

# **CITY OF WEST SACRAMENTO GENERAL PLAN UPDATE**

## **CEQA FINDINGS OF FACT**

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# Acronyms and Abbreviations

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AB	Assembly Bill
ARB	California Air Resources Board
CAP	climate action plan
CEQA	California Environmental Quality Act
CH <sub>4</sub>	methane
City	City of West Sacramento
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
DWSC	Sacramento Deep Water Ship Channel
EIR	Environmental Impact Report
EO	Executive Order
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GHG	greenhouse gas
LOS	level of service
MTP	Metropolitan Transportation Plan
N <sub>2</sub> O	nitrous oxide
NDWA	North Delta Water Agency
NO <sub>x</sub>	nitrogen oxides
PM	particulate matter
ROG	reactive organic gases
SACOG	Sacramento Area Council of Governments
SB	Senate Bill
SCS	Sustainable Communities Strategy
YSAQMD	Yolo-Solano Air Quality Management District

# City of West Sacramento General Plan 2035 CEQA Findings of Fact

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## Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the City of West Sacramento General Plan 2035. A statement of overriding considerations consistent with Section 15093 is adopted separately. The CEQA statute (Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Title 14, California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the State CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each identified significant impact (Section 15091 of the CEQA Guidelines).

- Changes or alterations have been required in, or incorporated into, such project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 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.
- 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 EIR.

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

Section 15092 of the State CEQA Guidelines states that after consideration of a final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible.

Only when specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in a *Statement of Overriding Considerations*. A Statement of Overriding Considerations is being adopted separately from these findings.

## Project Location, Description, and Objectives

The project is the City of West Sacramento's (City's) comprehensive update of its General Plan. The update addresses changes in state and federal law, reflects new policies and issues of interest to the City, and ensures consistency with the Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS) adopted by the Sacramento Area Council of Governments (SACOG). The City is also adopting a climate action plan (CAP) to reduce greenhouse gas emissions in the city as part of the update to the General Plan.

The update integrates new state laws, including Senate Bill (SB) 5 mandating 200-year flood protection in urbanized areas, SB 375 relating to "sustainable communities strategies," Assembly Bill (AB) 32 (and its progeny) relating to reducing greenhouse gas emissions, and the Complete Streets Act. Portions of the existing General Plan have been refreshed and reorganized into more functional elements, entailing amendments to the goals, policies, and implementation measures of the Land Use, Urban Structure and Design, and Public Facilities and Services elements. The existing Transportation and Circulation element is the new Mobility element, with additional measures addressing multimodal transportation and complete streets issues. The existing Recreational and Cultural Resources, Natural Resources, Health and Safety, and Child Care elements have been reorganized into the new Parks and Recreation, Natural and Cultural Resources, Safety, and Healthy Community elements. The General Plan update also includes a new Economic Development element.

A CAP, with policies and implementation measures intended to reduce the City's greenhouse gas emissions, is proposed to be adopted separately from the General Plan. The General Plan update does not include the Housing Element, which was most recently amended in 2013.

The proposed General Plan update has the following objectives.

- Incorporate goals, policies, and implementation measures into the General Plan that are consistent with current state law, including changes to California Planning Law enacted since the last major update of the General Plan in 1999.
- Adopt goals, policies, and implementation measures that reflect the City's commitment to community sustainability. Specific examples include a vital central business district; compact, mixed-use developments near transit nodes; encouragement of urban infill where practical; revitalization of areas such as Stone Lock, Pioneer Bluff, and Seaway; flood protection; and passive and active recreation opportunities along the Sacramento River.
- Reflect the land use pattern and intensity set out in the MTP/SCS adopted by SACOG.
- Adopt a CAP to reduce the city's emissions of greenhouse gases and conform to State CEQA Guidelines Section 15183.5 allowing the streamlining of CEQA analyses of projects that are consistent with the CAP.

## Final Environmental Impact Report

The Final EIR consists of the Draft EIR, comments on the Draft EIR and the responses to those comments. The Final EIR also includes the revisions made in response to comments on the Draft EIR and errata reflecting those text corrections made for purposes of clarity. The Final EIR is a single document; its contents supersede those of the Draft EIR on which it is based.

