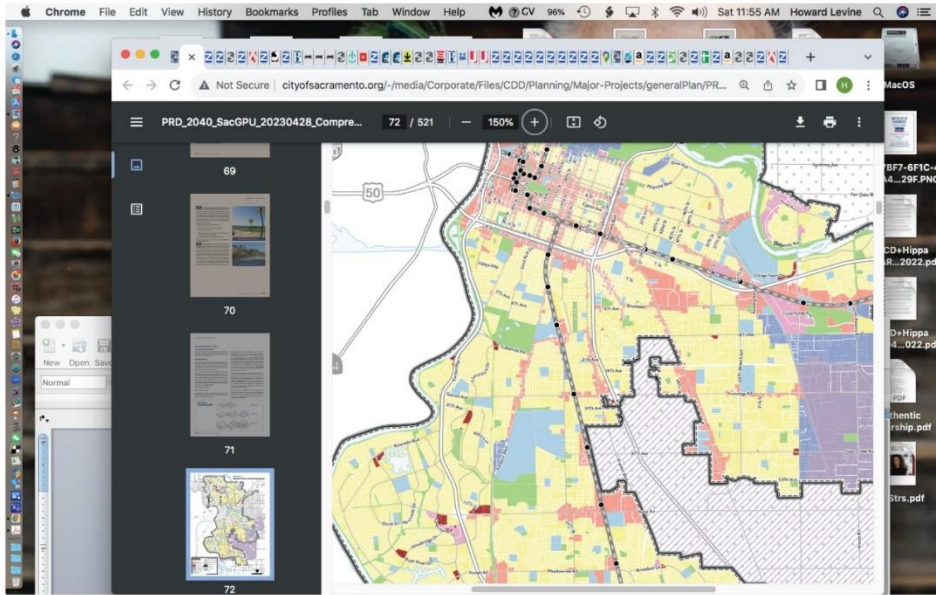


Office Mixed Use is defined with good transportation options which are not identified in this current plan. This zoning does not reflect the realities in the Campus Commons Master Plan and should not be applied in this area.

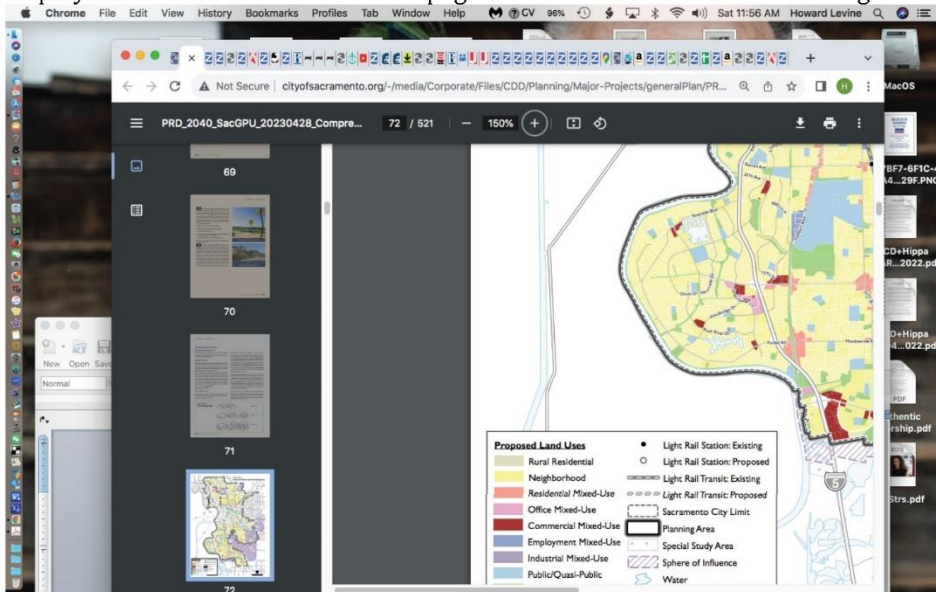
11-1
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This pages with Special Study Areas. This is the designation that should be applied to the Campus Commons Master Plan Area. Suggestion to change the land use to RMU and SSA overlay.

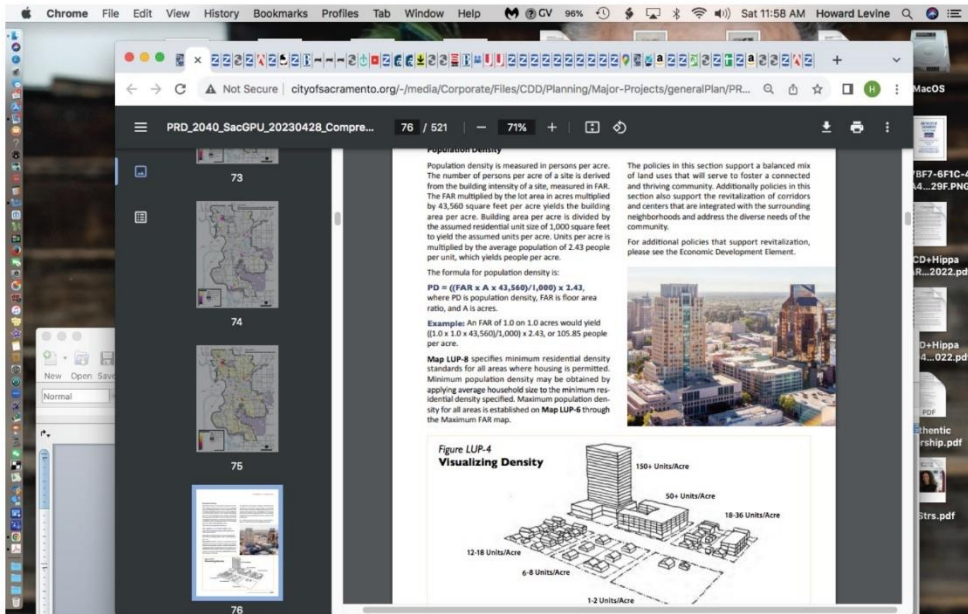


This map shows zoning map at the Campus Commons Master Plan area as Employment Mixed Use as defined on page 3-14 and does not include housing.



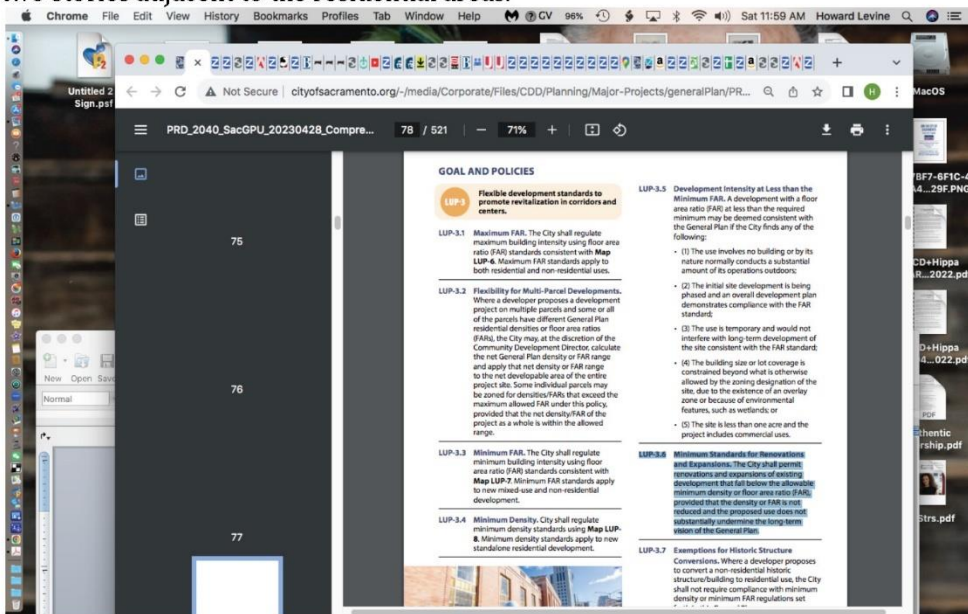
This is part of the Land Use map that shows the designation. This Campus Commons Master Plan area should be a Special Study Area.

11-1
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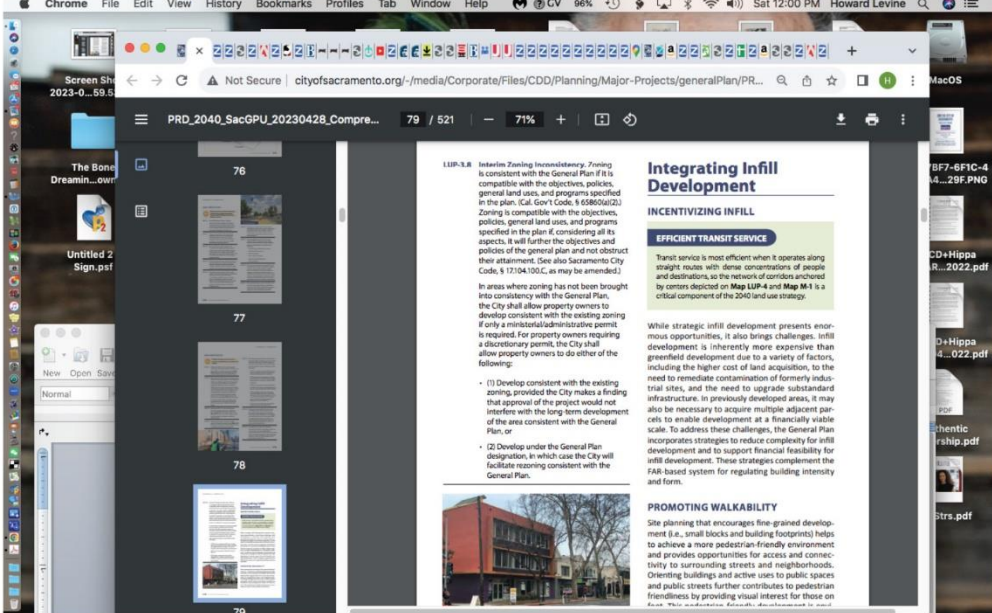
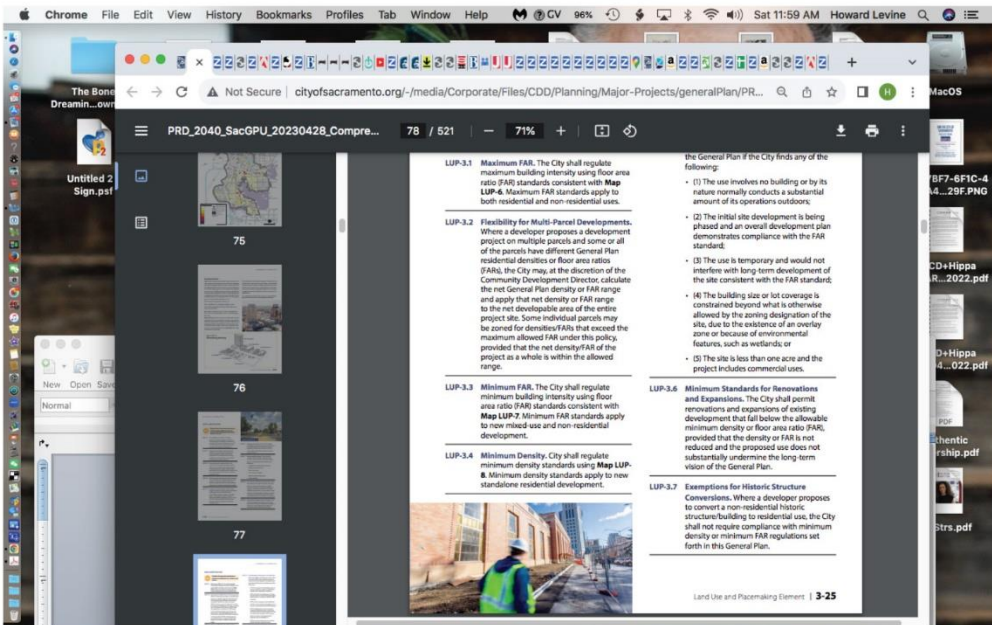


The Floor Area Ratio in the Campus Commons Master Plan Area can overwhelm some of the areas and needs to be either reduced or shown as low rise no more that two stories adjacent to the residential areas.

11-1
Cont.

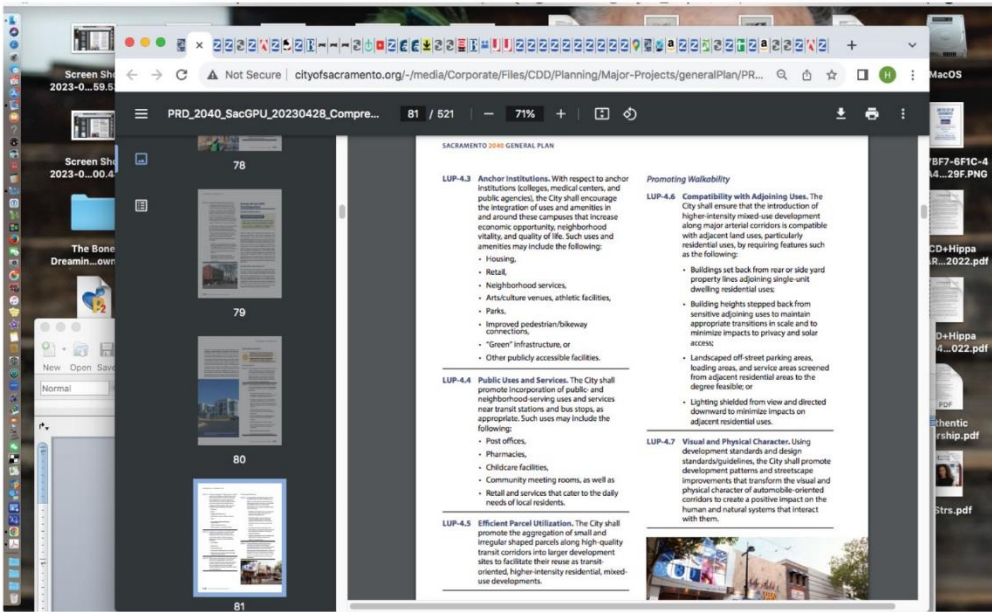


LUP 3.4 this policy is not consistent with the land use realities in the Campus Commons Master Plan Area. It creates the possibility of overwhelming the Campus Commons are by not having a compatible height limit.



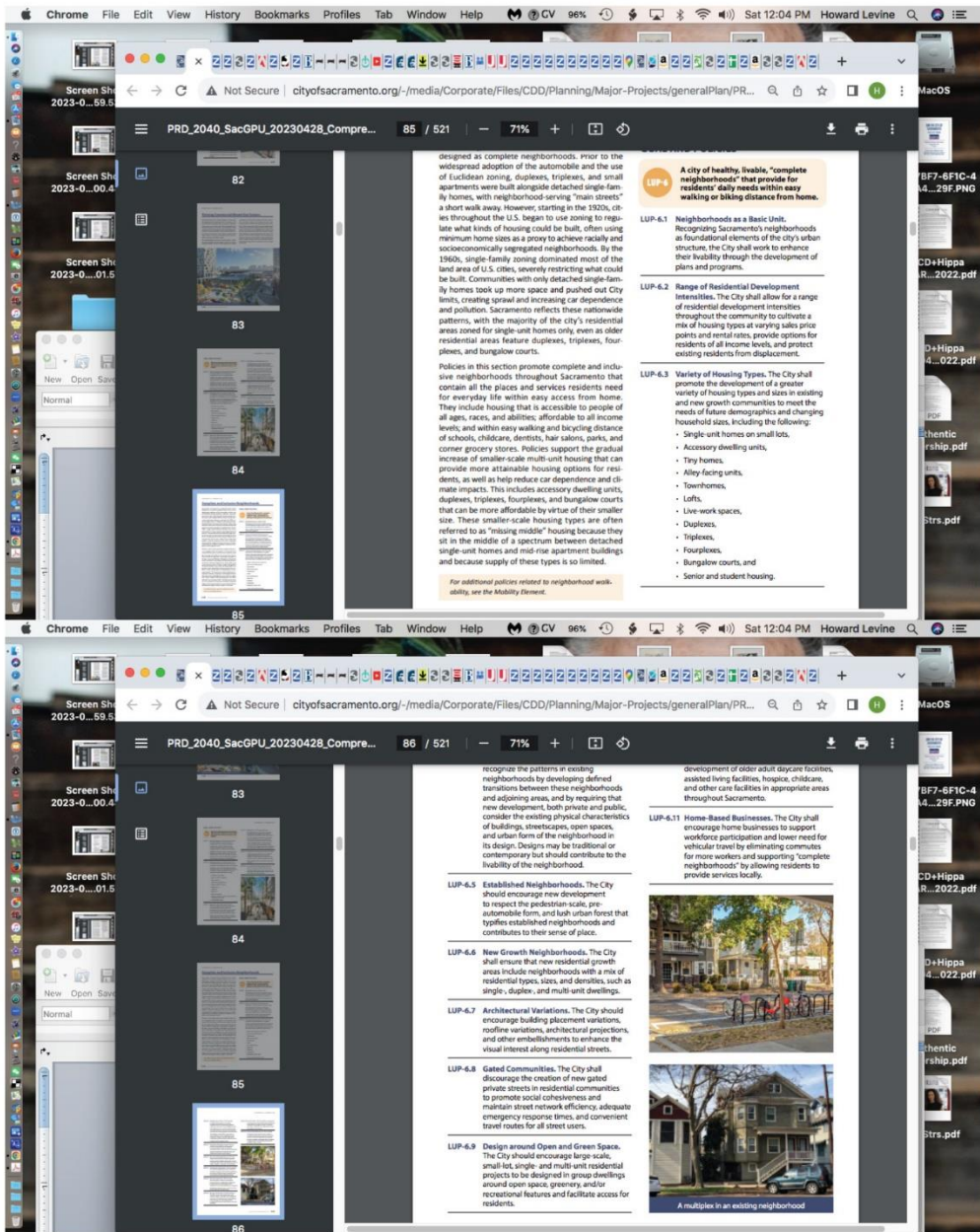
LUP 3.8 arguably changes the intent of the GP and may be interpreted as opening development opportunities on parcels that should not be redeveloped. It may destroy the neighborhood character. Other concepts on this page may give “carte blanche” to developers as well and not allow neighborhoods to have an opportunity to challenge a development.

11-1
Cont.

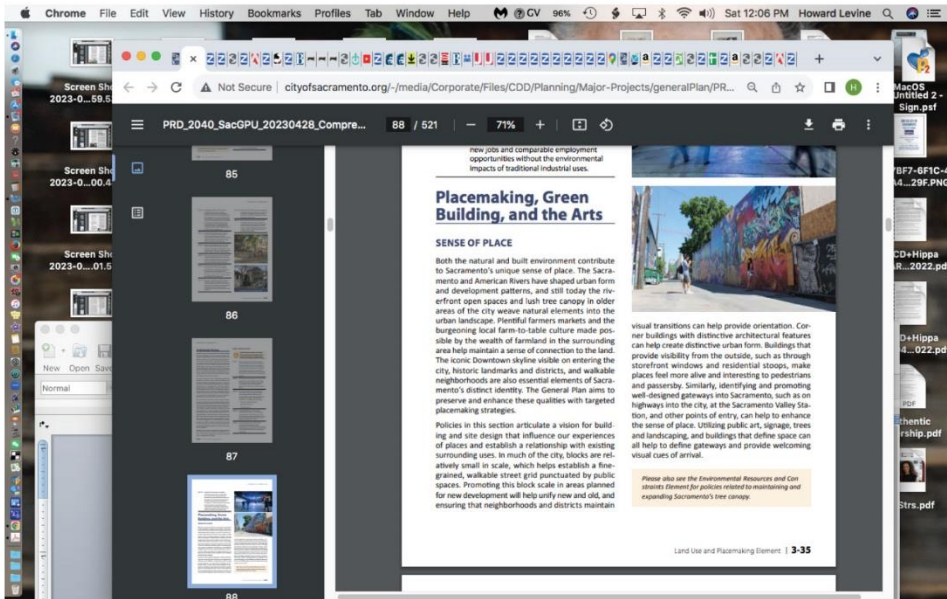


11-1
Cont.

LUP4.6 does not assure compatibility within a neighborhood. An existing community such as Campus Commons has a Master Plan that addresses the issues such as set-backs, urban forests, berms, walkability; however, it comes into conflict with minimum set back requirements, grading, planting. The GP is non-specific and inconsistent in discretionary direction.