## EIR Process

Prior to preparing the Draft EIR, the City released a Notice of Preparation (NOP) to solicit the comments of public agencies and interested organizations and individuals regarding the scope and content of the EIR. The NOP was distributed for this EIR on August 28, 2015. The comments to the NOP received from agencies and the public are included in Appendix A of the Draft EIR.

In order to offer an additional opportunity for input prior to preparation of the Draft EIR, the City held a scoping meeting for public agencies and members of the public at the West Sacramento City Hall Galleria, 1110 West Capitol Avenue, West Sacramento on September 14, 2015. The comments received at the scoping meeting were considered during preparation of the Draft EIR.

The Draft EIR was released for review and comment by public agencies and interested organizations and individuals on August 3, 2016. A notice of availability was published and a copy posted with the Yolo County Clerk. In addition, copies of the Draft EIR were sent to the State Clearinghouse for circulation to state responsible and trustee agencies at that time. The review period for the Draft EIR closed on September 16, 2016. The comments received have been responded to in this Final EIR.

## Record of Proceedings

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of State CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are presented below.

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## Terminology of Findings

For purposes of these findings, the term *avoid or substantially lessen* refers to the effectiveness of one or more of the mitigation measures to reduce a significant environmental effect. When an impact remains significant or potentially significant even with implementation of the mitigation, the findings will generally conclude that the impact is *significant and unavoidable*. In the process of adopting the mitigation measures identified in the Final EIR, the City Council has also made a determination regarding whether the mitigation proposed in the EIR is *feasible*. Pursuant to the CEQA Guidelines, *feasible* means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the process of considering the Final EIR for certification, the City Council has recognized that impact avoidance is not possible in many instances. This is because, under the statutory requirements of Planning and Zoning Law (Government Code Section 65300, et seq.), a general plan is intended to provide for additional growth and that growth cannot be accommodated within the city without significant and unavoidable changes to existing conditions. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with

the adopted mitigation, the City Council has found that specific economic, social, and other considerations support approval of the project. The resultant statement of overriding considerations follows the findings of fact.

## Findings Required Under CEQA

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

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

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

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

The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (“Goleta II”) (1990) 52 Cal.3d 553, 565.)

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



(2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet project objectives can be sufficient evidence demonstrating infeasibility of an alternative).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The city must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

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

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

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

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

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

In these Findings, the city addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Nonetheless, the city also addresses the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) “feasible” within the meaning of CEQA.

## Legal Effect of Findings

These findings satisfy the requirements of Sections 15091, 15092, and 15093 of the State CEQA Guidelines and constitute the city's evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. In doing so, they disclose the final disposition of the significant impacts identified in the Final EIR and the reasons for not adopting the project alternative. The city also incorporates by reference all of the mitigation measures identified in the Final EIR. Adoption of the statement of overriding considerations allows the City Council to approve the project, even though it would result in significant and unavoidable impacts.

## Findings on Alternatives

In accordance with State CEQA Guidelines Section 15126.6, the Draft EIR considered an alternative location alternative and reduced density alternative preliminarily, but rejected them for failure to meet some of the most fundamental project objectives. The Final EIR conducted a comparative impact assessment of the No Project Alternative. Public Resources Code Section 15091(a) states that if the City Council rejects any or all of the alternatives analyzed in the Final EIR, it must describe why the alternatives are infeasible. Infeasibility can be the result of “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers.” Based on the impacts identified in the EIR and the reasons described below, the City Council rejects the No Project Alternative as infeasible.

- The No Project Alternative would retain the existing General Plan and therefore would not attain most of the fundamental project objectives (i.e., conforming the General Plan with current state law, reflecting current City Council direction to encourage healthy city policies, and reflecting the land use and transportation policy recommendations of the Metropolitan Transportation Plan/Sustainable Communities Strategy).
- Levels of development under the existing General Plan and General Plan update are not substantially different (See Table 1, below). Therefore, the No Project Alternative would not avoid or substantially lessen one or more of the project’s significant environmental impacts.
- Retaining the existing General Plan is not feasible because it would conflict with state law and City Council direction. Specifically, the provisions of SB 5 effectively require the City to implement policies to minimize the threat of flooding. The existing General Plan lacks such policies. The City Council is supportive of the MTP/SCS adopted in 2016 and has directed City staff to facilitate its implementation. The existing General Plan does not reflect the current MTP/SCS, particularly the growth forecast, which assumes that build-out will occur later than assumed by the existing General Plan. The proposed new mixed-use General Plan designations are in keeping with the MTP/SCS identification of portions of the City as a “developing community” and transit priority areas.