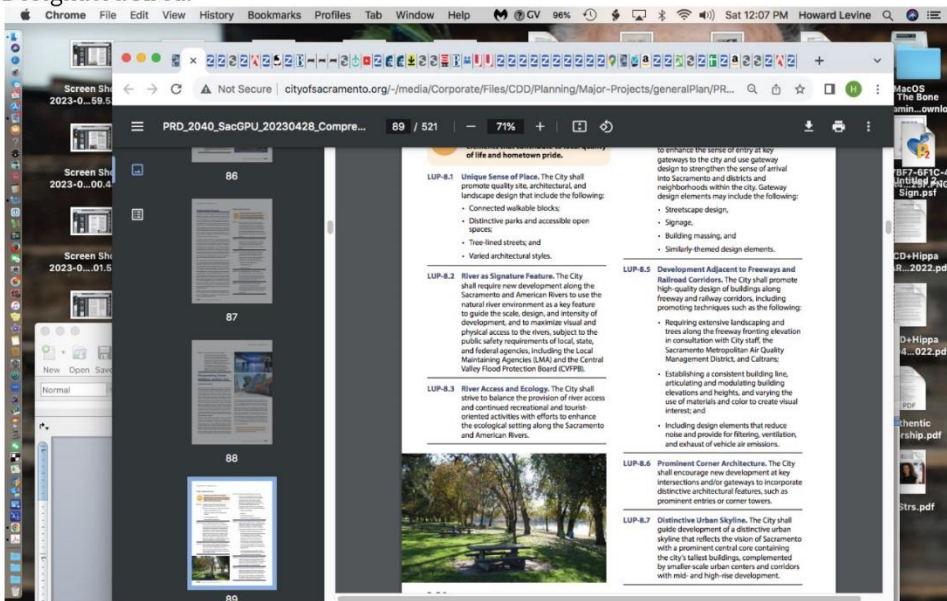


LUP6.1 does not give protection to established neighborhoods. Given that the world is filled with NIMBY's it is important to establish immediately that the building being removed are not a necessary part of the neighborhood and what is to replace it is specific and designed to conform including historic heritage trees, grading, density and style.

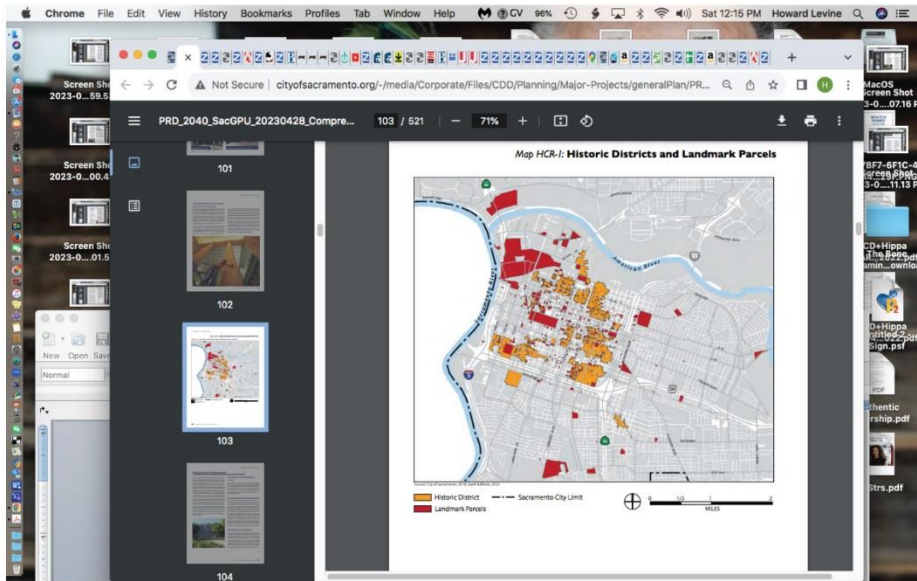


The Campus Commons Master Plan community is a specific and distinct place. The way the GP is identify sense of place this should qualify the area as a Special Designated Area.

11-1
Cont.

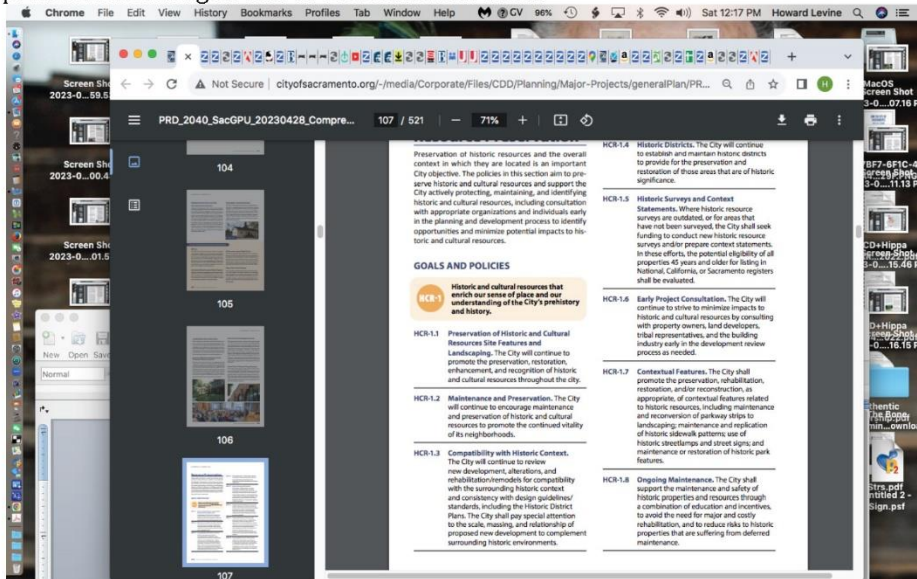


LUP8.7 is another indication of the need for the Special Study Area. The Campus Commons Master Plan Area is unique, clustered, a great deal of green space and urban forest, walkable and is mid-height. It is integrated with employment immediately adjacent and should add to carbon neutral development of the future.

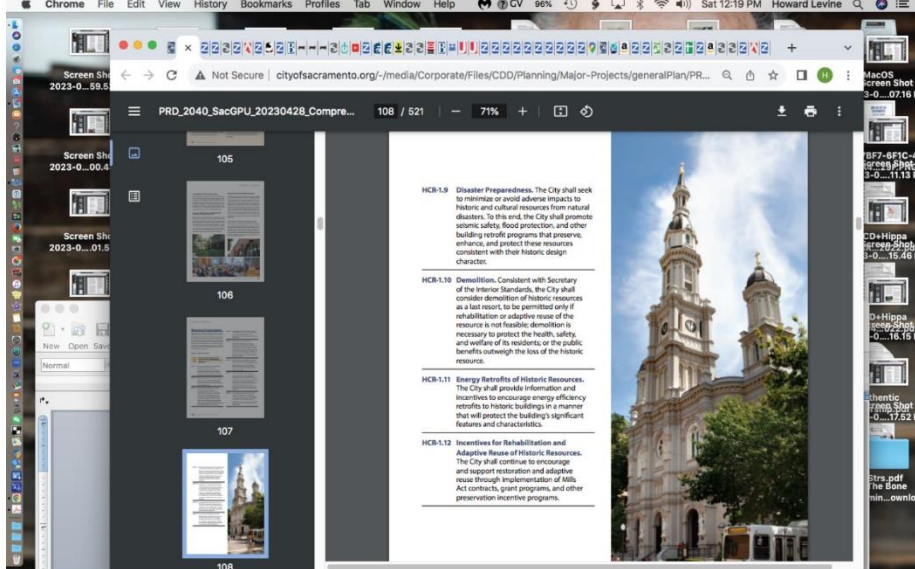


The GP historical map is myopic. It addresses what is Gold Rush, Locomotive history; as this map shows city centric oriented. Ideas and planned areas of the 1960s, and 70's should be considered. The City has not demonstrated a desire to be proactive in saving its out-of-core historical areas.

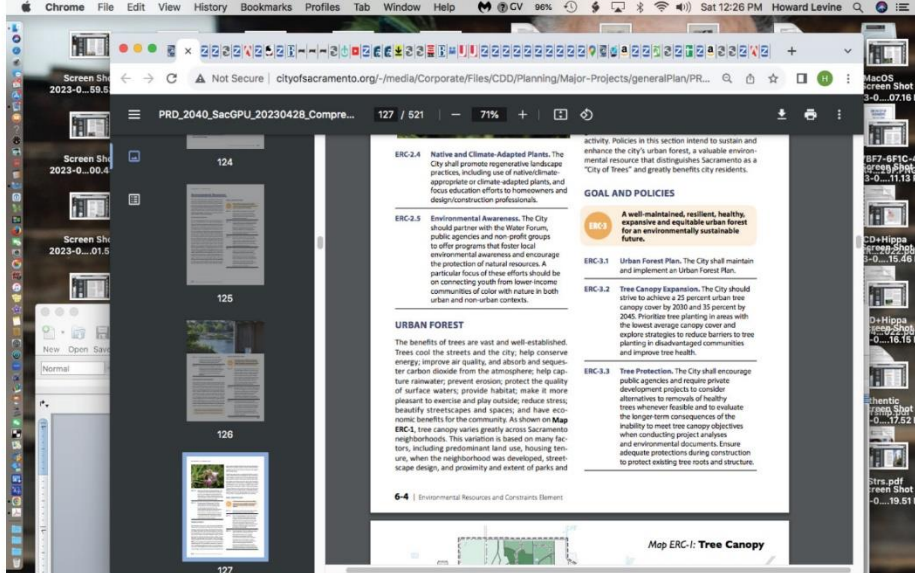
11-1
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HCR 1.3 has not been truly executed. When developments were proposed in the Campus Commons Master Plan area as should have been the case.

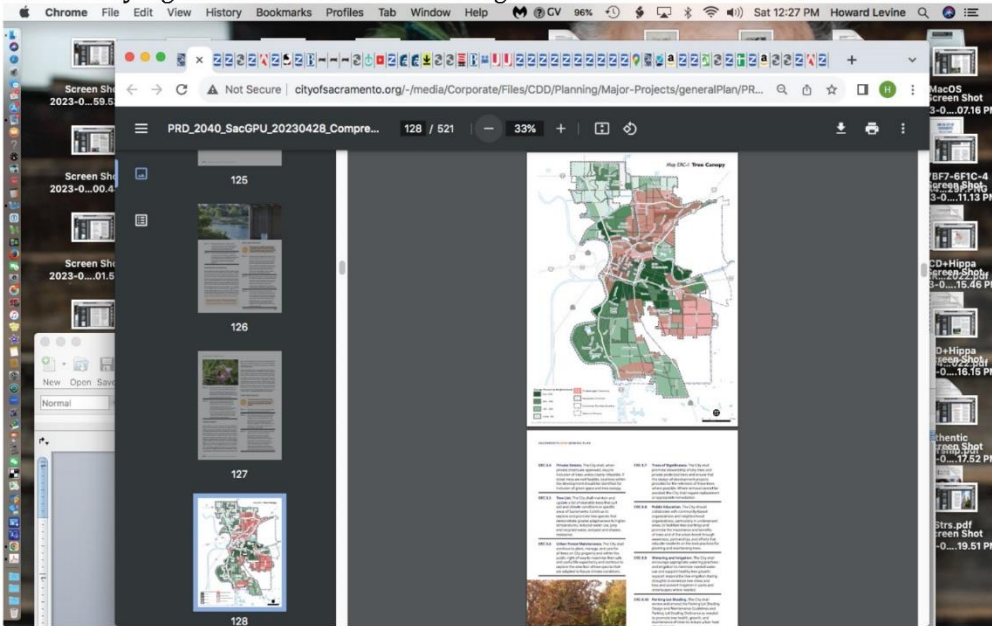


HCR1.11 should also require an imbedded-energy audit before demolition and not re-use. Every build through its assorted materials has an energy coefficient that can be measured. Removal adds to the energy investment. This should be considered before a new energy-imbedded building replaces it.



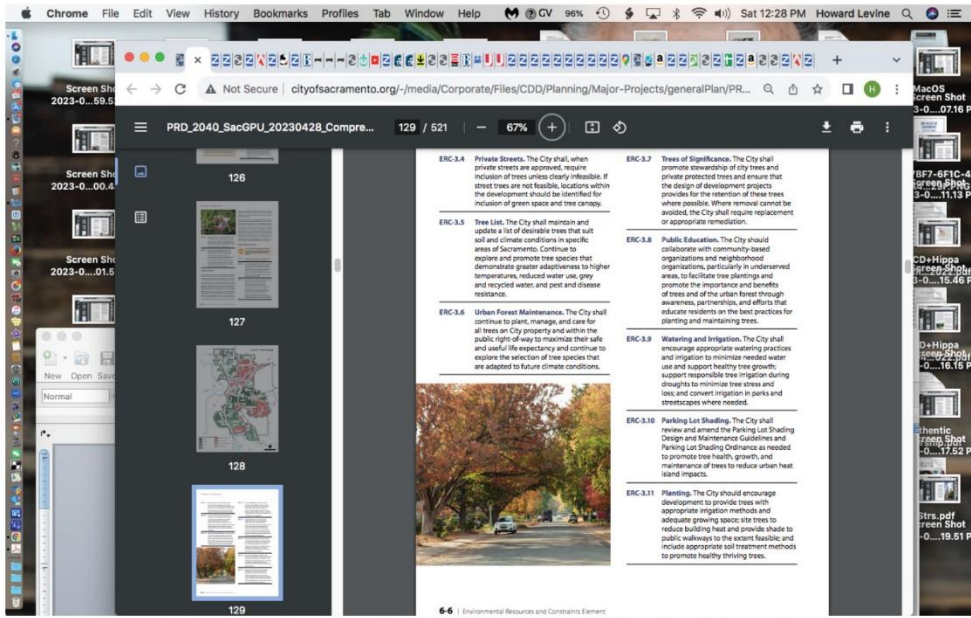
11-1
Cont.

The Urban Forest language does not have any meaningful language to preserve the urban forest. The forest management is in conflict with the city ordinance which is confusing and allow an interpretation that development can not be stopped as long as mitigation is paid. The mitigation does not maintain significant trees. The significant tree loss changes neighborhoods, is adverse to climate policy and in a biologic disaster. In ERC 3.3 the word “encourage” is a **disgrace** and have specific limits on tree removal (arborist determination the tree is dying or unhealthy and/or it is destroying the foundation of a building).



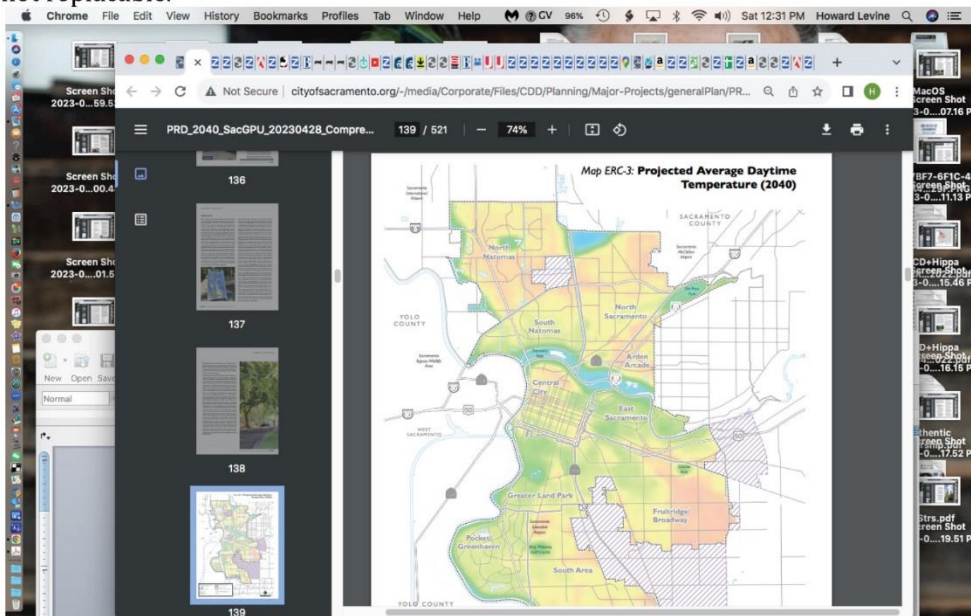
Private Protected trees must be protected and the language is “fuzzy”, non-specific subject to a number of interpretations.

11-1
Cont.



"hoping for wind to fly a kite" and should be "provide leadership and specifics" to retain trees of significance. Also in 3.7 "appropriate remediation" does not remedy the area of loss and the carbon neutral qualities in the area. Trees of Significance are not replacable.

11-1
Cont.



This map shows the importance of trees and those that are significant. In the Campus Commons Master Planned area show a significant temperature difference

and should be an example of how to plant for the future. Another reason for Special Study Area designation. Also, this Urban Forest is privately maintained.

↑ 11-1
| Cont.

These comments are to be incorporated in the DEIR as well as requesting a change for the plan. The other need for this plan is that it is represented as “no-change” to the current 2035 General Plan. The Campus Commons Master Planned area is being challenged by the changes being proposed that are not consistent with either plan and cause damage to the idea that these plans give understanding and expectations that what is currently a unique and well planned area will be destroyed. The request for Special Study Area is a reasonable request given the specific unique planning commission and city approved property use.

11-2

This is not a request for “no-change”, it is a request for changes under a prescribed sensitive compatible regulations.

Thank you for your consideration,

Howard Levine
191 Hartnell Pl.
Sacramento, Ca 95825
Mobil. 5302772787, email: swlevine@nccn.net

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Response to Letter 11

Howard Levine (October 2, 2023)

11-1 The comment includes excerpts from the 2040 General Plan and provides input on various proposed land use designations primarily within the Campus Commons area of the city.

The letter addresses land use designations in the 2040 General Plan and has been provided to the City's long range planning team overseeing preparation of the 2040 General Plan for their consideration. The comments do not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

11-2 The comment requests input provided on the 2040 General Plan (see Response to Comment 11-1) be incorporated as comments on the Draft Master EIR. The comment requests that the 2040 General Plan not change how the Campus Commons area is designated in the 2035 General Plan and the Campus Commons area be redesignated as a Special Study Area in the 2040 General Plan.

The comments relate to planning and land use designation actions of the city and do not affect the environmental review. The comments will be provided to affected city staff. The comments provided in the letter specific to the 2040 General Plan do not raise any issues addressing the accuracy or adequacy of the analysis included in the Draft EIR, and no further response is required.

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Comment Letter 12

10/6/23, 11:42 AM

DEIR 2040 - Tom Buford - Outlook

DEIR 2040

Howard Levine <swlevine@nccn.net>

Thu 10/5/2023 2:44 PM

To: Sacramento 2040 MEIR <meir@cityofsacramento.org>

The below items have been designated as SU. With a Climate that is so dangerously warming the loss of Biological Resources is an area that greater mitigation must be guaranteed. Historical Resources are another area where once it is gone, its erased. There needs to be a greater effort to retain, survey and educate why historical and cultural resources must be saved. Thank you for your efforts.

12-1

Howard Levine
191 Hartnell Pl.
Sacramento, CA 95825

ES.2.3 Significant and Unavoidable Impacts

Even with the imposition of feasible mitigation measures, some impacts could not be reduced to less-than-significant levels. The significant and unavoidable impacts that were identified for project-level impacts are listed below.

Biological Resources

Impact 4.4-10:

Impact 4.4-11:

The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could contribute to a regional loss of special-status plant or wildlife species or their habitat.

The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could contribute to a regional loss of sensitive natural communities including wetlands and riparian habitat.

12-2

Cultural and Historic Resources

Impact 4.5-1: Impact 4.5-2: Impact 4.5-3: Noise

Impact 4.11-1: Impact 4.11-5:

The 2040 General Plan could result in a substantial change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

The 2040 General Plan could result in a substantial change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.

12-3

about:blank

1/2

10/6/23, 11:42 AM

DEIR 2040 - Tom Buford - Outlook

The 2040 General Plan, combined with past, present and reasonably foreseeable future projects, could directly or indirectly destroy or remove an archeological resource.

↑ 12-3
Cont.

Implementation of the 2040 General Plan would have the potential to result in a substantial permanent increase in ambient noise levels in excess of established City standards.

↑ 12-4

The 2040 General Plan, in combination with past, present and reasonably foreseeable future projects, could result in a cumulatively considerable impact to the ambient noise and vibration environment.

Sacramento 2040 Project 11499 August 2023 ES-6

ES – Executive Summary

Tribal Cultural Resources

Impact 4.15-1:

Impact 4.15-2:

Impact 4.15-3:

ES.3

Implementation of the 2040 General Plan could cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources.

↑ 12-5

Implementation of the 2040 General Plan could cause a substantial adverse change in the significance of a tribal cultural resource, that is determined to be significant per Public Resources Code Section 5024.1(c).

The 2040 General Plan, combined with past, present, and reasonably foreseeable future projects, could contribute to a substantial adverse change in the significance of a tribal cultural resource within the northern Sacramento Valley region.