**Table 1. Comparison of the Project and the No Project Alternative Impacts**

<b>Resource Topic</b>	<b>Proposed Project</b>	<b>No Project Alternative</b>
Aesthetic Resources	SU	SU
Air Quality	SU	SU
Agricultural Resources	SU	SU
Biological Resources	LTS	SU
Cultural Resources	SU	SU
Geology and Soil	LTS	LTS
Greenhouse Gas	SU	SU
Hazards and Hazardous Materials	LTS	LTS
Hydrology and Water Quality	SU	LTS
Land Use and Planning	LTS	SU
Mineral Resources	NI	LTS
Noise	SU	SU
Population and Housing	SU	SU
Public Services	LTS	LTS
Recreation	LTS	LTS
Transportation/Traffic	SU	SU
Utilities and Service Systems	SU	LTS

Notes:  
 SU = Significant and Unavoidable  
 LTS = Less than Significant  
 NI = No Impact

Pursuant to the Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that the No Project Alternative is the environmentally superior alternative because implementation of this alternative would result in fewer significant and unavoidable impacts, but rejects this alternative because it does not meet the Project objectives.

## Significant Impacts

The following impacts and related mitigation measures are described in detail in the Draft EIR under the titles listed below. The Draft EIR's descriptive discussions of each of these impacts and mitigation measures are incorporated by reference. The analysis of impacts compares the existing environment to the level of development that is anticipated to be built during the period from 2015 to 2035, the General Plan's planning horizon.

# Aesthetics

## Summary Description

### **Impact AES-1: Substantial degradation of the existing visual character or quality of the site and its surroundings, including scenic vistas**

Development under the General Plan update would result in new suburban, urban, commercial/retail, and recreational development in undeveloped areas and infill development with a similar variety of uses. Depending on the particular projects pursued, new development allowed by the General Plan update could alter topography, remove vegetation, and change land use types in ways that would affect the existing visual character of views, including scenic vistas. Scenic vistas of particular concern include views of the Sacramento skyline and the Vaca Mountains from elevated vantages available from levee roadways and crowns. This impact is significant and unavoidable.

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

New development allowed by the General Plan update could increase light and glare in the planning area by removing vegetation that provides shade, introducing reflective surfaces, and increasing interior and exterior nighttime lighting that would affect daytime and nighttime views. This impact is significant and unavoidable, although its effect on light and glare is lessened by mitigation measures that will be incorporated into the project.

## Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

## Basis for Findings

The General Plan update includes numerous policies and standards for urban development in the Land Use, Urban Structure and Design, Economic Development, Mobility, Public Facilities and Services, Parks and Recreation, Natural and Cultural Resources, and Healthy Community Elements that will reduce the effects identified in Impacts AES-1 and AES-3. These are described in detail in the Draft EIR under each of those impacts, beginning on page 3.1-20. In addition, the following mitigation measures will reduce the light and glare resulting from the project (Impact AES-3) by establishing policies that will minimize light spillage at night.

**Mitigation Measure AES-3a: Create new Urban Structure and Design policies to apply minimum lighting standards and to reduce glare**

**Mitigation Measure AES-3b: Amend Natural and Cultural Resources policies to apply minimum lighting standards**

**Mitigation Measure AES-3c: Create new Natural and Cultural Resources policy to apply minimum lighting standards**

Development under the General Plan as amended will result in substantial additional residential, commercial, industrial, and other development in West Sacramento over the next decades. By its nature, this development will substantially alter city viewscales by placing built structures within what are now undeveloped or natural areas.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ...city... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the update, provides for the long-term development of the city. Government Code Section 65580 *et seq.* requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. This requires the City to accommodate future development that will alter the existing visual character of portions of the city and result in additional light and glare.