Response to Letter 12

Howard Levine (October 5, 2023)

- 12-1** The comment generally notes that biological and cultural resources are important and there needs to be a greater effort to retain, survey and educate the public on the importance of these resources. The city acknowledges the comment. No further response is required.
- 12-2** The significant and unavoidable impact numbers for biological resources are listed in the comment and the cumulative loss of special-status species and wetlands is noted. Please see the discussion and analysis in Section 4.4, Biological Resources in the Draft Master EIR for more information on the impact significance.
- 12-3** The significant and unavoidable impact numbers for cultural resources and noise are listed in the comment and the cumulative loss of historical and archeological resources is also noted. Please see the discussion and analysis in Section 4.5, Cultural Resources and Section 4.11, Noise in the Draft Master EIR for more information on the impact significance. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 12-4** The comment includes language from the Draft Master EIR noting that noise impacts on both a project and cumulative level would result in significant impacts. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 12-5** The comment includes language from the Draft Master EIR noting that impacts to tribal cultural resources on both a project and cumulative level would result in significant impacts. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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Sigrid R Waggener
Manatt, Phelps & Phillips, LLP
Direct Dial: (415) 291-7413
SWaggener@manatt.com

October 10, 2023

VIA ELECTRONIC MAIL ONLY

Scott Johnson, Senior Planner
City of Sacramento, Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811
(916) 808-5842
SRJohnson@cityofsacramento.org
MEIR@cityofsacramento.org

Re: COMMENTS ON DRAFT MASTER ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SACRAMENTO 2040 GENERAL PLAN UPDATE AND CLIMATE ACTION & ADAPTATION PLAN (SCH#: 2019012048)

Dear Mr. Johnson:

This firm represents Penske Truck Leasing Co., L.P. (“Penske”) and we hereby respectfully submit these comments on the City of Sacramento’s (“City”) Draft Master Environmental Impact Report (“DMEIR”) for the City’s 2040 General Plan Update (“GPU 2040”) and Climate Action and Adaptation Plan (“CAAP”). We ask that these comments be included in the administrative record of proceedings for this matter. We further request that City staff carefully consider and fully respond to the comments provided herein in accordance with the City’s obligations under the California Environmental Quality Act (“CEQA”), as well as other applicable laws. We urge the City to refrain from approval of GPU 2040 and the CAAP until the City has cured the procedural and substantive defects in the DMEIR that we identify in detail below.

13-1

A. RELEVANT BACKGROUND

Penske owns and operates a truck rental, leasing, and maintenance facility at 53 Morrison Avenue in Sacramento California (the “Penske Facility”)¹ pursuant to a number of land use entitlements issued by the City, including but not limited to, Use Permit P04-193, Zoning Case Z05-235 and Permits 0502917 and 0616087 (collectively, the “Penske Entitlements”). The Penske Facility has operated continuously since 2007 pursuant to these duly issued entitlements. Penske has made significant financial investments in the Penske Facility based on the reasonable

13-2

¹ The Penske Facility is also identified as County Assessor’s Parcel Numbers 250-0351-019 and 250-0351-020 and is located within what GPU 2040 defines as the “North Sacramento Community Plan” area. See GPU 2040 at 11-NS-1 to 11-NS-2, LUP Map-5.

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Mr. Scott Johnson, Senior Planner

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Page 2

expectation that it will be able to not only continue to operate its Penske Facility, but also modify and modernize aspects of its operations—including transitioning its vehicle fleet to zero-emission vehicles (“ZEVs”).

Penske is a nationwide leader in low/zero-emission transportation and has made a companywide commitment to a deliberate and responsible transition to ZEVs. As one of the nation's leading transportation solutions providers, Penske shares California’s zero-emission goals. Penske’s commitment to a shift to zero-emission transportation technology is reflected by its investments over the last five (5) years in multiple medium- and heavy-duty electrification demonstration and deployment projects. These projects have afforded Penske invaluable experience working with the California Air Resources Board (“CARB”), the California Legislature, California utilities, major vehicle manufacturers (including startups), charging infrastructure manufacturers and developers, battery providers, and customers in the deployment and operation of new zero-emission transportation services across the entire supply chain.

Penske believes there are very few, if any, large transportation providers doing more than it to advance zero-emission infrastructure technology and policy. Penske currently operates one of the largest commercial fleets of medium- and heavy-duty ZEVs in the United States with battery electric powered trucks from multiple original equipment manufacturers (“OEMs”). Many of these ZEVs are operated and maintained out of numerous Penske sites in California, which are fully equipped with medium- and heavy-duty electric vehicle charging infrastructure. In addition to its current sites, Penske is now in the planning and development stages to expand its charging network that will allow it to advance the shared goals of Penske, its customers, and the communities in which Penske’s vehicles operate.

Surprisingly, and despite Penske’s long-term status as a stakeholder property owner and business owner within the City, Penske was not contacted at all in connection with the City’s preparation of GPU 2040 and the associated CAAP. Nor was Penske advised that a DMEIR was being prepared in support of the CAAP and GPU 2040. Penske only learned of the City’s pending update of its general plan and climate strategy through its participation in the City’s October 3, 2023 hearing on “[a]n Interim Ordinance Relating to Commercial Truck Usage in North Sacramento and Permit Requirements Under Title 17 of the Sacramento City Code (M23-001)” (hereinafter, the “Interim Ordinance”). Given the City’s failure to provide adequate notice of the availability of the DMEIR to Penske and other impacted businesses, the City should, at minimum continue the DMEIR comment period for a reasonable length of time. However, if the City declines to continue the comment period, the City must nevertheless correct the DMEIR’s various legal defects and recirculate the DMEIR as required under the CEQA statutes and CEQA Guidelines.



13-2
Cont.



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Page 3

B. THE DMEIR SUFFERS FROM A NUMBER OF LEGAL DEFECTS AND MUST BE REVISED AND RECIRCULATED PRIOR TO CERTIFICATION

1. Adoption of the DMEIR Would Violate CEQA’s Clear Prohibition on Project Piecemealing.

CEQA is clear that public agencies must analyze the “whole of an action” that may result in a direct or reasonably foreseeable indirect impact. (State CEQA Guidelines, § 15378(a); see also *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214.) A public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. (*Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

As noted above, Penske first learned of the existence of the DMEIR and the City’s proposal to consider and adopt GPU 2040 and the CAAP in the first week of October 2023 when it was made aware of the City’s consideration of the Interim Ordinance. Per the draft GPU 2040, the City proposes to re-designate the Penske Facility from “Employment Center Low Rise” (“ECLR”) to “Employment Mixed-Use” (“EMU”). The current, operative ECLR designation permits general industrial and manufacturing uses conducted within a building or outside in an enclosed location on ECLR lands. *See* 2035 General Plan LU 2-102. GPU 2040’s proposed EMU redesignation has been engineered to eliminate such uses—in particular, those uses that have any sort of outdoor or trucking component. GPU 2040 at 3-15 provides:

The Employment Mixed Use [EMU] designation is intended to buffer residential uses from more intense industrial activities and to provide compatible employment uses in proximity to housing. This designation provides for a range of *light industrial and high technology uses*. Allowable uses include the following: light/advanced manufacturing, production, distribution, repair, testing, printing, research and development; service commercial uses that do not generate substantial noise or odors; retail and service uses that provide support to employees; and, compatible residential uses such as live-work spaces or employee housing.

Id. (emphasis added). The plain language of the EMU designation is clear—permissible uses on lands redesignated EMU are light industrial in nature or tech-centric. The express language of the old ECLR designation generally authorizing indoor and outdoor general industrial and manufacturing uses is conspicuously absent.

While advancing the EMU redesignation via GPU 2040, the City has simultaneously advanced an Interim Ordinance, the purpose of which is to eliminate the future establishment of “heavy” industrial uses on certain EMU lands within the City. The City is advancing this Interim

13-4

13-5

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Ordinance without undertaking any CEQA review whatsoever. On its face, the Interim Ordinance proposes to place development constraints on projects involving “[I]and uses of contractor storage yard, trucking terminal yard; heavy truck sales, storage and rental; heavy truck service and repair; or, warehouse and distribution centers...” that are located on lands “bounded by [C]ity limits on the north and east, Arden Way on the south, and Steelhead Creek on the west.”² The lands impacted by the Interim Ordinance encompass the Penske Facility.

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 13-5
 Cont.

The City Legislative Committee held a hearing on the Interim Ordinance on October 3, 2023.³ As set forth by the City in its staff report and during the October 3rd hearing, the express purpose of the Interim Ordinance is to advance specific policies of GPU 2040—specifically GPU 2040 Policy EJ-A-5.

Despite the obvious interrelatedness of GPU 2040 and the Interim Ordinance, the City is pursuing adoption of the Interim Ordinance without any environmental review whatsoever. Purposefully carving out the adoption of the Interim Ordinance, which clearly implements portions of the larger GPU 2040 project, is textbook piecemealing and forbidden as a matter of law. The DMEIR cannot be adopted until and unless the physical consequences of Interim Ordinance are disclosed and considered in the DMEIR along with GPU 2040.

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 13-6

2. As a Matter of Law, the DMEIR’s Project Description Is Inadequate

CEQA requires that a draft environmental impact report’s project description be *accurate, stable, and consistent*. (State CEQA Guidelines, § 15124; see also *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 192; *Washoe Meadows Community v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287.) CEQA requires that a draft environmental impact report’s project description describe *the entire project being proposed for approval*. (State CEQA Guidelines, § 15378; see also *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.) These are nonnegotiable, substantive requirements of any environmental impact report purporting to comply with CEQA.

The DMEIR’s Project Description (*see* DMEIR 2-1 to 2-41) is inaccurate as a matter of law because it affirmatively misleads the public as to the nature of City’s newly developed EMU land use designation.⁴ Specifically, the DMEIR advises the public that the EMU designation is identical to the previous ECLR designation as follows:

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 13-7

² Enclosed with this letter as Exhibits A, B and C, respectively, please find: (1) the City Legislative Committee agenda for the October 3, 2023 hearing on the proposed Interim Ordinance; (2) the City Staff report prepared for the October 3, 2023 hearing on the Interim Ordinance; and (3) a certified transcript of the October 3, 2023 hearing on the proposed Interim Ordinance.

³ See Exhibits A, B, and C.

⁴ The EMU designation is a completely new designation; such designation does not exist under the City’s current 2035 General Plan.

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Different name, same idea: Four existing land use designations would remain essentially unchanged in terms of land use allowances: Suburban Center would become Commercial Mixed Use (intended for small neighborhood-oriented commercial areas); Employment Center Low Rise would become Employment Mixed Use (intended for light industrial, office, and some residential, in areas transitioning to higher intensities); Employment Center Mid Rise would become Office Mixed Use (intended for primarily office-oriented uses); and Industrial would become Industrial Mixed Use. These revised designations would remove location descriptions (e.g., Center) making them more flexible for use across the city and reflect that there should be mixed uses in each area.

13-7
Cont.

See GPU 2040 2-17. The DMEIR Project Description’s assertion that “land use designations would remain essentially unchanged in terms of land use allowances” is demonstrably false. As discussed in the preceding section, the EMU designation, as further implemented by the related Interim Ordinance, will eliminate “heavy” general industrial uses, in particular, outdoor and trucking related uses.

Thus, the DMEIR’s Project Description fails to inform the public and decisionmakers of the true nature and scope of the GPU 2040 project in direct contravention of two of CEQA’s core legal mandates—that a project description be accurate and disclose the totality of the project. This clear, legal defect impacts many, including Penske. As GPU 2040 plainly states, approximately 3,359 acres within the City will be redesignated as EMU lands. That amount of acreage translates into tens, if not hundreds, of stakeholders who have been led to believe—falsely—that their respective use allowances will remain status quo.

13-8

To the extent that the City does in fact intend for the EMU designation to permit the same range of activities currently authorized under the ECLR designation, it should update the EMU designation to expressly identify the uses authorized under ECLR as continuing to be authorized under GPU 2040’s EMU designation. To the extent such a modest update triggers changes to the DMEIR’s various CEQA resource analyses, those changes should also be made and the DMEIR should be recirculated.

3. Several of the DMEIR’s CEQA Resource Analyses Are Flawed

As a preliminary matter, we are compelled to point out that the DMEIR’s legally defective Project Description calls into question each and every analysis in the DMEIR. However, since Penske was given no notice of the availability of the DMEIR and the running of the comment period for the DMEIR, we highlight some, but not all, of the analytical deficiencies here.

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a. *The DMEIR’s Assessment of Air Quality Impacts Is Inadequate*

The DMEIR does not consider the air quality impacts associated with displacement of general industrial uses—in particular those uses that have an operational trucking component. As discussed above, the City’s redesignation of thousands of acres to EMU, along with its adoption of the Interim Ordinance will readily and foreseeably displace industrial businesses that utilize trucks and associated commercial equipment to serve their customers in the City. Such displacement does not eliminate emissions giving rise to adverse Air Quality impacts, it merely makes them another jurisdiction’s problem. Moreover, displacement of industrial activities will indirectly increase adverse air quality impacts because these enterprises will have to travel further to provide the same goods and services they currently provide within the City. These impacts are individually considerable and cumulatively considerable and must be disclosed, evaluated and mitigated to the extent feasible.

13-9

The DMEIR also fails to disclose and analyze the air quality consequences of bringing sensitive receptors closer to pollution sources. The EMU redesignation authorizes the installation of residential uses and care facilities in locations where such uses were previously unauthorized. In the North Sacramento Community Plan area, where the Penske Facility is located, this will result in the placement of sensitive receptors in proximity to long-standing commercial trucking enterprises and Interstate 80. These impacts are individually considerable and cumulatively considerable and must be disclosed, evaluated and mitigated to the extent feasible.

13-10

Finally, the DMEIR fails to consider the impediments GPU 2040 itself creates to the achievement of the City’s laudable air pollution reduction objectives. By way of example, Policies M-1.37 and M-1.38 call for the installation of electric vehicle (“EV”) infrastructure and the transition to EV vehicles in the private commercial sector. As discussed in detail above, Penske is at the forefront of the EV movement and has made significant EV and net zero emissions investments in other jurisdictions throughout California. However, under GPU 2040, Penske’s property and the properties of many others will be redesignated in a manner that affirmatively curtails Penske’s and others’ ability to modify and modernize their business operations to achieve GPU 2040’s air quality objectives.

13-11

b. *The DMEIR’s Assessment of Greenhouse Gas Impacts Is Inadequate*

The DMEIR’s greenhouse gas (“GHG”) discussion exhibits defects similar to those found in the DMEIR’s air quality section. The DMEIR does not disclose and consider the increase in GHG impacts associated with displacement of industrial businesses to more distant jurisdictions, despite the fact that it is readily foreseeable that additional vehicle trips and trips covering longer distances will increase, rather than decrease, GHG emissions. Nor does the DMEIR disclose and consider that GPU 2040’s EMU redesignation will impede the City’s achievement of GHG reduction goals. Again, if Penske and a multitude of other transportation-

13-12

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centric businesses in the City cannot modify and modernize their existing operations because their operations become unauthorized, this will undermine fulfillment of various GHG objectives, such as Policies M-1.27, M-1.28, M-1.31 and M-1.35.

↑ 13-12
Cont.

c. The DMEIR’s Assessment of Land Use and Planning Impacts Is Inadequate

The DMEIR does not disclose or evaluate GPU 2040’s potential, significant conflict with the operations of and airport land use plan(s) for the McClellan Airport (“Airport”). GPU 2040 proposes to place sensitive receptors—residential uses and care facilities—immediately adjacent to the Airport through the redesignation of those adjacent lands to EMU uses. *See* GPU 2040 Map LU-5. There are well-established incompatibilities in the placement of sensitive uses in close proximity to airports, not the least of which are noise incompatibilities, density and occupancy incompatibilities and the increased risk of loss of life due to an aviation incident. None of this is addressed in the DMEIR and the DMEIR must be revised to consider this issue. *See* CEQA Guidelines Appendix G, Sections VIII, X, XII.

13-13

As already discussed above, GPU 2040 proposes to inject sensitive uses—residential uses and care facilities—into established industrial areas through the EMU redesignation. The DMEIR does not discuss or analyze this incompatibility of future adjacent uses.

d. The DMEIR’s Assessment of Traffic Impacts is Inadequate

As already discussed above, the displacement of local, transport-centric businesses will result in adverse impacts to air quality and GHG emissions. Such additional travel also increases vehicle miles traveled (“VMT”). This is not disclosed or considered in the DMEIR. The DMEIR must be revised to address this impact issue.

13-14

GPU 2040 also proposes to advance residential uses northward to geographic locations that are not served by any form of public transit and do not boast any pedestrian or bike infrastructure. By way of example, consider the North Sacramento Community Plan area that is not served by the City’s and/or transit authority’s light rail system and is also bisected by Interstate 80. Establishing residential uses in that area, among others, will result in clear, foreseeable increases in VMT because those new residents will be forced to commute to reach work, schools, goods and services. Again, the DMEIR does not address this important issue and it must be revised to address this issue.

13-15

C. DUE PROCESS DICTATES THAT THE DMEIR COMMENT PERIOD BE EXTENDED

As discussed above, Penske did not receive any notices regarding the City’s development of GPU 2040 and the CAAP. Penske was never given notice of stakeholder meetings, study

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sessions or other meetings the City held on its formulation of GPU 2040 and the CAAP. With respect to the DMEIR, Penske never received the notice of preparation for the DMEIR and never received the notice of availability for the DMEIR. Penske is aware of several other industrial business owners who were likewise excluded from the City's processes here. Yet, Penske and many others whose lands are proposed for redesignation are the most dramatically impacted by the City's processes. Consequently, the City should, at minimum, extend the time to comment on the DMEIR so that some of the most impacted stakeholders can fully and fairly review the voluminous GPU 2040, CAAP and DMEIR.

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13-16
Cont.

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Penske appreciates the City's attention to the comments provided in this letter and welcomes the opportunity to work collaboratively with the City to address the CEQA concerns raised herein. Please do not hesitate to contact our offices on this matter—I may be reached at 415-291-7413 or at swaggener@manatt.com.

Sincerely,



Sigrid Waggener

EXHIBIT A

Page 9 of 55 in Comment Letter 13

LAW AND LEGISLATION COMMITTEE

Katie Valenzuela, Chair, District 4
 Lisa Kaplan, District 1
 Eric Guerra, District 6
 Rick Jennings, II, District 7

COMMITTEE STAFF

Wendy Klock-Johnson, Assistant
 City Clerk
 Steve Itagaki, Supervising Deputy City
 Attorney
 Consuelo Hernandez, Director of
 Governmental Affairs



Español | 中文 | Tagalog | Tiếng Việt | Հոմոօբ | Русский



Special Meeting Agenda

Law and Legislation
 City Hall Complex
 Council Chamber, 915 I Street, 1st Floor
 Sacramento, CA 95814

Published by the Office of the City Clerk
 (916) 808-7200

Tuesday, October 3, 2023

11:30 a.m.

NOTICE TO THE PUBLIC

Where to Find the Agenda and Staff Reports: The agenda provides a general description and staff recommendation; however, legislative bodies may take action other than what is recommended. Full staff reports are available at <https://meetings.cityofsacramento.org>.

Watch the Legislative Body Meeting Online: Live video streams and archives of past meetings are available at <https://meetings.cityofsacramento.org>.

Submit Written Comments Online: Written comments received are distributed to members, filed in the record, and will not be read aloud. Members of the public are encouraged to submit public comments electronically via eComment through the City's Upcoming Meetings website at <https://meetings.cityofsacramento.org>.

Public Comment Speaker Time Limits: In the interest of facilitating the legislative body's conduct of the business of the City, members of the public (speakers) who wish to address the legislative body during the meeting will have two minutes per speaker for Consent Calendar Items, Public Hearing Items, Discussion Calendar Items, and Matters not on the Agenda for a maximum total of eight minutes per speaker per meeting. Each speaker shall limit his/her remarks to the specified time allotment.

Notice to Lobbyists: When addressing the legislative body, you must identify yourself as a lobbyist and announce the client/business/organization you are representing.

Assistance: In compliance with the Americans with Disabilities Act, if you need special assistance, a disability-related modification or accommodation, agenda materials in an alternative format, or auxiliary aids to participate in this meeting, please contact the Office of the City Clerk at 916-808-7200 or clerk@cityofsacramento.org as soon as possible. Providing at least 72 hours' notice will help ensure that reasonable arrangements can be made.

**City of Sacramento
Law and Legislation Committee**

City Hall Complex, 915 I Street, Sacramento, CA 95814
Council Chamber, 1st Floor

**Special Meeting Agenda
Tuesday, October 3, 2023
11:30 AM**

All items listed are heard and acted upon by the Law and Legislation Committee unless otherwise noted.

Open Session - 11:30 a.m.

Roll Call

Land Acknowledgement

Pledge of Allegiance

Consent Calendar

All items listed under the Consent Calendar are considered and acted upon by one Motion. Anyone may request an item be removed for separate consideration.

1. Law and Legislation Committee Meeting Minutes

File ID: 2023-01270

Location: Citywide

Recommendation: Pass a **Motion** approving the Law and Legislation Committee meeting minutes dated August 15, 2023 and September 5, 2023.

Contact: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

2. Law and Legislation Log

File ID: 2022-02190

Location: Citywide

Recommendation: Pass a **Motion** approving the Law and Legislation Log.

Contact: Consuelo Hernandez, Director of Governmental Affairs, (916) 808-7395, cahernandez@cityofsacramento.org, Office of the City Manager

Discussion Calendar

3. Business Operations Tax Modernization

File ID: 2023-01252

Location: Citywide

Recommendation: 1) Receive a report on options to modernize the City's Business Operations Tax (BOT); and 2) Pass a Motion directing staff to draft a BOT modernization ballot measure for Council consideration.

Contact: Pete Coletto, Director of Finance (916) 808-5416, pcoletto@cityofsacramento.org; Jackie Rice, Finance Manager (916) 808-5844, jlrice@cityofsacramento.org; Bryan Howard, Program Manager (916) 808-4847, bdhoward@cityofsacramento.org, Department of Finance

4. An Interim Ordinance Relating to Commercial Truck Usage in North Sacramento and Permit Requirements Under Title 17 of the Sacramento City Code (M23-001)

File ID: 2023-01180

Location: District 1, Represented by Councilmember Kaplan and District 2, Represented by Councilmember Loloee

Recommendation: 1) Review an **Interim Ordinance** amending various portions of Title 17 of the Sacramento City Code, related to permit requirements for certain land uses with commercial truck usage; and 2) Pass a **Motion** forwarding the **Interim Ordinance** to City Council for consideration.

Contact: Kevin Colin, Zoning Administrator, 916-808-5260, kcolin@cityofsacramento.org, Community Development Department

5. Outdoor Interactive Digital Media Display (Digital Kiosk) Policy - Community Outreach Findings, Ordinance, and Resolution (M23-001)

File ID: 2023-01171

Location: Citywide

Recommendation: 1) Review an **Ordinance** adding digital kiosks to Title 15 of the Sacramento City Code; 2) Review a **Resolution** providing guidelines for a future procurement process; and 3) Pass a **Motion** forwarding the **Ordinance** and **Resolution** to City Council for consideration.

Contact: Jamie Mosler, Associate Planner, 916-808-7875, jmosler@cityofsacramento.org; Kevin Colin, Principal Planner, 916-808-5260, kcolin@cityofsacramento.org, Community Development Department

6. Update on the Audit of the Sacramento Community Police Review Commission

File ID: 2023-00919

Recommendation: Receive and file.

Contact: Jorge Oseguera, City Auditor, (916) 808-7270,
joseguera@cityofsacramento.org, Office of the City Auditor

Committee Comments-Ideas, Questions and Meeting Reports

Adjournment

EXHIBIT B

Page 14 of 55 in Comment Letter 13

City of Sacramento
Law and Legislation Committee Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2023-01180	10/3/2023	Discussion Item 4.
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An Interim Ordinance Relating to Commercial Truck Usage in North Sacramento and Permit Requirements Under Title 17 of the Sacramento City Code (M23-001)

2023-01180

Location: District 1, Represented by Councilmember Kaplan and District 2, Represented by Councilmember Loloee

Recommendation: 1) Review an **Interim Ordinance** amending various portions of Title 17 of the Sacramento City Code, related to permit requirements for certain land uses with commercial truck usage; and 2) Pass a **Motion** forwarding the **Interim Ordinance** to City Council for consideration.

Contact: Kevin Colin, Zoning Administrator, 916-808-5260, kcolin@cityofsacramento.org, Community Development Department

Presenter: Kevin Colin, Zoning Administrator, 916-808-5260, kcolin@cityofsacramento.org, Community Development Department

Attachments:

- 1-Description Analysis
- 2-Background
- 3-Interim Ordinance

Description/Analysis

Issue Detail: In response to a City Council log item initiated by Councilmember Loloee (District 2), staff researched the development permit trends in North Sacramento for the prior five years and discovered a concerning trend potentially at odds with draft 2040 General Plan policies relating to environmental justice. The trend concerns an increase in businesses reliant on commercial trailer and truck usage and which are located adjacent to existing residences and requiring circulation along substandard roadways (e.g., lacking sidewalks) and/or through residential neighborhoods.

City Code Section 17.916.030(A) provides that the City Council may adopt an interim ordinance imposing additional or alternative processes, rules, regulations, requirements, or prohibitions on any permits or uses that are the subject of a contemplated general plan, specific plan, transit village plan, or zoning amendment or regulation that the city council or the planning agency is considering or studying or intends to consider or study within a reasonable time.

File ID: 2023-01180

10/3/2023

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Draft 2040 General Plan Policy EJ-A-5 seeks the establishment of new zoning regulations to address the land use issue described above and states, "The City shall develop zoning standards applicable to new and existing industrial and manufacturing developments to minimize or avoid adverse effects related to air quality, noise, or safety on sensitive populations in disadvantaged communities and other areas of the city where industrial and manufacturing uses are near residential uses, such as the Robla neighborhood."

Consistent with this policy, city staff plans to study potential zoning measures related to new and existing industrial and manufacturing development, including those relating to commercial truck usage, to minimize or avoid potential adverse effects associated with these uses on disadvantaged communities and other areas of the city.

In the interim, however, the proposed interim ordinance will provide, on a temporary basis, regulatory changes that: (1) expand the scope of discretionary review from Site Plan & Design Review to also include a Conditional Use Permit; and (2) raise the level of review to from staff to the Planning & Design Commission. These interim changes will apply to:

- Land uses of contractor storage yard, trucking terminal yard, tractor or heavy truck sales, storage, rental, tractor or heavy truck service, repair, and distribution warehouse center;
- The M-1, M-1(S), M-2, and M-T zones;
- Area bounded by city limits on the north and east, Arden Way on the south, and Steelhead Creek on the west; and
- Projects located within 1,000 of any residentially-zoned property or existing residential use, K-12 school, childcare center, medical clinic or office, or senior housing.

The ordinance will empower the Commission to consider these uses on a case-by-case basis to ensure each project is compatible with its proposed location. Alternatively, the Commission may, unlike under today's regulations, determine the use is not compatible and therefore not approve a Conditional Use Permit.

Policy Considerations: The following existing and proposed policies support the adoption of the interim ordinance.

2030 General Plan: Land Use Element

Goal LU 1.1 (Growth and Change): Support sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure.

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Policy LU 1.1.5 (Infill Development): The City shall promote and provide incentives (e.g., focused infill planning, zoning/rezoning, revised regulations, provision of infrastructure) for infill development, reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability.

North Sacramento Community Plan

Policy NS.LU 1.1 (Development North of Business 80): The City shall encourage development north of Business 80 in a manner which emphasizes neighborhood cohesiveness and variety of housing types.

Policy NS.LU 1.3 (Infill Development South of Business 80): The City shall place a high priority in the city's Capital Improvement Program towards improving street conditions and services to vacant areas south of Business 80. Upgrading neighborhood conditions is one of several actions that will be taken to encourage infill developments.

Policy NS.LU 1.4 (Industrial Infill Development): The City shall encourage infill of existing industrial sites in the Woodlake-Arden area, improve vehicular traffic access within and to the area, and continue to protect significant environmental resources.

Policy NS.LU 1.7 (Improvements North of Business 80): The City shall work with property owners to develop and implement a comprehensive strategy to install water, sewer, and drainage facilities, improve the visual appearance, and improve traffic access to the industrial area north of Business 80.

Policy NS.M 1.1 (Street Improvements): The City shall carry out improvements for streets that lack sidewalks and street lighting, are under heavy use by pedestrians, or will not be improved through new development and assessment districts.

Draft 2040 General Plan

Draft 2040 General Plan Policy EJ-A-5 states, "The City shall develop zoning standards applicable to new and existing industrial and manufacturing developments to minimize or avoid adverse effects related to air quality, noise, or safety on sensitive populations in disadvantaged communities and other areas of the city where industrial and manufacturing uses are near residential uses, such as the Robla neighborhood."

Economic Impacts: The proposed interim ordinance is in response to an increase in truck-related

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land use proposals that is consistent with statewide trends. This ordinance will not prohibit these uses from being established but will instead allow the City more discretion to consider the appropriate location for such uses.

Environmental Considerations: The proposed interim ordinance is not a project for purposes of the California Environmental Quality Act (CEQA), consistent with CEQA Guidelines 15061(b)(3) and 15378. The proposed ordinance merely imposes an additional permit requirement for specified land uses. The ordinance does not trigger additional development, but rather modifies the development review process for considering specified projects. It can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment (CEQA Guidelines 15061(b)(3)). Further, the proposed ordinance has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines 15378). Specified projects reviewed under the ordinance will continue to be subject to CEQA review.

Sustainability: The interim ordinance concerns a land use permit requirement only (i.e., no new or different standards) and, therefore, excludes features directly related to sustainability. Existing standards related to sustainability (e.g., energy efficiency, greenhouse gas emission levels) will continue to apply to development that is approved and constructed under the interim ordinance.

Commission/Committee Action: There has been no prior action by a committee or commission. If recommended for adoption by the Law & Legislation Committee, the interim ordinance will proceed direct to City Council for consideration. Pursuant to City Code Section 17.916.030(A), review by the Planning & Design Commission is not required for an interim ordinance. Prior to the interim ordinance's repeal, however, permanent changes to the zoning code will be presented to the Planning & Design Commission for Review.

Rationale for Recommendation: Staff recommends the Law and Legislation Committee pass a motion forwarding a recommendation of approval to the City Council. The interim ordinance imposes an appropriate temporary regulatory requirement responding to current development trends and, in doing so, ensures potentially incompatible land uses are holistically reviewed in a manner that does not exacerbate environmental justice issues.

Financial Considerations: Not Applicable.

Local Business Enterprise (LBE): Not Applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council
[Date Adopted]

**AN INTERIM ORDINANCE RELATING TO
COMMERCIAL TRUCK USAGE IN NORTH SACRAMENTO**

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

SECTION 1. Background.

1. In North Sacramento, there has been an increase in commercial truck uses such as contractor storage yard; trucking terminal yard; tractor and heavy truck sales, storage, rental, service, and repair; and warehouse distribution center.
2. These commercial truck uses have the potential to generate noise and air pollution, as well as increase the circulation of commercial trucks in areas with inadequate infrastructure (e.g., the Robla neighborhood in North Sacramento), including roads that lack curbs, gutters, and sidewalks.
3. These commercial truck uses are also frequently located or proposed to be located near sensitive uses such as residential neighborhoods, schools, daycare centers, parks, and medical facilities, which are more susceptible to potential adverse health effects associated with commercial truck uses.
4. Most of North Sacramento has been identified by the California Environmental Protection Agency as a disadvantaged community, which is defined as a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, and environmental degradation. (See California Health and Safety Code, § 39711.)
5. The city is currently in the process of updating its general plan. The draft 2040 General Plan includes an element on Environmental Justice that has policies aimed at addressing pollution and adverse effects related to air, noise, and safety on sensitive uses, including those within the North Sacramento Community Plan area.
6. In addition, the city intends to study potential zoning measures related to new and existing industrial and manufacturing development, including those relating to commercial truck usage, to minimize or avoid potential adverse effects associated with these uses on disadvantaged communities and other areas of the city.
7. Until that study is complete, the city is imposing a conditional use permit requirement for commercial truck uses in certain parts of North Sacramento to allow the city to

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consider these uses on a case-by-case basis to ensure each project is compatible with its proposed location.

SECTION 2.

The city council finds the following:

1. The background statements in section 1 are true and correct.
2. This interim ordinance complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans.
3. This interim ordinance promotes the public health, safety, convenience, and welfare of the city by ensuring that commercial truck uses are properly sited to minimize potential negative effects associated with those uses.
4. Following the adoption of this interim ordinance, the city intends to study and develop zoning standards applicable to new and existing industrial and manufacturing developments to minimize or avoid adverse effects related to air quality, noise, and safety on sensitive populations in disadvantaged communities and other areas of the city where industrial and manufacturing uses are near residential uses, such as the Robla neighborhood.

SECTION 3.

Notwithstanding anything to the contrary in chapter 17.220 of the Sacramento City Code, the uses in subsection A require approval of a conditional use permit by the Planning and Design Commission if located within an area that meets all the criteria in subsection B.

- A. Conditional uses.
 1. Contractor storage yard
 2. Terminal yard, trucking
 3. Tractor or heavy truck sales, storage, rental
 4. Tractor or heavy truck service, repair
 5. Warehouse; distribution center
- B. Location.

1. The M-1, M-1(S), M-2, or M-T zones;
2. The area bounded by the city limits on the north and east, Arden Way on the south, and Steelhead Creek on the west; and
3. 1,000 feet of any residentially-zoned property or existing residential use; school, K-12; park; childcare center; medical clinic or office; or senior housing.

SECTION 4.

This ordinance remains in effect until repealed.

EXHIBIT C

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TRANSCRIPTION OF SACRAMENTO LAW AND LEGISLATION
COMMITTEE MEETING
OCTOBER 3, 2023 - ITEM NO. 4
AN INTERIM ORDINANCE RELATING TO COMMERCIAL TRUCK USAGE
IN NORTH SACRAMENTO AND PERMIT REQUIREMENTS UNDER
TITLE 17 OF THE SACRAMENTO CITY CODE (M23-001)

TRANSCRIBED BY:
KRISHA ALATORRE
CSR NO. 13255

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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>LAW AND LEGISLATION COMMITTEE:</p> <p>Katic Valenzuela, CHAIR, District 4 Lisa Kaplan, District 1 Eric Guerra, District 6 Rick Jenkins, II, D.S. DIST. 7</p> <p>SPEAKERS:</p> <p>Kevin Colin, Zoning Administrator</p> <p>PUBLIC SPEAKERS:</p> <p>Nick Andis Ryan Hooger Brian Manning Todd Sparver Koyan Elias Sheridan Evans</p>	<p style="text-align: center;">Page 4</p> <p>1 appreciate that point and I think -- and I'm trying to 2 recall, but I know when the Department of Utilities came 3 forward with that fee increase, I think they looked at 4 some of the same cities that you've looked at for BOT. 5 And so, maybe there's -- it's obviously a super 6 simplistic way to do it, but it would be important, I 7 think, to look regionally and, you know, at comparable 8 cities, you know, like, what is the actual -- like, are 9 we still below what other people are, which I think we 10 still will be, but it would be good to have that sort of 11 lens, 'cause I don't want everybody just jumping across 12 the river to West Sac. No offense to West Sac, but -- 13 MR. JASSO: Appreciate it. 14 CHAIR VALENZUELA: -- I want them to stay here. 15 Thank you. All right. I think we have a motion and a 16 second, and lots of direction. Peter, do you have any 17 questions for us? You good? 18 MR. COLETTI: Oh, you guys gave us a lot of 19 direction, so I think we're okay. 20 CHAIR VALENZUELA: Okay. Excellent. All those 21 in favor, please say aye. 22 MULTIPLE SPEAKERS: Aye. 23 CHAIR VALENZUELA: Any opposed? Abstention? 24 Motion carries unanimously. Thank you all very much. 25 The first of many big discussions today.</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 3</p> <p style="text-align: center;">OCTOBER 3, 2023</p> <p>VICE MAYOR GUERRA: -- so I mean, I like this is a whole -- fuller picture, so -- MR. JASSO: Good morning, Committee. Michael Jasso, Assistant City Manager, as well as the Director of Office of Innovation and Economic Development. We have, and will continue to be in -- in coordination and discussion with not just finance, but as you mentioned, we have, over the past two years, been in consultation with Utilities, kind of Community Development, et cetera. Because you are absolutely right, businesses assess their viability on any given location, based on total cost of business. And so, it's important that we're aware of that, both as we think of total amounts, as we think of timing on discrete kind of taxes, that scenario. It's a very important thing. Particularly, being fair and being predictable. So -- CHAIR VALENZUELA: Thank you. VICE MAYOR GUERRA: And those are -- the predictability piece, I think that's why the phase-in may be appropriate as well, too. It -- and it's up to the voters at the end of the day, too, so -- CHAIR VALENZUELA: Yes, it is. Talk about unpredictable, but I -- I do want to say that I -- I</p>	<p style="text-align: center;">Page 5</p> <p>1 So Item No. 4, an Interim Ordinance Related to 2 Commercial Truck Usage in North Sacramento and Permit 3 Requirements. Welcome. 4 MR. COLIN: Good afternoon, Law and Legislation 5 Committee Members. My name is Kevin Colin. I'm the 6 Zoning Administrator for the City, and I'm joined today 7 by Greg Sandlund, our Planning Director. If we could, 8 presentation loaded, please. Thank you. 9 By way of overview, in my present -- in my 10 presentation today, I'll give you an overview of the 11 origin of this legislation, talk about some development 12 trends in the north part of Sacramento. I'll summarize 13 our existing regulations, describe a planning issue that 14 we've identified, explain the interim ordinance, and 15 then, conclude with the recommendation of Staff. 16 This legislation is originating out of District 17 2. Back in 2021, it was a Council log item. As 18 indicated on the slide, and in the Staff Report, I would 19 characterize our journey to today, starting very broad 20 and of a narrowing. 21 We initially, in -- in consultation with the 22 Councilmembers' Office, worked to address some broader 23 concerns, with many different land uses, and had briefed 24 the member along that journey of time, moving forward 25 through 2022.</p>

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<p style="text-align: right;">Page 6</p> <p>1 And in August of last year, concluded that a</p> <p>2 narrowing of focus on certain land use of compatibilities</p> <p>3 would be appropriate. And then, in March of this year,</p> <p>4 agreed to prepare and present to you today an interim</p> <p>5 ordinance to address the issue.</p> <p>6 What we have done, in advance of preparing the</p> <p>7 ordinance, is looked at permit activity. These are land</p> <p>8 use entitlements that have been processed in the north</p> <p>9 part of Sacramento, with an emphasis on business types</p> <p>10 that rely on the use of commercial trucks and trailers.</p> <p>11 These are track -- in zoning terms, they're</p> <p>12 pretty archaic, in terms of jargon, but you can think of</p> <p>13 businesses that park, store, repair or sell trucks</p> <p>14 exclusively. Contractor storage yards that also have</p> <p>15 trucks or heavy machinery that are stored on properties.</p> <p>16 You also could think of warehouses, distribution</p> <p>17 warehouses that rely on the -- the distribution of goods</p> <p>18 that may spend a time in transit to a building, and then</p> <p>19 in a building, and then leave the building and go off</p> <p>20 premises.</p> <p>21 What we saw, in this map that you see on</p> <p>22 display, the yellow indicates residential zoning. The</p> <p>23 purple is industrial zoning. It's been simplified to</p> <p>24 group those into two primary categories. The icons on</p> <p>25 the right are indicating the different permits that have</p>	<p style="text-align: right;">Page 8</p> <p>1 distinguished from other permits that are in City Code,</p> <p>2 such as a Conditional Use Permit, where we would</p> <p>3 additionally be able to, as a city, regulate other</p> <p>4 facets, such as the operation of a business, its scale,</p> <p>5 its size, its potential wealth, the welfare aspects of</p> <p>6 this that may extend beyond the boundaries of a</p> <p>7 particular property.</p> <p>8 To give you a -- a visual sense of what -- what</p> <p>9 does this look like, I have a couple slides to show you</p> <p>10 from an overhead view of a truck -- a truck-related use</p> <p>11 that's in that -- that -- that -- that abutting scenario,</p> <p>12 where we have truck use on the south, that's in the Dry</p> <p>13 Creek/Main Avenue intersection. And then, we have</p> <p>14 abutting residential uses to the north on Main.</p> <p>15 Just to give you a sense of what that would</p> <p>16 appear, from an overhead view, as we've noted in the</p> <p>17 Staff Report, there are also particular characteristics</p> <p>18 that have been in the City's General Plan and Community</p> <p>19 Plan for the Robla era -- area, for example, that note to</p> <p>20 just a roadway network that is either incomplete, in</p> <p>21 terms of connections, or its physical development is</p> <p>22 lacking features for drainage, for walking, for lighting.</p> <p>23 Here, we have Santa Ana Avenue, little bit</p> <p>24 further to the east and south. It's an example of that.</p> <p>25 To the right, you see a property being used to park</p>
<p style="text-align: right;">Page 7</p> <p>1 been considered and acted on, whether they have been</p> <p>2 approved or in progress or withdrawn or denied.</p> <p>3 You can see a grouping up in the northeast part,</p> <p>4 in the Robla community. A little bit on the west, along</p> <p>5 Pell and Main. And then, south of the freeway in the</p> <p>6 Norwood Industrial Park.</p> <p>7 An interesting facet of this development</p> <p>8 activity is that although the areas in purple are zoned</p> <p>9 for industrial purposes, they were not developed entirely</p> <p>10 for that purpose. Time goes on. Land uses are built</p> <p>11 under certain regulations at a point in time.</p> <p>12 And what I'm noting here in the dark purple is</p> <p>13 that we do have a unique grouping of what we would call</p> <p>14 non-conforming uses. In particular, in the areas I've</p> <p>15 highlighted on the slide, where we have industrial zoning</p> <p>16 on a map, but on the ground, we have homes. We have</p> <p>17 folks who live in a single-family unit, for example.</p> <p>18 Looking at this pattern, we consider what are</p> <p>19 the current regulations that apply today. For these</p> <p>20 particular land uses and the permits I've displayed, in</p> <p>21 the zoning districts that they are located, this can be</p> <p>22 characterized as a By-Right Use.</p> <p>23 There is a Site Plan & Design Review Permit that</p> <p>24 is required by City Code. I would characterize this as</p> <p>25 aesthetic or Architectural Review Only. This is</p>	<p style="text-align: right;">Page 9</p> <p>1 trailers, church on the left. And again, another example</p> <p>2 of a -- of -- of a similar use of that juxtaposition.</p> <p>3 It introduces some potential safety issues, with</p> <p>4 regard to circulation, whether you're walking safely on a</p> <p>5 roadway in -- in mingling with traffic. There also can</p> <p>6 be additional issues that we've noted in the Staff Report</p> <p>7 that relate to air quality and noise impacts.</p> <p>8 I'm presenting an interim ordinance, which is in</p> <p>9 City Code. I will address what the code requires. There</p> <p>10 was a -- a inconsideration of the best potential</p> <p>11 legislative approach for this. We couldn't help but</p> <p>12 notice the General Plan is out for review. It is -- it</p> <p>13 is, in fact, written and it has certain documents,</p> <p>14 certain provisions that relate to topics that were</p> <p>15 overlapping in this instance.</p> <p>16 So the environmental justice aspect, which is a</p> <p>17 state mandated element of -- of a General Plan, is</p> <p>18 intended to address disproportionately affected</p> <p>19 communities that have suffered from exposure to some of</p> <p>20 the issues that we're observing from air quality, adverse</p> <p>21 air quality or noise impacts, as well as safety, in terms</p> <p>22 of circulation on roadways.</p> <p>23 That policy, it is in draft format currently.</p> <p>24 We also observed that it is intending to develop a</p> <p>25 regulatory measure, after adoption of the General Plan,</p>

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<p style="text-align: right;">Page 10</p> <p>1 to address this.</p> <p>2 How do you -- how do you reconcile neighbors,</p> <p>3 which may not be the best neighbors? There is policy</p> <p>4 BJ-A-5 that I have on display here and noted in the Staff</p> <p>5 Report, where Staff has identified a policy for the</p> <p>6 Council to consider, and if adopted, would be implemented</p> <p>7 in a subsequent action by Staff.</p> <p>8 I'd like to describe an interim ordinance. It</p> <p>9 has a unique characteristic and City Code. One analogy</p> <p>10 you could use to describe it is it's a bridge. If the</p> <p>11 City identifies an issue, there's a mechanism to identify</p> <p>12 interim measures, in ordinance format, to address the</p> <p>13 issue while you are studying a -- a -- a topic.</p> <p>14 And in this instance, we do have a General Plan,</p> <p>15 so it seemed to have overlapped and -- and been the</p> <p>16 appropriate vehicle. This is not an emergency measure.</p> <p>17 This is not an urgency ordinance, but it would be in</p> <p>18 place until repealed by Council.</p> <p>19 What would the ordinance do? It would increase</p> <p>20 the number of permits from Site Plan Design Review to a</p> <p>21 Commission-level Conditional Use Permit. It would apply</p> <p>22 to the land uses that I have described in the previous</p> <p>23 slides.</p> <p>24 When they are located in the industrial zones,</p> <p>25 where we're seeing permit activity of M-1, M-1(S), M-2,</p> <p style="text-align: right;">Page 11</p> <p>1 M-T, we have defined a geography that I would describe as</p> <p>2 a result of our analysis of where are the roadway</p> <p>3 networks most complete, in terms of connections and their</p> <p>4 improvements.</p> <p>5 So from the northeast and west on Steelhead</p> <p>6 Creek to the south at Arden Way is where we observed the</p> <p>7 potential for the roadways to not be fully developed was</p> <p>8 most prevalent, as opposed to going fully south to the</p> <p>9 river.</p> <p>10 And lastly, there is a 1,000-foot buffer from</p> <p>11 what are defined in the California Air Resources Board</p> <p>12 Land Use Handbook on community health is a sensitive use.</p> <p>13 So these are homes. So we've identified existing</p> <p>14 residential zones, uses, schools, childcare centers,</p> <p>15 medical clinic offices or senior housing, as identified</p> <p>16 by the Air Board as sensitive as a buffer. When all of</p> <p>17 those criteria are met, a Conditional Use Permit would be</p> <p>18 required.</p> <p>19 I do want to pause here and add on to the slide.</p> <p>20 Since coming to the meeting today, there have been a</p> <p>21 number of questions that have come up about what -- what</p> <p>22 about my situation? I already have a business, it's on</p> <p>23 the ground. What happens? Are you gonna come to my door</p> <p>24 and -- and require a permit? So I do want to speak to</p> <p>25 two provisions in City Code. They're 17.232, 060 and</p>	<p style="text-align: right;">Page 12</p> <p>1 100.</p> <p>2 If this ordinance were adopted, any lawfully</p> <p>3 established business may continue to operate. There is</p> <p>4 no permit requirement. It's granted what the Code calls</p> <p>5 a deemed CUP. If you change operations, if you</p> <p>6 discontinue them for a year, more than a year, then you</p> <p>7 would be subject to the permit requirement. If you</p> <p>8 continue in perpetuity, you may exist.</p> <p>9 Another scenario that I've explained to a few</p> <p>10 callers is that if you expand your use, you make the land</p> <p>11 area larger, the footprint, the building larger, you</p> <p>12 would be subject to a CUP requirement. So I do want to</p> <p>13 make that clarification for -- for you all today in our</p> <p>14 audience.</p> <p>15 Our recommendation is that you review this and</p> <p>16 you consider passing a motion to forward it to Council.</p> <p>17 Before I conclude, I do want to mention that in advance</p> <p>18 of the meeting, we did provide mailed notice to every</p> <p>19 property owner that has an industrial zone, that would be</p> <p>20 subject to this ordinance. That was 1,022 property</p> <p>21 owners.</p> <p>22 Additionally, every registered association or</p> <p>23 interest group that's within 1,000 feet of any of the</p> <p>24 industrial zones did get a notice as well, via e-mail.</p> <p>25 I've got a fair amount of phone calls. Lots of -- lots</p> <p style="text-align: right;">Page 13</p> <p>1 of diverse opinion on this, so I'll -- I'll stop there</p> <p>2 and welcome your questions.</p> <p>3 CHAIR VALENZUELA: Thank you very much for that</p> <p>4 presentation. Okay. And I just want to say that this is</p> <p>5 a classic environmental justice issue, and the folks in</p> <p>6 the audience, nobody ever is -- nobody is saying that any</p> <p>7 business in this area did anything wrong. You followed</p> <p>8 the rules. You went where you were allowed to go. You</p> <p>9 did the thing that you were supposed to do.</p> <p>10 This is really move forward ordinance</p> <p>11 regulation. So I just want to make sure to reiterate</p> <p>12 what you just said, as lawfully established businesses</p> <p>13 I'm sure will be coming up to testify, so thank you,</p> <p>14 Kevin. Madam Clerk, do we have public comments on this</p> <p>15 item?</p> <p>16 CITY CLERK: We have four speakers. The first</p> <p>17 speaker is Nick Avdis.</p> <p>18 MR. AVDIS: Madam Chair, Members of the Law and</p> <p>19 Legislation Committee, Nick Avdis, with the Law Offices</p> <p>20 of Avdis & Cucchi, here today on behalf of Jensen</p> <p>21 Enterprises, doing business as Jensen Precast, a</p> <p>22 substantial industrial operation that exists off Raley</p> <p>23 Boulevard.</p> <p>24 We were just notified of this proposed</p> <p>25 ordinance. I, in fact, just reviewed it yesterday, when</p>
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<p style="text-align: right;">Page 14</p> <p>1 my client asked about it and one of the questions that I 2 think we have is whether we can have some additional time 3 for Staff to do outreach to impacted property owners. 4 In fact, when we looked at the Staff Report, for 5 example, I know Jensen's operations are outside of the 6 boundary for the disadvantage community designation. 7 Sensitive to your comments, Member Valenzuela, I do think 8 that this needs to bake a little bit more and in terms of 9 working through the details and not impacting existing 10 business and property owners any more than -- than is 11 necessary. 12 Furthermore, I think it's interesting that it's 13 based on a policy and the proposed General Plan, which 14 hasn't been adopted yet. And certainly, this issue that 15 has been articulated by Staff, in terms of disadvantaged 16 communities and the environmental justice issue, it 17 applies city wide. And I think there needs to be a 18 broader discussion, because piecemealing this is going to 19 be extremely painful. 20 So I would ask that this be continued, for at 21 least the next Law and Legislation meeting, to give 22 property owners and business owners an opportunity to sit 23 down with Staff. And certainly want to sit down with the 24 Councilmember for the District. We were not aware that, 25 again, that this was something that was on a table -- on</p> <p style="text-align: right;">Page 15</p> <p>1 the table. No outreach was done. 2 So again, I would ask this item be continued to 3 give ample opportunity to work through some of the issues 4 we're having. I mean, Jensen, for example, employs over 5 a thousand people across its operations. And this is a 6 very critical site. It produces components that are 7 needed for -- 8 CITY CLERK: Thank you for your comments. Your 9 time is complete. Our next speaker is Ryan Hooper. 10 MR. HOOPER: Good afternoon, Chair Valenzuela, 11 Members of the Law and Legislation Committee. My name is 12 Ryan Hooper, with Thatch & Hooper. We're representing 13 Don Starr, with respect to his property located at 2328 14 Downer Way in North Sacramento. 15 Just by way of background, our client has owned 16 this property since 2008. He's made a substantial 17 investment in this location. He's been a good operator. 18 He's had no known violations of any City Code, code 19 enforcement issues or the like. He's essentially a 20 landlord. He has this property. It's a little over an 21 acre and a quarter. And he's a landlord to various 22 different ma and pa type industrial users. 23 As Councilmember Kaplan had pointed out earlier 24 on the last item, these small businesses are really 25 the -- the bread and butter of the -- of the city and</p>	<p style="text-align: right;">Page 16</p> <p>1 they are entitled, I think, to -- to some deference when 2 we're looking at these zoning changes. 3 I think that our client, and others probably, 4 have an expectation of continued use and -- and value, 5 and that's really where the concern lies. We've worked 6 with Staff. We've only known about this for a short 7 period of time, as Mr. Avdis acknowledged. We, too, 8 would like some additional time for outreach with Staff. 9 Our -- our concern isn't so much moving forward, 10 it's how to make sure that we've properly protecting the 11 rights of those that are already out there in business. 12 And so, we would be looking for clarification that all of 13 the existing uses that our client has on their property 14 would indeed be permitted to continue. 15 And again, just ask for some additional time to 16 work with Staff. I detected some willingness from my 17 conversation this morning with Staff to do so. Thank you 18 very much. 19 CITY CLERK: Thank you for your comments. Our 20 next speaker is Brian Manning. 21 MR. MANNING: Good afternoon, Brian Manning, 22 from the Desmond Firm, on behalf of Jensen Precast and 23 (Unintelligible) Trust, who own four properties in the 24 area. 25 I would also echo that this -- the outreach has</p> <p style="text-align: right;">Page 17</p> <p>1 been essentially non-existent. I saw this morning that 2 there were six months ago that there was a presentation 3 and request that this be provided to the Staff now, and 4 this is the first we're hearing about it less than a week 5 later. So we request additional time to have those 6 stakeholder discussions. 7 Also, there's no real indication of how long 8 this will last. And it is a significant impact on 9 existing businesses, as well as properties within the 10 area that are not yet developed. There's no indication 11 of when this will sunset or when people will be able to 12 proceed forward with a basic understanding of what they 13 can expect. 14 Also, I -- I think that it is missing the point 15 in that you're treating one group in a different manner 16 than other similarly situated property owners. And 17 that's, in my view, a violation of the Equal Protection 18 Clause, because what you're doing is you're taking 19 properties in industrial areas in North Sacramento and 20 saddling them with different rules and regulations than 21 those exist in South Sacramento. 22 And so, while the -- the -- the issue may be 23 laudable and the environmental justice is certainly 24 something that we all need to discuss. I don't think it 25 can be applied unequally.</p>
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<p style="text-align: right;">Page 18</p> <p>1 Also, this will result in a -- in my view, a 2 reduction in property values, and a downzoning of 3 property. And I don't think any of these issues have 4 been discussed or considered, which is why we believe we 5 need additional time. Thank you.</p> <p>6 CITY CLERK: Thank you for your comments. Our 7 next speaker is Todd Spurver.</p> <p>8 MR. SPURVER: Hello. My name is Todd Spurver 9 and thank you very much for allowing me to talk. I am a 10 property owner in the area. I have two. I've been 11 actually looking at the map on my phone today. I think I 12 actually have three properties that would be affected by 13 this. No one has notified me, ever, of this. I heard 14 about it from a tenant, sent me a text or a -- a text 15 photo of the notification saying, "Hey, is this 16 important?"</p> <p>17 As a property owner, I -- I contacted this 18 morning -- I contacted -- I'm partners with one, two, 19 three, four, five -- I'm -- I'm partners with five other 20 individuals on these buildings. No one has been 21 contacted. So absolutely, I'm -- I'm begging you guys to 22 give us time to actually analyze what this is and what 23 this means.</p> <p>24 The other thing I want to talk about is the 25 pictures that -- that this gentleman showed, where</p> <p style="text-align: right;">Page 19</p> <p>1 there's a house on one side and a warehouse on the other. 2 The properties that I have, a few of them, as an example, 3 are on Main and Pell. That area was specifically 4 developed for heavy industrial. You come off of 5 Northgate, it's a heavy industrial road. It's not a 6 residential road. You come on Main, that is a heavy 7 industrial road. Pell Avenue is a heavy industrial road.</p> <p>8 As you'll notice by my attire today, by the way, 9 which is not the attire to speak to a Council in, but 10 it's the attire to go pick up a trailer, where I'm going 11 to pick up trash, because of the amount of homeless 12 people that dump all of their stuff on our properties 13 every day.</p> <p>14 You're talking about adding additional expenses 15 to -- to businesses in the area, to property owners in 16 the area. You're gonna devalue my property. You're 17 gonna cause them to move to other locations. This isn't 18 right.</p> <p>19 First of all, time is important. I needed to be 20 notified. And it's not fair. And no one that I've 21 talked to has been notified, other than some of my 22 tenants. Thank you for your time.</p> <p>23 CITY CLERK: Thank you for your comments. Our 24 next speaker is Keyan Bliss.</p> <p>25 MR. BLISS: Greetings, Council. I'm speaking as</p>	<p style="text-align: right;">Page 20</p> <p>1 an individual, a resident of District 4. And wasn't 2 planning to really speak on this, but looking at the 3 comments that largely come -- seem to be coming from the 4 business community, I feel like it's important that at 5 least some representation from residents who live within 6 these industrial areas or -- or around these areas 7 necessary.</p> <p>8 So I would actually ask the question of -- 9 similar to what business community asked is: What 10 outreach was done to the low income residents who live in 11 a lot of these -- would've long been considered -- air 12 quality monitoring deserts? Which this ordinance is 13 seeking to -- like, to better address, at least.</p> <p>14 I mean, I know there have been at least some 15 progress or at least pilot programs to really monitor the 16 air quality within these areas. But many people that I 17 know that live within them, and I have many friends and 18 loved ones that are in the north and south -- South 19 Sacramento areas that were highlighted in that map. They 20 don't have time to really, like, follow along with these, 21 like, with these bureaucratic meetings, as well as, like, 22 you know, being track of the legalese that comes into all 23 these ordinances.</p> <p>24 But business communities that are up here 25 complaining absolutely do. And they have armies -- like,</p> <p style="text-align: right;">Page 21</p> <p>1 many of them have armies of lawyers or represented 2 interest groups that often times come up here and throw 3 up things like the 14th Amendment, and as if that is a 4 clause exclusively intended to protect their commercial 5 rights and property rights, as opposed to make -- 6 guaranteeing equal protection for everyone, most 7 particularly, those most vulnerable low income residents 8 that they are living near.</p> <p>9 So I would really encourage us to, you know, 10 take a deep look at this, but also, if there needs to be 11 outreach or additional consideration, actually consider 12 and ask the residents that live there and not just the 13 people with the most money and -- and are most 14 advantaged.</p> <p>15 CITY CLERK: Our last speaker is Sheridan Evans. 16 MR. EVANS: Good afternoon. My name is Sheridan 17 Evans with Buzz Oats Construction. Just a few questions. 18 As far as the lack of notice goes, we received notice 19 on -- on this last Thursday, so I -- I echo what all the 20 other speakers have said.</p> <p>21 A few questions. Read through the report. I 22 saw that there were no financial considerations taken. 23 As you can tell, they're -- even going through a CUP 24 process, that's added permitting fees, added time of loss 25 of operation. Also, as you spoke, if you were expanding</p>
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<p style="text-align: right;">Page 22</p> <p>1 your business, that's additional time lost as well. So 2 I -- I would recommend to Staff to take a look at the 3 financial considerations as well. 4 Also, a few questions, as far as operators go. 5 As the gentleman before me said, you know, they're not -- 6 they're typically small -- small business owners. You 7 know, they don't deal with, you know, the legal language 8 that a lot of the big developers do. 9 And it is small business owners that will have 10 to come out and get this CUP. So how will the CUP 11 coincide with the new General Plan update that's 12 happening? Because often times, a CUP takes -- I know 13 the City says it takes about four to six months, but 14 typically, in experience, it takes up to nine months to 15 get these things issued, especially with understaffing. 16 And we're also coming into a recession, so it's -- 17 it's -- there's additional consideration that needs to be 18 taken when it comes to adding in additional cost, and 19 also, processes to business owners. 20 And one last thing: As far as air quality goes, 21 I didn't see any mention of how this ordinance will 22 attempt to solve the air quality issues. As far as 23 having a CUP issued, all it seems to do is just add 24 another process to what's ultimately zoned as industrial 25 already. So you're still going to have an industrial use</p> <p style="text-align: right;">Page 23</p> <p>1 there. 2 CITY CLERK: Thank you for your comments. We 3 have no more speakers. 4 CHAIR VALENZUELA: All right. I am going to go 5 a little out of order, (Unintelligible) the Committee for 6 the Councilmember whose district includes this area. So 7 Councilmember Kaplan, would you like to start us off? 8 COUNCILMEMBER KAPLAN: Thank you, Chair 9 Valenzuela. And -- and for a bit of context, when this 10 discussion first started, was entirely in Councilmember 11 Loloee's district. And then, I've inherited parts of 12 Robla and Pell in District 1, so I appreciate, 'cause 13 this now affects both of us. 14 So I appreciate and I've been in discussions 15 with Councilmember Loloee, but I have a couple of 16 questions. So what is the process? And Kevin, can you 17 help me? How did you determine what -- what did you say, 18 1,022 notices went out? How -- how does that happen? 19 MR. COLLIN: Yeah. I work with our GIS Staff to 20 identify every parcel that connects the dot between where 21 are we -- where have we issued these permits for these 22 particular land uses, identify those districts. Which, 23 in then, turn I could aggregate every owner of those 24 properties. So everything purple on the -- on the map 25 you saw earlier.</p>	<p style="text-align: right;">Page 24</p> <p>1 COUNCILMEMBER KAPLAN: But can we re-pull up -- 2 I -- I think that would be a great -- for -- for me to 3 see context, 'cause I have a couple questions. 4 Especially the -- the one graphic that -- where you had 5 the red circles. The purple zones and then the red 6 circles. Thank you, Staff. I know, Staff, technology 7 behind the scenes is -- is working -- working the mice 8 to -- to pull it back up, which I appreciate. 9 So let me question this: If you didn't receive 10 notice, then this potential change doesn't apply to you? 11 MR. COLLIN: No. It doesn't work that way. 12 COUNCILMEMBER KAPLAN: Okay. 13 MR. COLLIN: Yeah. So I won't speculate on why a 14 particular piece of mail didn't make it into an 15 individual's hand. What I can assure you is that the 16 list on file is representative of what the County 17 Assessor Office has as the registered owner of that 18 parcel of land. 19 If you have split ownership, different -- I -- 20 where the mail goes is where the Assessor has determined 21 the owner resides or the entity that does own that. And 22 yeah, so there are many things that could happen, but -- 23 COUNCILMEMBER KAPLAN: And -- and -- and I think 24 it's -- it's good to notice, 'cause I actually didn't 25 know that business owners got notice, so that's something</p> <p style="text-align: right;">Page 25</p> <p>1 new to me. But just for those in the audience, I was not 2 part of the conversations with Councilmember Loloee, so 3 outside of Chair Valenzuela, that sometimes sees things 4 earlier, the rest of us, I got first view in -- in 5 reading of this on Thursday as well. So I can understand 6 the anxiety. You know, we have, what, four or five days 7 to get up to speed on this. 8 And this is a -- I think it's a delicate 9 balance. As we're looking at the 2040 General Plan, and 10 how do we look at areas that have historically been 11 disadvantaged, but not as well as punish business owners 12 that work in By-Right. It is industrial. They have the 13 right to have their business. They've been set up. 14 We have, as a city, no legal right to say now 15 you can't operate there. So I just want to make that 16 very clear. Anybody who's watching, you've got a 17 business, we have no legal right, as a city, to take it 18 away or tell you to stop because things have been done 19 legally. 20 What can be said is we looked at our 2030 21 General Plan -- I've looked at it -- and I think we, as a 22 city, have not done the job we needed to, to implement 23 some of the recommendations that were put forward, 24 because back then, it was looked at the Robla neighbor 25 that there needed to be sidewalks, there needed to be</p>
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<p style="text-align: right;">Page 26</p> <p>1 widening of streets. We needed to look at how we handle 2 environmental justice, and we, as a city, collectively -- 3 or whomever was elected at that time -- just didn't push 4 those issues and the Council make decision. 5 So it's a delicate balance of now we're looking 6 at it. I think it's a conversation that needs to be had. 7 But I do have, and want to request a slight pause. Do 8 you have, by chance, the graphic that you could put up? 9 MR. COLIN: I do. Sorry. 10 COUNCILMEMBER KAPLAN: That's okay. 11 MR. COLIN: I have a close-up. What -- what -- 12 what -- sorry, sorry, sorry. 13 COUNCILMEMBER KAPLAN: Yes. That one. Let me 14 pull it up on my screen so I'm not looking behind me as 15 well. So in each of those red areas, I -- I want to 16 understand what the circles -- is that the thousand 17 square feet? Like, or is that just a broad circle? 18 MR. COLIN: Yeah. What I'm attempting to draw 19 attention to here is there is a subtle darker shade of 20 purple that's sprinkled in those areas that are 21 surrounded by the red dashed rectangles. Those are the 22 residential uses in an industrial zone. 23 COUNCILMEMBER KAPLAN: So what I would like -- 24 and I have confirmed and conferred with Councilmember 25 Loloee -- is I think we need to pull some of our</p> <p style="text-align: right;">Page 27</p> <p>1 stakeholders together. We need to really look at 2 narrowly tailoring this, because if you look at the 3 ordinance, as drafted, I think one of the things that was 4 missing -- especially on page 3 of the ordinance, on 5 number 1 -- is we need the word "and," because we need to 6 narrowly tailor it. 7 Like, you look at Pell, there are no 8 non-conforming uses on Pell. There are no residential, 9 so why would we, in requesting any expansion of 10 businesses along Pell, have them go through a CUP when 11 it's already zoned industrial and it's already By-Right? 12 But on the items where 1, 2, 3 -- and this is 13 where I also want stakeholder feedback -- but we need to 14 look at the, you know, the M-1, M-1(S), 2 and area, and a 15 thousand feet. So if somebody is outside of the thousand 16 feet, there should be no changes. There should -- there 17 should be no Conditional Use Permit requirement. 18 But then, I also want to give the time for 19 stakeholders and those who have taken the time to write 20 in, which I appreciate it, or read the online comments, 21 those who show up here, what does this mean? As well as 22 reading the ordinance, it does not specifically say that 23 this only applies to new or expanding. So I can 24 understand existing businesses thinking that this might 25 be shutting down some of their current operations.</p>	<p style="text-align: right;">Page 28</p> <p>1 So I would like the time for city Staff, our 2 city attorney to make sure that this is -- is drafted 3 appropriately. Stakeholders come together. 4 Councilmember Loloee has agreed to this, as well as look 5 at this as a pilot, because I think there has to be -- 6 this is we pilot. We work out all the idiosyncrasies. 7 2040 General Plan comes in and this is an item that comes 8 back to City Council as to how do we apply it city wide. 9 So this is just an interim basis of how do we 10 start a pilot, address the kinks, work with an area, and 11 how does this then apply when the 2040 General Plan is 12 coming in, which is going to require us to do some of us 13 through SB-1000 and changes in state law that we -- we 14 find that balanced. 15 But I'm -- I'm -- I'm not comfortable yet saying 16 we need to go forth and concur, 'cause I think we need to 17 re-look at the language that was written and how do we -- 18 how do we address it in a nuanced way. 19 So I would like for -- you know, I want to hear 20 my fellow Councilmember feedback. I'm comfortable with 21 having the stakeholder and kind of move forward. I don't 22 see that there's going to be a whole lot changed, per 23 say, beyond very narrowly tailoring and providing some 24 deadlines. 25 But I want to thank Councilmember Loloee, 'cause</p> <p style="text-align: right;">Page 29</p> <p>1 not often do we -- we bring up environmental justice and 2 try and balance this. But I think we do need to -- to 3 balance it, but also give stakeholders the ability to 4 have some feedback. 5 CHAIR VALENZUELA: Okay. So to be clear: 6 You're comfortable with a motion to move it to Council, 7 just giving you time to do this -- 8 COUNCILMEMBER KAPLAN: Yeah. 9 CHAIR VALENZUELA: Okay. 10 COUNCILMEMBER KAPLAN: Where it's going to be 11 a -- a -- a while -- 12 CHAIR VALENZUELA: Okay. 13 COUNCILMEMBER KAPLAN: -- but it'll be narrowly 14 tailored. 15 CHAIR VALENZUELA: Got you. All right. Vice 16 Mayor. 17 VICE MAYOR GUERRA: Thank you, Madam Chair. 18 I -- I definitely think this needs more time and work, 19 specifically, with the Councilmember. I -- my 20 understanding with -- when I've spoken with the 21 Councilmember, is he's trying to balance that -- the -- 22 the -- the sensitivity towards the local businesses. 23 But the reason this came up, and -- and I hope 24 the -- the representatives of those businesses and 25 property owners here will understand is that it was, for</p>
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<p style="text-align: right;">Page 30</p> <p>1 the last four years, and even before then, people who 2 live in the industrially area have had concerns, have had 3 either -- whether they are the businesses that are here 4 today or not -- probably not, because the ones who are 5 non-responsive are usually not the ones that show up -- 6 but have had issues with that relationship. And for good 7 or bad, that's not here for us to -- to say. You know, I 8 mean, again, you know, decisions were made in the past 9 that allowed for this mixed use and -- and unfortunately 10 has created that -- that conflict. 11 My mother lives near a UP railroad, you know, 12 so -- but it's in the south area, in the industrial area, 13 and -- and I wouldn't say it's a great buffer, but you 14 know, they're -- at least the power and road kind of 15 somewhat separates that. But there are still communities 16 that are adjacent to, you know, large, heavy, industrial 17 operations. 18 And -- and having looked and seen those -- 19 the -- the daily numbers on air impacts, if you're living 20 next to that, anyone that's within 500 feet, you're -- 21 you're exposed. I mean, that's just -- and you don't -- 22 you may not smell it, you may not see it, but the 23 particulates are small enough to get in your lungs and 24 that's just -- that's just a fact. 25 And so, what we're trying to do here, I think,</p>	<p style="text-align: right;">Page 32</p> <p>1 in and say, look, they're going to expand an operation 2 that's going to produce this type of impact next to where 3 I live. That's faster than the Planning Commission. 4 And you know, not -- I'm not always a -- a big 5 advocate of the -- of the, you know, stepping up here 6 of -- of -- of -- of -- of processes, but I think this 7 might be a recommendation is looking at -- at could you 8 use the admin -- the -- the -- the Zoning Administrator 9 Level Review versus the Planning Commission review. It's 10 also not as expensive, too. 11 So if you're adding just a shed in your 12 industrial operation, are we going to make you go all the 13 way to the Council? But -- you know, so I think -- I 14 think there's -- I think those level of details need to 15 be worked out and -- and that level of notification. 16 And it is -- it is an unfortunate situation. If 17 you're -- if you're driving down any of that area along 18 Business 80, you're going to have warehouses next to a 19 home, next to a tract development and then another 20 warehouse and it's -- and you know, for whatever -- for 21 whatever happened in the development in North Sac and -- 22 and Del Paso Heights, you know, unfortunate for -- for 23 that lack of floor planning. I think what we're trying 24 to do is make sure that we don't exacerbate the impacts 25 to those -- the people that live there as well.</p>
<p style="text-align: right;">Page 31</p> <p>1 is find a solution of how do we, one, ensure that -- that 2 what happens in the future is -- is both respective to 3 not only the property owner, but most importantly, which 4 is a responsibility of this Council, which is the health 5 and safety of those who live in those areas. So I think 6 that -- that needs to be a factor. 7 Now, a -- a couple things here. I do think that 8 it should be -- it -- it -- this seems to be much more a 9 problem in the northeast area, so -- and I -- I am -- 10 have been working and having conversations with the 11 Councilmember, because I represent the largest industrial 12 area and -- and we do have some very, very limited 13 housing in that industrial area. 14 So I -- I think, you know, figuring out, as I 15 think the Chair -- I mean, as my -- my colleague 16 mentioned, looking at a pilot program or something that's 17 specific to this area. Some of the concepts that the 18 Councilmember -- and this is why I think it's 19 important -- I -- I would even be supportive of having it 20 come back to Law and Leg after the conversation with the 21 Councilmember and the industry is -- because my 22 understanding is that the Councilmember would also like 23 to see maybe an Administrator-level Review so that if it 24 isn't that much of a conflict, but it does have a hearing 25 process, it does have the ability for a resident to come</p>	<p style="text-align: right;">Page 33</p> <p>1 So -- so I think that would -- you know, Madam 2 Chair, I think that would be my recommendation is -- is 3 to go back with the stakeholders and the Councilmember, 4 'cause my understanding is Councilmember would like to 5 see something of a different approach here that allows 6 homes that are next to a -- an industrial use at least 7 have some type of -- of conditional use process. I -- 8 and he doesn't want to overcomplicate it, and I don't 9 think it should be overcomplicated, but there -- I think 10 there needs to be more dialogue. 11 I will say, I -- I appreciate this conversation 12 happening, because in my time that I've -- that I've, you 13 know, been watching Council, at least 20 years, I don't 14 think this has ever come up. And -- and from folks that 15 I know, 'cause I had a cousin who lived up in that area, 16 it's always been an issue. It's always been a -- from 17 people who live there, they've always felt that 18 frustration. So we do have to balance the -- the -- the 19 unfortunate circumstance that we have here. 20 And again, it's not the people who have a 21 business there or the people who live there, those 22 decisions were made probably over 30 years ago that now 23 are leading to what we see the data is showing, which is, 24 we do have unfortunate health impacts that are occurring 25 and that needs to be addressed.</p>

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<p style="text-align: right;">Page 34</p> <p>1 So those are my thoughts, and if it means 2 kicking it back and coming back, Madam Chair, I think 3 that might be the best so that there's an opportunity for 4 the businesses to respond appropriately and that the 5 neighbors could -- and the Councilmember can figure out 6 what is right by their neighbors, 'cause that's -- that's 7 the intent of why this was brought here. 8 CHAIR VALENZUELA: Okay. Thank you, Vice Mayor. 9 Vice Chair Jennings. 10 COUNCILMEMBER JENNINGS: Thank you. I -- I -- I 11 just want to know on the notifications -- excuse me. 12 When we send the notifications, are we doing that through 13 normal mail or are we doing it through certified mail? 14 MR. COLIN: We do it through standard postal 15 service. 16 COUNCILMEMBER JENNINGS: Standard postal 17 service. So we have no way of knowing whether the owner 18 or the person it was intended to go to actually got it, 19 read it, understood it or not? 20 MR. COLIN: That -- that would be a method to do 21 certified mail. I can tell you, I've gotten over 20 22 phone calls, which were, Please tell me about the notice. 23 So we do not individually verify or have that chain of 24 custody -- if I could use that term -- between sending 25 and receiving.</p> <p style="text-align: right;">Page 35</p> <p>1 COUNCILMEMBER JENNINGS: Right. But you sent 2 out 1,022; correct? 3 MR. COLIN: Correct. 4 COUNCILMEMBER JENNINGS: So 20 against 1,022 5 doesn't -- doesn't make me jump up and get excited. So 6 I -- I'm just saying, I think that, that's an issue, as 7 far as notification is concerned, and I think we need to 8 make sure that it does get to the person that we're 9 trying to get it to, however we do that. 10 But I do think the pilot opportunity gives us 11 more time to get this right, whether it's notification, 12 whether it's the detail, whether it's the health issues, 13 whether it's the air quality issues, which this really 14 doesn't address at this time. 15 I think we need more time. I think it needs to 16 come back to Law and Leg before it goes to the Council. 17 That would be my recommendation. And I think we need to 18 bring the -- the landowners, the property owners, 19 together in order to really be able to understand how we 20 can reduce this issue. 21 I was surprised to hear, in District 6, you 22 don't have as much of an issue there as we do in District 23 2. And so, I think it's important to get out there and 24 bring people together to have a conversation, because I 25 always believe that when you bring people together, they</p>	<p style="text-align: right;">Page 36</p> <p>1 solve their own problems, and maybe there's some 2 solutions in doing that. So I think this needs a little 3 bit more time to bake. 4 And I think the -- the pilot program, before the 5 2040 General Plan comes out, gives us an opportunity to 6 find the solutions that we need in order to tie it into 7 the 2040 plan. So that would be my recommendation. 8 CHAIR VALENZUELA: Thank you, Vice Chair. 9 Before I kick it back to Councilmember Kaplan and make 10 the motion that she's comfortable with, I just want to 11 give some comments. And again, thanks Staff, for your 12 work with the Council Office on this ordinance. 13 It is, as the Vice Mayor said, it's -- it's one 14 of the first times that we've seen something this 15 tailored come forward. And I think it's really great 16 taking the spirit of SB-1000 to heart, that we need to be 17 more proactive at how we address historic issues with 18 land use, especially those that are impacting specific 19 communities that have been left behind for a very long 20 time. 21 Folks know that I do environmental justice 22 advocacy, and I'm privileged to be working, still, with 23 some of the groups who sponsor legislation, that required 24 that in the General Plan. And this is exactly -- I can 25 say exactly, the type of issue that we were trying to</p> <p style="text-align: right;">Page 37</p> <p>1 address at that time, right, is how -- like, trucking and 2 neighborhoods is one of the biggest issues if you go to 3 Long Beach, if you go to the -- I mean, like, these are 4 one of those habitual issues. You go to EJ communities 5 across the state, they're going to talk about heavy duty 6 trucks in their community. 7 And so, while at the same -- one hand, you can 8 say, this is a lawfully established business, you didn't 9 do anything wrong. You went where you were allowed to 10 go. You did what you were supposed to do. Nobody's 11 trying to take that away from you. We also have to 12 grapple with, as my colleague said, the public health 13 implications and the larger stewardship of, Is this 14 appropriate to be right next to homes? 15 So I would like to say that for me, Conditional 16 Use Permit is more than just additional administrative 17 steps. What we fight for a lot, statewide environmental 18 justice policy, is informed community process. Right? 19 The ability for residents to be told that something is 20 coming, to be told what that means and to have an 21 opportunity to weigh in. 22 It doesn't always mean that everybody's going to 23 agree at the end of the day, but similar to what the Vice 24 Chair just said, it gives the community a chance to know, 25 hey, we're going to expand, we're moving, you might be</p>
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<p style="text-align: right;">Page 38</p> <p>1 impacted by this, let's talk about it.</p> <p>2 One example was actually in the Vice Mayor's</p> <p>3 Guerra -- Guerra's district. I remember when the school</p> <p>4 was being built, the central kitchen was being built in</p> <p>5 Tahoe Park. One of the things they had to do to</p> <p>6 accommodate that central kitchen is they had to swap the</p> <p>7 transportation yard with the land that the central</p> <p>8 kitchen is now, and what that did is it moved a bunch of</p> <p>9 buses, including some diesel buses, right behind a</p> <p>10 residential neighborhood.</p> <p>11 And at the time, there were some of us in the</p> <p>12 room who said, Hey, wait a minute. Like, this might not</p> <p>13 be good for those residents. They've had more of a</p> <p>14 buffer since then, now it's moving closer. And it</p> <p>15 proceeded as it was.</p> <p>16 And now, I'm sure Councilmember Guerra can tell</p> <p>17 you that he gets lots of complaints from residents about</p> <p>18 vibration and noise and pollution and headaches and,</p> <p>19 like, these are the sort of things that residents deserve</p> <p>20 to know about, especially those who, more often than not,</p> <p>21 don't have the resources to sell and move if they don't</p> <p>22 like what's happening near their communities, and they're</p> <p>23 stuck dealing with something that they didn't have a</p> <p>24 voice in the process for. So just want to reemphasize</p> <p>25 that.</p> <p style="text-align: right;">Page 39</p> <p>1 And I would also like to ask in this ongoing</p> <p>2 stakeholder process, this is moving forward for permits,</p> <p>3 which I think is very important. I think there is a</p> <p>4 conversation about best practices for dealing with</p> <p>5 exposure now, and not to say additional requirements, per</p> <p>6 say, but more, like, idling rules, for instance. You</p> <p>7 know, the vehicles can only idle for so much time.</p> <p>8 We have done sensitive truck routes before where</p> <p>9 we say, Hey, instead of taking this road, take that road.</p> <p>10 And obviously, all of that has to take into account the</p> <p>11 operations and logistical needs of those businesses, but</p> <p>12 I would love to see, when this comes back, some ideas as</p> <p>13 to what we do today to kind of build a better partnership</p> <p>14 between those residents and the businesses so they can</p> <p>15 co-exist a little bit more, with a little bit less impact</p> <p>16 on everybody involved.</p> <p>17 So that would be my only additional comment and</p> <p>18 feedback. And then, I will kick it back to Councilmember</p> <p>19 Kaplan to make our motion.</p> <p>20 COUNCILMEMBER KAPLAN: Thank you. And I just</p> <p>21 want to appreciate everybody's impact, 'cause this is new</p> <p>22 territory that we're heading into of how -- how are we</p> <p>23 thoughtful with existing zoning, you know, mixed uses</p> <p>24 that while we talk about how do we mix, how do you do it</p> <p>25 in the right way, an environmental way, but also not</p>	<p style="text-align: right;">Page 40</p> <p>1 destroying businesses who have the right to be there and</p> <p>2 we balance it.</p> <p>3 So I would just like to get confirmation from</p> <p>4 Chair, 'cause I know this is something that Councilmember</p> <p>5 Loloe has -- has worked on for a long time. I like to</p> <p>6 work expediently. I got a lot on my plate, so pull</p> <p>7 stakeholders together, residents together, if, you know,</p> <p>8 we get something in the next couple months, bringing</p> <p>9 something back. 'Cause what -- what I don't want to see</p> <p>10 is all of a sudden this comes back in June.</p> <p>11 CHAIR VALENZUELA: Yeah, that's a good point.</p> <p>12 And I will say schedule wise, I don't think there would</p> <p>13 be any way for it to come back before the end of the</p> <p>14 year, if that's helpful, just in terms of what our</p> <p>15 agendas have coming forward. Cannabis, BOPT, housing</p> <p>16 stuff, all the like. So if that factors into your</p> <p>17 consideration, we could try to agenzize it as soon as</p> <p>18 January, as we can, as soon as you're ready, but that</p> <p>19 would be a few months.</p> <p>20 COUNCILMEMBER KAPLAN: And -- and that's also</p> <p>21 part of, like, this Committee's consideration. Also,</p> <p>22 Councilmember Loloe is not part of this Committee. I</p> <p>23 had to remind him this wasn't agenzized as a council</p> <p>24 meeting, so he couldn't -- he couldn't show up. That I</p> <p>25 was going to try and speak for him as best as possible.</p> <p style="text-align: right;">Page 41</p> <p>1 But that was also one of my suggestions. I know</p> <p>2 this is new, but I think this also -- we need to give him</p> <p>3 the opportunity while -- you know, I -- I'm hoping my</p> <p>4 word -- you guys understand when I say we're going to</p> <p>5 meet with stakeholders. We're going to look at how we</p> <p>6 narrowly taylor this. But I would like to see this</p> <p>7 potentially moved to Council, because then that gives</p> <p>8 Councilmember Loloe, who did bring this up and brought</p> <p>9 it up, the ability.</p> <p>10 And -- and I know, you know, since you, Eric,</p> <p>11 Sean and I have mostly talked about this, you know, even</p> <p>12 including you, so that you have that -- that comfort in</p> <p>13 this so that it can move on to Council. Because I know</p> <p>14 how much we have to do at Law and Leg, and I don't want</p> <p>15 it coming back to this be another reason why we're not</p> <p>16 moving forward on an important issue.</p> <p>17 So if that's okay with my -- my fellow</p> <p>18 colleagues, I -- I -- understanding that we will have</p> <p>19 stakeholder meetings. We will do outreach, which he's</p> <p>20 done to the community. Work with planning Staff, city</p> <p>21 attorney. We need to narrowly taylor and add in a</p> <p>22 sunset, as this is a pilot program, in alignment with the</p> <p>23 2040 General Plan. If you're okay with me saying those</p> <p>24 are some of the parameters that when we work out details</p> <p>25 we come to City Council.</p>
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<p style="text-align: right;">Page 42</p> <p>1 CHAIR VALENZUELA: I mean, if that's a motion, I 2 would second it. 3 COUNCILMEMBER KAPLAN: Motion. 4 VICE MAYOR GUERRA: I -- the -- the only thing I 5 would ask -- request is that, you know, it seems to me, 6 when I talked to the Councilmember, that -- that there 7 could've been a -- a -- another way to simplify it. 8 And so, it's -- this is particularly one of 9 those where it's importantly critical that we work with 10 that Councilmember in drafting this. That Staff work 11 very closely with that Councilmember drafting this. 12 CHAIR VALENZUELA: Uh-huh. 13 VICE MAYOR GUERRA: So -- 14 COUNCILMEMBER KAPLAN: Yeah, and -- yeah, and 15 this is -- this is, you know -- 16 CHAIR VALENZUELA: Oh, sorry, you're muted. 17 Sorry. 18 COUNCILMEMBER KAPLAN: -- this -- this will be 19 Councilmember Loloee and I working in tandem on this. 20 This is -- this -- he's leading this. I'm just trying to 21 pretend to be him a little bit today. 22 VICE MAYOR GUERRA: And I represent industrial 23 area, so this is why, also, you know, I -- I have a keen 24 sensitivity to it as well. 25 CHAIR VALENZUELA: Uh-huh. Oh, Vice Chair.</p> <p style="text-align: right;">Page 43</p> <p>1 COUNCILMEMBER JENNINGS: I -- I -- I guess I'm a 2 little concerned, only because I don't -- I don't want to 3 just do something for District 2 that we're not doing for 4 the entire city. I'm -- I'm just a little sensitive 5 about having an ordinance that has just preference for 6 one district. 7 CHAIR VALENZUELA: Yeah. 8 COUNCILMEMBER JENNINGS: So I want to make sure, 9 as we do this pilot, in District 2, that we come back 10 with a policy for the entire City of -- 11 CHAIR VALENZUELA: Absolutely. 12 COUNCILMEMBER JENNINGS: -- Sacramento. 13 CHAIR VALENZUELA: That is the commitment 14 through the General Plan draft, unless anybody -- 15 COUNCILMEMBER JENNINGS: Yeah. 16 CHAIR VALENZUELA: -- changes it, which I hope 17 you don't, but -- 'cause I love the EJ element of the 18 General Plan and I'm really excited about it. But yeah, 19 that is the commitment. It's a start with the most 20 overburdened area, which is traditional EJ practice and 21 then expand out, you know, to ensure everybody else is 22 protected as well. 23 COUNCILMEMBER JENNINGS: Just want to make sure 24 we're all on the same page. 25 CHAIR VALENZUELA: Absolutely.</p>	<p style="text-align: right;">Page 44</p> <p>1 COUNCILMEMBER KAPLAN: Yeah, I commit to that. 2 CHAIR VALENZUELA: Absolutely. Okay. There is 3 a motion and a second to move it to Council once. Robust 4 stakeholder process has concluded, and with Vice Mayor, 5 as well as the Councilmembers for the District. Okay. 6 All in favor. 7 MULTIPLE SPEAKERS: Aye. 8 CHAIR VALENZUELA: Aye. Any opposed or 9 abstentions? Passes unanimously. Thank you for that 10 robust discussion. To be continued with Councilmember 11 Loloee being able to chime in for himself, which is 12 great. All right. 13 Moving on to Item 5, a favorite of the Vice 14 Mayor's, Outdoor Interactive Digital Media Display or 15 Digital Kiosk Policy. Who is our presenter on this? Hi. 16 Welcome. 17 VICE MAYOR GUERRA: Only year six. 18 MS. MOSLER: Could we get the -- oh, perfect. 19 All right. Good afternoon, Chair and Committee Members. 20 I'm Jamie Mosler, Associate Planner in the Community 21 Development Department, and I'll be giving today's 22 presentation on Digital Kiosk. 23 CHAIR VALENZUELA: Could I briefly interrupt you 24 to ask folks to move conversation outside, please. That 25 would be excellent. Thank you.</p> <p style="text-align: right;">Page 45</p> <p>1 MS. MOSLER: Yeah. No problem. So by way of 2 overview, first, I'll quickly remind everyone what a 3 digital kiosk is. And then, I'll go through some of our 4 community outreach findings. And then, share the 5 ordinance, resolution, along with Staff's recommendation. 6 So I think we're all pretty familiar with what 7 digital kiosks are. But just a quick reminder, when we 8 talk about digital kiosks, this is what we're talking 9 about. They're interactive platforms that provide 10 pedestrians with informations and services. 11 So we did community outreach, in the month of 12 March, with our consultant team at Third Plateau. It 13 took three forums. We did interviews with partner 14 agencies and City Staff in various departments. We did 15 focus groups with various neighborhood associations, 16 FBIDs and business groups. And then, we also had a 17 community survey to get broader community feedback. 18 Overall, most community members saw potential 19 benefit for digital kiosk within Sacramento, while they 20 are also raising questions about feasibility, 21 sustainability and if there were other tools that would 22 serve the community better. 23 In terms of features, when we asked the 24 community what features it would most be interested in 25 for kiosk, the ones on the left-hand side were the ones</p>
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1 that were the most of interest to community members. And
2 the ones on the right-hand side were the ones that were
3 less interest to community members.

4 In terms of concerns, these were the six main
5 themes of concerns that we heard, maintenance and
6 vandalism, duplicative technology. People wondered if
7 cell phones would be used instead. Advertisements.
8 Folks were understanding that advertisements could be
9 used to --

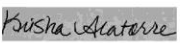
10 (End of recording.)
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1 C E R T I F I C A T E
2
3
4 I, KRISHA ALACORSE, Certified Shorthand
5 Recorder/transcriptionist, do hereby certify that I was
6 authorized to transcribe the foregoing recorded
7 proceeding, and that the transcript is a true and
8 accurate transcription of my shorthand notes, to the best
9 of my ability, taken while listening to the provided
10 recording.

11
12 I further certify that I am not of course or
13 attorney for either or any of the parties to said
14 proceedings, nor in any way interested in the events of
15 this cause, and that I am not related to any of the
16 parties thereto.

17
18 Dated this 10th day of October, 2023.

19 
20
21 _____
22 KRISHA ALACORSE, CSR. NO. 15253
23
24
25

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October 10, 2023

VIA ELECTRONIC MAIL ONLY

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Re: COMMENTS ON DRAFT MASTER ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SACRAMENTO 2040 GENERAL PLAN UPDATE AND CLIMATE ACTION & ADAPTATION PLAN (SCH#: 2019012048)

Dear Mr. Johnson:

This firm represents Penske Truck Leasing Co., L.P. (“Penske”) and we hereby respectfully submit these comments on the City of Sacramento’s (“City”) Draft Master Environmental Impact Report (“DMEIR”) for the City’s 2040 General Plan Update (“GPU 2040”) and Climate Action and Adaptation Plan (“CAAP”). We ask that these comments be included in the administrative record of proceedings for this matter. We further request that City staff carefully consider and fully respond to the comments provided herein in accordance with the City’s obligations under the California Environmental Quality Act (“CEQA”), as well as other applicable laws. We urge the City to refrain from approval of GPU 2040 and the CAAP until the City has cured the procedural and substantive defects in the DMEIR that we identify in detail below.

A. RELEVANT BACKGROUND

Penske owns and operates a truck rental, leasing, and maintenance facility at 53 Morrison Avenue in Sacramento California (the “Penske Facility”)¹ pursuant to a number of land use entitlements issued by the City, including but not limited to, Use Permit P04-193, Zoning Case Z05-235 and Permits 0502917 and 0616087 (collectively, the “Penske Entitlements”). The Penske Facility has operated continuously since 2007 pursuant to these duly issued entitlements. Penske has made significant financial investments in the Penske Facility based on the reasonable

¹ The Penske Facility is also identified as County Assessor’s Parcel Numbers 250-0351-019 and 250-0351-020 and is located within what GPU 2040 defines as the “North Sacramento Community Plan” area. See GPU 2040 at 11-NS-1 to 11-NS-2, LUP Map-5.

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Response to Letter 13

Sigrid Waggener, Manatt, Phelps & Phillips, LLP

13-1 The comment provides an introduction and requests the City to not approve the 2040 General Plan or Climate Action & Adaptation Plan (CAAP). The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

13-2 The comment provides background on the Penske facility including permits obtained for operation of the facility and future plans to modify and modernize its operations including transitioning its vehicle fleet to zero-emission vehicles. The comment is acknowledged. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

13-3 The comment indicates that Penske was not notified by the City as part of the 2040 General Plan outreach process nor did they receive notification of the release of the Draft Master EIR and are requesting the Draft Master EIR comment period be extended and the Draft Master EIR be recirculated.

The City conducted extensive outreach and held multiple events, activities and community meetings including stakeholder and focus group interviews related to the preparation of the general plan. The outreach efforts included Citywide and Community plan workshops, and Planning and Design Commission and City Council meetings starting in 2019 to receive input from the community on issues and opportunities for future development within the city as part of the 2040 General Plan and the CAAP. The City's general plan team held outreach events in each City Council district to promote the availability of draft plans, conducted webinars, and provided an Online Self-Guided Workshop. All meetings and events were also listed on the general plan project website and were updated throughout the summer, as were links to the PDF documents online, and a companion interactive web-based mapping tool to facilitate public review of our land use maps. Staff also worked with councilmember offices to use their newsletters and social media accounts to let the community know the City was collecting input on the 2040 General Plan and CAAP.

The City released the Draft 2040 General Plan and CAAP for public review on April 28, 2023 and emailed notices to the general plan mailing list compiled over the summer. Since release of the General Plan and CAAP, the City has held webinars, met with community/neighborhood organizations, made numerous presentations to Planning and Design Commission and City Council, and conducted outreach via social media and email to receive feedback on the 2040 General Plan and CAAP.

The City released the Draft Master EIR for a 45-day public review on August 24, 2023. Consistent with Section 15087 of the CEQA Guidelines, the City posted a notice of availability (NOA) of the Draft Master EIR in the Sacramento Bulletin and Sacramento Bee newspapers on August 24, 2023; posted the Draft Master EIR on the City's website; and sent the NOA to a list of public agencies, organizations, interested individuals regarding the availability of the Draft Master EIR. The City has provided adequate notice for the Draft EIR and extension of the comment period is not required or appropriate. Please see Response to Comment 10-1 regarding recirculation.

13-4 The comment addresses the proposed Employment Mixed Use (“EMU”) land use designation as compared to the current Employment Center Low Rise land use designation which is the current designation for the Penske facility.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

13-5 The comment refers to an Interim Ordinance relating to Commercial Truck Usage in North Sacramento.

This is separate from the 2040 General Plan and was not evaluated as part of the Draft Master EIR. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

13-6 The comment asserts that no environmental review has been completed for the Interim Ordinance and because it implements a component of the 2040 General Plan it is considered “piecemealing” and cannot be adopted until the effects of the Ordinance are considered in the context of the Draft Master EIR.

As described on page 4 of the October 3, 2023 Law and Legislation Committee Report,

“The proposed interim ordinance is not a project for purposes of the California Environmental Quality Act (CEQA), consistent with CEQA Guidelines 15061(b)(3) and 15378. The proposed ordinance merely imposes an additional permit requirement for specified land uses. The ordinance does not trigger additional development, but rather modifies the development review process for considering specified projects. It can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment (CEQA Guidelines 15061(b)(3)). Further, the proposed ordinance has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines 15378). Specified projects reviewed under the ordinance will continue to be subject to CEQA review.”

The Law and Legislation Committee voted to recommend the Ordinance go to City Council for review after outreach to stakeholder groups was completed.

The CEQA Guidelines define a project under Section 15378 as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. Piecemealing or segmenting means dividing a project into two or more pieces, each with a minimal potential impact on the environment or requiring only a ministerial permit, and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document which cumulatively may have significant consequences (*Planning & Conservation League v. Castaic Lake Water Agency* [2009] 180 Cal.App.4th 210, 235). However, environmental review is not piecemealed if the project has independent utility and a related proposal is not necessary for the project to proceed (*Communities for a Better Env’t v. City of Richmond* [2010] 184 Cal.App.4th 70, 108; *Planning & Conservation League, supra*, 237). The Interim Ordinance does not require the 2040 General Plan to proceed, and the 2040 General Plan is similarly not dependent on the Interim

Ordinance to proceed. The City will be reviewing and adopting various plans, ordinances and zoning updates as part of implementation of the general plan. These subsequent actions will be reviewed to determine if CEQA review is required, if the actions are within the scope of the Master EIR or, as in the case of the Interim Ordinance are exempt from CEQA.

13-7 The comment questions if the description of the EMU land use definition in the Draft Master EIR Project Description accurately characterizes the designation because it states the existing Employment Center Low Rise (“ECLR”) designation would essentially not change with the new EMU designation.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. However, the following response is provided to provide relevant information and respond to the comment.

The proposed EMU designation is not inconsistent with what would be allowed under the existing ECLR designation. Uses allowed under the ECLR designation include uses that generally do not produce loud noise or noxious odor:

- Industrial or manufacturing that occurs entirely within an enclosed building or an enclosed outdoor area with appropriately landscaped setbacks
- Office flex-space (i.e., industrial structures converting to office or research and design uses)
- Residential and commercial flex-space (i.e., industrial structures converting to residential or commercial uses) in areas expected to transition to urban development
- Office uses
- Retail and service uses that provide support to employees
- Compatible public, quasi-public, and special uses

Under the proposed EMU designation allowable uses include the following:

- Light/advanced manufacturing, production, distribution, repair, testing, printing, research, and development
- Service commercial uses that do not generate substantial noise or odors
- Accessory office uses
- Retail and service uses that provide support to employees
- Compatible residential uses such as live-work spaces or employee housing
- Hotels and motels
- Care facilities
- Assembly facilities
- Compatible public and quasi-public uses

Repair is identified as an allowable use in the EMU designation and "service commercial" typically includes vehicle maintenance, sales and leasing. The EMU designation also does not preclude outdoor activities so long as they do "not generate substantial noise or odors" the same as the ECLR designation.

The comment relates to land use and planning issues and does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

13-8 The comment asserts the Project Description (see Chapter 2) of the Draft Master EIR is not accurate because it creates the impression that the EMU designation allows the same uses as the ECLR designation and requests the EMU designation allow the same range of activities as under the ECLR designation.

The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. Please see also Response to Comment 13-7.

13-9 The comment asserts the Draft Master EIR did not evaluate air quality impacts associated with the displacement of general industrial uses which would require trucks to travel farther to provide goods and services within the city.

The assertion of potential displacement of existing industrial uses to areas outside of the city is speculative. The allowable uses under the EMU designation permit the same types of activities as under the existing ECLR designation. The City does not anticipate that existing industrial uses within these areas would opt to relocate elsewhere and if that were to happen there would be no way to determine how many businesses would relocate and where they would go. The analysis of air quality impacts in the Draft Master EIR evaluates the effects of implementation of the proposed Sacramento 2040 General Plan and CAAP on air quality in the Planning Area and captures the proposed increase in industrial uses, consistent with the CEQA Guidelines and guidance provided by the City and the Sacramento Metropolitan Air Quality Management District (SMAQMD). No further response is required.

13-10 The comment asserts the Draft Master EIR fails to analyze project-level impacts of locating sensitive receptors proximate to sources of pollutants and notes the EMU designation allows residential uses and care facilities adjacent to light industrial uses.

The Draft Master EIR is a program-level document that is tasked with analyzing environmental impacts that could result with adoption of the 2040 General Plan. The 2040 General Plan is a policy document and as such does not propose specific development projects, but designates land uses and density needed to accommodate future growth within the Planning Area.

The ECLR designation and the EMU designation each allow industrial uses that do "not generate substantial noise or odors" in addition to compatible residential uses-- the only change is the EMU designation has been expanded to allow care facilities, as noted in Response to Comment 13-7. As described in Chapter 1, Introduction, starting on page 1-5, "[t]he general plan includes policies that will guide the physical development of the city, with resulting physical changes in the environment. Exactly where, and when, these changes will actually occur in the next twenty years is not known, nor is it feasible to know." The same principle applies here.

The Master EIR does not assume that every parcel in the city would be developed during the general plan period, nor does it assume each such parcel would be developed to the maximum intensity allowed by the general plan. Due to market forces, as well as building and zoning restrictions when applied to specific sites, construction of less than the maximum allowable development identified in a general plan is typical. The 2040 General Plan includes a number of policies and Implementing Actions in addition to requirements set forth by SMAQMD to address health effects associated with locating sensitive uses proximate to freeways and other types of

uses. This includes Policy ERC-4.4 that requires the City to consult with SMAQMD in evaluating exposure of sensitive receptors to toxic air contaminants, which includes diesel particulate matter, and will impose conditions, as appropriate, on projects to protect public health and safety. Proposals for residential and/or care facility projects within areas designed EMU would be evaluated on a project level under CEQA, if required, to ensure any potential health impacts would be identified and mitigated or reviewed by City staff to ensure compliance with relevant General Plan policies as well as SMAQMD requirements.

No further response is required.

- 13-11** The comment implies that under the 2040 General Plan industrial uses will be re-designated and this would affect the ability of these businesses to modify and modernize their uses to meet the City’s air quality objectives.

The 2040 General Plan includes policies M-1.36 that supports EV infrastructure readiness and installation in new development and incentivize additional levels of EV charging, and EV car share, beyond City Code minimums; M-1.37 that encourages the installation of EV charging in private development; M-1.38 where the City supports the innovative vehicle-to-grid technologies and encourages the deployment of integrated energy generation, storage, and vehicle technologies for energy reliability; and LUP-11.1 where the City supports and promotes projects that demonstrate responsible energy use and an acceleration of renewable energy generation toward a net-positive energy future. The Draft Master EIR evaluated the effect of these policies, as required by CEQA.

The comment relates to planning and land use regulation and does address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

- 13-12** The comment notes that the Draft Master EIRs analysis of greenhouse gas (GHG) emissions does not address displacement of industrial businesses to areas outside of the city which will also affect the ability to meet their GHG reduction goals and objectives.

Please see Responses to Comments 13-9 and 13-11 that are also applicable to GHGs. No further response is required.

- 13-13** The comment states the Draft Master EIR does not address potential impacts to sensitive receptors that are allowed under the EMU land use designation proposed in close proximity to McClellan Airport.

The Draft Master EIR addresses impacts associated with area airports due to potential hazardous conditions, including noise. The Draft Master EIR explains airspace within the city is subject to various stringent regulations to protect the public from potential aircraft hazards and related safety concerns based on the compatibility determinations for development around airports established by each airports’ Airport Land Use Commission (ALUC).

All development near an airport, including McClellan Airport, is required to comply with the adopted Airport Land Use Compatibility Plan (ALUCP). To minimize compatibility issues, the ALUCP limits the height, type, and intensity of land uses surrounding airports to reduce safety concerns associated with aircraft crashes as well as uses that are sensitive to noise. Any potential noise or

safety incompatibility concerns with locating a specific land use in close proximity to an airport is thoroughly reviewed with specific recommendations set forth by the ALUC (see Section 4.9, Hazards, p. 4.9-7). The potential noise effects due to proximity to airports was evaluated in Section 4.11, Noise in the Draft Master EIR (see p. 4.11-33). As noted on page 4.11-33, the 65 dBA CNEL Land Use Compatibility Noise Contours for McClellan Airport does not cross over into the city limits, as shown on Figure 7-4 of the TBR.

When the City receives a development application in areas near existing airports, such as McClellan Airport, the airport's ALUCP is reviewed for compatibility relating to building height and type of use. To ensure future development would be appropriate in areas near airports, the 2040 General Plan includes policies designed to address these concerns, including Policy LUP-1.13 that requires the City to work with the Sacramento County Airport System and the ALUC to ensure that new development near the area's airports is compatible with airport operations, adopted ALUC policies, and applicable ALUCPs; Policy LUP-1.14 requires all new development within an airport-defined over-flight zone provides deed notices to future residents and property owners concerning airport over flights and noise; and Policy ERC-10.10 restricts new residential development within the 65 dBA CNEL airport noise contour, or in accordance with plans prepared by the ALUC. These policies ensure that new development in areas near airports is compatible with airport operations and that no new noise-sensitive land uses are approved within the 65 dBA CNEL noise level contour of the area's airports.

The Draft Master EIR adequately describes and addresses potential impacts to all types of land uses in areas proximate to airports. No further response required.

13-14 The comment raises a similar concern as mentioned in earlier comments on air quality and GHGs regarding the displacement of industrial uses and effects on vehicle miles traveled.

Please see, for example, Response to Comment 13-9. No further response is required.

13-15 The comment states the 2040 General Plan proposes residential development in areas not served by transit or bicycle or pedestrian infrastructure and references the North Sacramento Community Plan. The comment asserts that development in these areas would increase vehicle miles traveled (VMT).

The North Sacramento Community Plan includes low density residential land uses, employment mixed use and commercial mixed use land use designations in areas north of Interstate 80. The 2040 General Plan does not significantly change the existing land use designations in this area but does include plans and policies to give space to walking, bicycling, and transit; calm traffic; and make streets safer for all users. The analysis of VMT provided in Section 4.14, Transportation evaluates the increase in growth of up to 69,012 housing units and up to 165,740 new residents. The analysis relied on the SACSIM19 model that predicts the travel demand and travel patterns for residents, workers, students, visitors, and commercial vehicles throughout the region based on where new population growth may occur using the land use designations associated with each development parcel. The analysis predicted the VMT for land uses throughout the city, including areas of the city where access to transit and other modes of transportation is limited, such as areas in North Sacramento. The Draft Master EIR adequately addresses the increase in VMT attributed to buildout of the 2040 General Plan.

13-16 The comment reiterates an earlier comment that no notices were received regarding the 2040 General Plan or the Draft Master EIR, including stakeholder meetings, study sessions or any other meetings held on the 2040 General Plan and Draft Master EIR.

Please see Response to Comment 13-3.

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10/10/23

Scott Johnson, Senior Planner
City of Sacramento, Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Subject: Comments on the [Draft Master EIR](#) for the Draft 2040 General Plan and Climate Action and Adaptation Plan (CAAP)

Dear Mr. Johnson:

The City of Sacramento needs to establish a citywide Natural Areas Program that links and provides a thematic through-line for the City’s FOUR PLANS currently underway:

- 1. General Plan Update
- 2. Parks Plan 2040
- 3. Climate Action & Adaptation Plan
- 4. Urban Forest Plan

The primary concern I had in reviewing the FOUR PLANS is that the City appears to be backsliding on environmental protection at a time when the world is facing the overlapping crises of climate disruption and the loss of biodiversity. The City needs stronger, not weaker, protections for natural landscapes, water resources, and biological diversity. Once simple and profound step that could be made in the Draft Master EIR is to retain and strengthen the [Policies for Environmental Resources](#) contained in the City’s 2035 General Plan (itemized below).

These 2035 provisions commit the City to protect and steward a diversity of aquatic and terrestrial habitats including creeks, oak woodlands, grasslands and wetlands. BUT, the General Plan did not include mechanisms for implementing the provisions for Environmental Resources. The Parks Plan is focused on providing conventional and traditional recreational infrastructure and activities. The protection of natural areas and biodiversity is not prioritized in Parks Plan 2040, and the existing and potential natural areas in the City remain at risk from innumerable stressors, e.g., illegal camping, dumping, intrusion of intensive recreational activities (e.g., BMX tracks, disc golf courses), feral cats, etc. The City needs to make a Natural Areas Program the implementing mechanism to ensure that environmental resources are protected in Sacramento.

Policies Regarding Water and Biological Resources

ER 1.1.1.1 **Conservation of Open Space Areas.** The City shall conserve and where feasible create or restore areas that provide important water quality benefits such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, levees, and drainage canals for the purpose of protecting water resources in the city’s watershed, creeks, and the Sacramento and American rivers. (RDR/ MPSP)

14-1

14-2

14-3

ER 2.1.2 **Conservation of Open Space.** The City shall continue to preserve, protect, and provide appropriate access to designated open space areas along the American and Sacramento Rivers, floodways, and undevelopable floodplains, provided access would not disturb sensitive habitats or species. (MPSP/IGC)

ER 2.1.3 **Natural Lands Management.** The City shall promote the preservation and restoration of contiguous areas of natural habitat throughout the city and support their integration with existing and future regional preserves. (RDR/IGC)

ER 2.1.4 **Retain Habitat Areas.** The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors. (RDR/IGC)

ER 2.1.5 **Riparian Habitat Integrity.** The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with State and Federal regulations or at a minimum 1:1 ratio, in perpetuity. (RDR/IGC)

ER 2.1.6 **Wetland Protection.** The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and Federal regulations protecting wetland resources, and if applicable, threatened or endangered species. Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net- loss of value and/or function. (RDR/IGC)

ER 2.1.7 **Annual Grasslands.** The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and Federal regulations protecting foraging habitat for those species known to utilize this habitat. (RDR/IGC)

ER 2.1.8 **Oak Woodlands.** The City shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the city that provide habitat for common native, and special-status wildlife species, and shall address all adverse impacts on oak woodlands in accordance with the City’s Heritage Tree Ordinance. (RDR)



14-3
Cont.

RATIONALE FOR A NATURAL AREAS PROGRAM

Before the City of Sacramento was settled, the region was occupied by indigenous people associated with the tribes of the Nisenan, Southern Maidu, Valley and Plains Miwok, and Patwin Wintun.¹ Natural habitats included perennial grasslands, riparian woodlands, oak woodlands, creeks and rivers, freshwater marshes, ponds, and vernal pools.² As the “American Period” commenced in 1848³, the ecological wealth of Sacramento and the North Delta was exploited in favor of gold and aggregate mining; the construction of water supply and flood control facilities; the industrialization of agriculture; the siting and operation of military and aerospace installations; and the development of roads, freeways, and the attendant urban and suburban settlement.

Natural habitats were fragmented and obliterated, and no longer defined the landscapes of the region. From a global perspective, the natural habitats characterizing the Sacramento Region are part of the California Floristic Province (CFP), a zone of Mediterranean-type climate where summers are hot and dry, and winters are cool and wet. The CFP is one of only 33 “biodiversity hotspots” worldwide where the survival of an exceptionally rich assemblage of plants and animals has been placed at extreme risk by a complex assortment of human-induced (anthropogenic) stressors.⁴

As of 2023, natural areas persist within neighborhood and regional parks across the City of Sacramento, some by design and others by chance. While the City’s 2035 General Plan calls for protecting and enhancing open space and natural areas for the sake of sustainability and the regional ecosystem⁵, the City has never established a systematic way to evaluate, catalogue, protect, nor provide access to the natural areas that are essential elements of the City’s municipal park system. And while the City’s draft 2040 Parks Plan⁶ suggests “directions” providing people access nature and connected trails, the document should boldly recommend establishing Natural Areas Program to ensure there are mechanisms and priorities in place for identifying, securing, and stewarding Natural Areas forever.

14-4

¹ Land Acknowledgement; City of Sacramento. <https://www.cityofsacramento.org/-/media/Corporate/Files/Mayor/Land-Acknowledgement-Text.pdf?la=en>
² City of Sacramento 2035 General Plan; CHAPTER 6: Environmental Resources; page 6-13. <https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/General-Plan/2035-GP/Chapter-6---Environmental-Resources.pdf?la=en>
³ The History of Oak Woodlands in California, Part II: The Native American and Historic Period; Scott Mensing; UNR; The California Geographer Volume 46, 2006. <https://scholarworks.calstate.edu/downloads/sn00b2449>
⁴ Critical Ecosystem Partnership Fund (CEPF). <https://www.cepf.net/our-work/biodiversity-hotspots/california-floristic-province/>
⁵ City of Sacramento 2035 General Plan; CITYWIDE GOALS AND POLICIES; Biological Resources; page 2-315 to 319. <https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/General-Plan/2035-GP/Environmental-Resources.pdf?la=en>
⁶ SACRAMENTO PARKS: <https://www.cityofsacramento.org/ParksandRec/Parks>

The Environmental Council of Sacramento (ECOS) is urging the City to designate a network of natural areas across the eight Council Districts, and to establish a Natural Areas Program to administer the natural areas network. There are numerous examples of commendable natural area programs across cities of the Western United States⁷, and the City of Sacramento could use them as models for establishing a Natural Areas Program tailored to the unique and vibrant natural features, cultures, and ethnicities of the City. Doing so would be consistent with the City's 2035 General Plan and Climate Action & Adaptation Plan⁸, the City Parks Plan 2040, the California Biodiversity Initiative⁹, and the California 30x30 Initiative¹⁰.

14-5

New funding from public and private sources would be required to establish a Natural Areas Program, and funding mechanisms used by other cities will need to be explored. Also, the City will need to hire individuals with expertise in ecological restoration, wildlife management, and environmental education to staff the new Program. While some opposition to such a Program can be expected, there is much to lose with inaction, and the time is now for Sacramento to distinguish itself among the other cities in the Central Valley as a leader in protecting *nature in the city*¹¹.

Sincerely,

Timothy John Vendlinski

Tim Vendlinski
 tvendlinski@icloud.com
 (510) 366-4669

7 Municipal Natural Area Programs in the West

- City of Eugene: <https://www.eugene-or.gov/DocumentCenter/View/68225/COE-Parks-and-Open-Space-Annual-Report-FY2022>.
- City of Fort Collins: <https://www.fcgov.com/naturalareas/pdf/nad-master-plan-draft8-14.pdf>
- City of Greeley: <https://greeleygov.com/docs/default-source/natural-areas/get-outdoors-greeley-strategic-plan--02-02-21.pdf>
- City and County of Los Angeles: <https://planning.lacounty.gov/site/sea/home/>
- City of Portland: <https://www.portland.gov/parks/nature/natural-areas>
- City of San Francisco: https://sfrecpark.org/DocumentCenter/View/8556/01-SNRAMP_ExecSummary

Regional Natural Areas Programs in the West

- East Bay Regional Park District: <https://www.ebparks.org/>
- Mid-Peninsula Open Space District: <https://www.openspace.org/>

⁸ City of Sacramento Climate Action & Adaptation Plan: https://www.cityofsacramento.org/Community-Development/Planning/Major-Projects/General-Plan/About-The-Project/Climate_Change

⁹ California Biodiversity Initiative: <https://californiabiodiversityinitiative.org/>

¹⁰ Pathways to 30x30 California: Accelerating Conservation of California's Nature: https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf

¹¹ MAKING NATURE'S CITY: A science-based framework for building urban biodiversity: <https://www.sfei.org/projects/making-natures-city>

Response to Letter 14

Tim Vendlinski

- 14-1** The comment requests that the City establish a Natural Areas Program that ties together the City's 2040 General Plan, Parks Plan, Urban Forest Plan, and Climate Action & Adaptation Plan and also strengthens the 2040 General Plan environmental resource policies. The suggestion is part of the public record and can be reviewed and considered by the appropriate city staff for beneficial impacts. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. Please see Chapter 3, Changes to the Draft Master EIR for updates to the ERC policies, including the addition of new policies.
- 14-2** The comment provides a brief overview explaining how the various plan are not coordinated in terms of protecting natural areas and biodiversity and requests the City adopt a Natural Areas Program as the implementing mechanism to protect environmental resources in the city. See Response to Comment 14-1. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 14-3** The comment includes policies from the 2035 General Plan that address riparian, grassland and oak woodland habitat. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. Please see Chapter 3, Changes to the Draft Master EIR for updates to the ERC policies, including the addition of new policies.
- 14-4** The comment provides a brief history of the City and reiterates the need for the City to establish a way to evaluate, catalog, protect and provide public access to natural areas within the city's parks system and to establish a Natural Areas Program to protect these natural areas. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 14-5** The comment indicates that the Environmental Council of Sacramento (ECOS) is also requesting the city establish a Natural Areas Program and to designate a network of natural areas throughout the city. The comment also refers to other areas where this has been done and would tie together a variety of City plans. The comment concludes, indicating public and private funds would be needed to manage and implement the program but would like to see the city be a leader in protecting natural resources. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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Comment Letter 15



October 10, 2023

City of Sacramento
300 Richards Boulevard
3rd Floor
Sacramento CA 95811

RE: Draft Environmental Impact Report for 2030 Climate Action Plan

The Sacramento 2040 General Plan and Climate Action & Adaptation Plan Master Environmental Impact Report (August 2023) provides updates in its general plan and climate action plan to reflect current conditions, new legal requirements for general plans and climate action plans, and changes to reflect the City’s vision through 2040. The Master Environmental Impact Report (Master EIR) has been prepared by the City to satisfy CEQA requirements. The Master EIR identifies and evaluates the potential significant effects on the environment that could occur with implementation of the Sacramento 2040 Project. We would highly recommend that this plan includes a component for ‘carbon farming’ where compost derived from urban green waste can be sequestered onto the natural working lands of Sacramento County. Whereas we see good policies about compost and soil health, the lynchpin to using this compost for carbon farming deserves a mention in the Climate Action Plan.

15-1

Edgar and Associates is pleased to support the current Resiliency and Climate Action sections of the 2040 General Plan and its goals to achieve carbon neutrality by 2045 by reducing carbon emissions through reducing energy usage, waste and pollutants, electrifying buildings and transportation, and investing in sustainable infrastructure. Edgar and Associates supports the implementation of compost, and policies regarding soil health and reduced vehicle miles travelled (VMTs), including the following:

15-2

- **Compost Use should be used on the Natural Working Lands of Sacramento County.:**
 - Policy PFS-5.7: Organic Waste Collection Services. The City shall provide, in conjunction with the mandatory organics container program, education and outreach to residents on the topic of backyard composting of yard waste and scraps. (4.13-12)
 - The 2040 General Plan includes Policies PFS-5.1 through PFS-5.9 that provide long-term objectives for minimizing the city’s contribution to solid waste by providing increasing recycling efforts, composting efforts, and supporting programs like the Neighborhood Clean-Up Program with the goal of minimizing solid waste volumes. Many of these

programs are already in place, and continue to promote waste diversion, which would help reduce waste flow to the landfill. (4.13.21)

- Relate this with the 2040 General Plan

↑ 15-2
Cont.

• **Soil Health should include Carbon Farming:**

- This section evaluates the potential for existing underlying geologic and soils conditions, including seismic hazards, soil instability and erosion to contribute to physical environmental effects or potential safety issues associated with new development proposed under the proposed Sacramento 2040 General Plan (2040 General Plan) and Climate Action & Adaptation Plan (together, the “Sacramento 2040 Project”). Potential environmental effects on paleontological resources and loss of locally important mineral resources are also evaluated. (4.4-1)
- Soil Conditions:
 - The predominant soil units within the Planning Area are San Joaquin, Clear Lake, Galt, Cosumnes, and Sailboat soils, which account for over 60% of the total land area. Many of the soil units present within the Planning Area exhibit high shrink-swell potential, particularly in the Natomas and Valley Hi areas, that can over time result in damage to improvements if not engineered appropriately.
- Relates to the 2040 General Plan Goals and Policies:
 - The following draft goals and policies from the 2040 General Plan are relevant to potential geologic, seismic, and soil hazards.
- Goal ERC-1: Responsible management of water resources that preserves and enhances water quality and availability.
 - Policy ERC-1.4: Construction Site Impacts. The City shall require new development to minimize disturbances of natural water bodies and natural drainage systems caused by development, implement measures to protect areas from erosion and sediment loss, and continue to require construction contractors to comply with the City’s erosion and sediment control ordinance and stormwater management and discharge control ordinance.

15-3

We represent the California Compost Coalition (CCC which) is a statewide organization representing operators of permitted facilities involved in the processing and composting of green and food waste materials throughout California which produces a majority of the certified organic compost in the state. On behalf of these companies, we have strongly supported the adoption of the 2022 Scoping Plan Update by the California Air Resources Board (CARB) for the inclusion of Carbon Sequestration onto the Natural & Working Lands.

It was recognized in the 2017 Scoping Plan that the Natural and Working Lands can be better incorporated into California’s climate change mitigation efforts by encouraging collaboration with local and regional organizations and increasing investment to protect, enhance, and innovate in our rural landscapes and communities. CCC worked diligently with many state agencies in 2017 and 2018 in the development of the ‘California 2030 Natural and Working Lands Climate Change Implementation Plan’ where CARB incorporated this Plan into the Scoping Plan Update for 2022. Figure 7 on page 18 of the Plan provides the Implementation

15-4

Acres Goals for California Natural Climate Solution Practice with the Annual Rate of implementation.

↑ 15-4
Cont.

Agriculture	
<i>Grazing land and grassland management</i>	
<i>Prescribed grazing</i>	2,100-4,200 acres/ year
<i>Agroforestry</i>	
<i>Silvopasture</i>	400-800 acres/ year
<i>Hedgerow establishment</i>	800-1,700 acres/ year
<i>Windbreak establishment</i>	800-1,700 acres/ year
<i>Riparian forest buffer</i>	800-1,700 acres/ year
<i>Riparian herbaceous cover</i>	800-1,700 acres/ year
<i>Cropland management</i>	
<i>Cover cropping</i>	10,400-20,800 acres/ year
<i>Mulching</i>	10,400-20,800 acres/ year
<i>No till</i>	4,200-8,300 acres/ year
<i>Reduced till</i>	8,300-16,700 acres/ year
<i>Compost application</i>	
<i>On annual cropland</i>	10,300-20,700 acres/ year
<i>On perennial cropland</i>	21,000-41,900 acres/ year
<i>On non-irrigated rangeland</i>	2,100-4,200 acres/ year
<i>On irrigated pasture</i>	2,100-4,200 acres/ year

We see the state rolling out incentives’ dollars for Healthy Soils grants, some of which will be suited for Sacramento County.

Sincerely,



Evan Edgar

Principal Civil Engineer

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Response to Letter 15

Evan Edgar, Edgar and Associates, Principal Civil Engineer

- 15-1** The comment is an introduction to comments provided in the letter which recommend that the 2040 General Plan include a component that addresses ‘carbon farming’ where compost derived from urban green waste can be sequestered onto working lands in the County. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required. Please see Response to Comment 15-2.
- 15-2** The comment notes support of the Resiliency and Climate Action sections of the 2040 General Plan and the City’s goal to reduce carbon neutrality by 2045. Policies PFS-5.7 and PFS-5.1 through PFS-5.9 are referenced.
- Minor edits have been made to some of these policies and are provided in Chapter 3, Changes to the Draft Master EIR. The 2040 includes policies that support existing programs already in place to reduce the amount of solid waste disposed of at local landfills. In addition, the City has added a new policy under goal ERC-9, Policy ERC-9.12 to encourage regenerative agriculture practices in urban agriculture uses, including carbon-sequestering practices. This policy addresses the desire by the commenter to include more carbon farming. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.
- 15-3** The comment references information provided in the Draft Master EIR relating to paleontological and mineral resources and soil conditions and references Policy ERC-1.4. Please see Chapter 3, Changes to the Draft Master EIR for a minor revision to Policy ERC-1.4. No further response is required.
- 15-4** The comment notes support of the California Compost Coalition and the 2022 California Air Resources Board Scoping Plan that addresses carbon sequestration into natural and working lands and references information from the Scoping Plan. The comment does not address the accuracy or adequacy of the Draft Master EIR; therefore, no further response is required.

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5 Master Environmental Impact Report Preparers

City of Sacramento

Long Range Planning

Greg Sandlund, Planning Director
Matt Hertel, AICP, Principal Planner, Long Range Planning Manager
Remi Mendoza, Senior Planner
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Jossie Ivanov, Senior Associate
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Christine Kronenberg, AICP, Project Manager
Angelica Chiu, Deputy Project Managers
Brian Grattidge: Land Use, Population, and Housing
Angelica Chiu: Aesthetics, Agricultural Resources, Public Services and Recreation
Ian McIntire and Matt Morales: Air Quality, Greenhouse Gases, Energy
Mike Henry: Biological Resources
Adam Giacinto and Nicholas Hanten: Cultural and Historic Resources and Tribal Cultural Resources
Eric Schniewind: Geology, Soils, Mineral Resources, and Paleontological Resources; Hydrology, Water Quality, and Flooding; Hazards and Public Safety; Public Utilities
Michael Carr: Noise

Fehr & Peers (Transportation)

Ronald Milan, Principal
Albee Wei, Transportation Planner

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