## Agricultural Resources

### Summary Description

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

During the planning period to 2035, lands currently being farmed are planned for urbanization. The future urbanization of those lands would remove them from agricultural production. The project would have a significant and unavoidable impact on farmland.

### Findings

- 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 EIR.

### Basis for Findings

Permanent conversion of agricultural land to nonagricultural uses would occur with build-out of the updated General Plan, and while implementation of the General Plan goals and policies would reduce the severity of this impact, no additional feasible mitigation measures are available. The General Plan update includes policies under Goal NCR-1 (To promote the economic viability of agriculture in West Sacramento and to discourage premature development of agricultural land with nonagricultural uses, while providing for urban needs) that encourage the maintenance of farmland until planned urban conversion occurs. These policies include stating that the City will require that purchasers of homes near agricultural lands be provided notification of agricultural operations and

activities by way of their deeds and/or escrow documents (Policy NCR-1.5) and that the right-to-farm ordinance will continue to be enforced (Policy NCR-1.6). Although these policies will reduce the impact related to conversion of important farmland, it will not reduce the impact to a less-than-significant level.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan update provides for the long-term development of West Sacramento. This requires the City to authorize future development to occur. Government Code Section 65580, et seq. requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. In addition, substantial portions of the areas identified for long-term urban growth that will result in the conversion of existing agricultural lands are subject to a valid “development agreements” entered into with the City in 2008 pursuant to Government Code section 65864, et seq. The development agreements vest the property owners’ rights to development.

## Air Quality and Greenhouse Gases

### Summary Description

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

Construction associated with later projects under the General Plan update would result in the temporary generation of ozone precursors (reactive organic gases [ROG], nitrogen oxides [NO<sub>x</sub>]), carbon monoxide (CO), and particulate matter (PM) exhaust emissions that could result in short-term impacts on ambient air quality in the planning area. Emissions would originate from mobile and stationary construction equipment exhaust, employee vehicle exhaust, dust from clearing the land, exposed soil eroded by wind, and ROG from architectural coatings and asphalt paving. Construction-related emissions would vary substantially depending on the level of activity, length of construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content.

Compliance with the Yolo-Solano Air Quality Management District (YSAQMD) measures and General Plan policies described in the discussion of Impact AQ-2, beginning on page 3.3-19 of the Draft EIR, would reduce the amount of criteria pollutant emissions from future development under the proposed General Plan update. However, given the lack of specifics regarding construction projects at this time, it is uncertain what the intensity of future construction would be, and whether construction activities from individual future projects developed under the General Plan update would result in ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> emissions in excess of YSAQMD thresholds. Accordingly, this impact is conservatively determined to be significant and unavoidable, although its effect is lessened by a mitigation measure that will be incorporated into the project.

### Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The

mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

- 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 EIR.

#### **Basis for Findings:**

The following mitigation measure will reduce the impact by ensuring that construction does not result in excessive release of dust.

#### **Mitigation Measure AQ-2: Implement construction dust control mitigation measures described in YSAQMD's CEQA Handbook**

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

## **Biological Resources**

### **Summary Description**

#### **Impact BIO-6: Potential for in-water construction projects and maintenance activities to result in the loss or disturbance of special-status fish and their habitats**

Special-status fish species and their habitat could be affected by in-water construction projects (e.g., bridge, pier, and boat dock construction) and maintenance dredging in the Sacramento Deep Water Ship Channel (DWSC). In-water construction activities (e.g., pile driving, cofferdam installation and removal) associated with new or replacement bridge, pier, or boat dock construction has the potential to result in direct and indirect effects on special-status fish, including temporary disturbance or injury of fish from underwater noise and temporary and permanent loss of aquatic habitat and SRA cover through the installation of structures in or adjacent to water (e.g., bridge piers and abutments, pilings, cofferdams, rock revetment).

Dredging in the DWSC to maintain shipping has the potential to create turbidity and sedimentation, release toxics and other harmful substances to surface waters, disturb or injure fish, modify shallow vegetated areas, and remove bottom substrates and associated benthic organisms (a food source for fish). The magnitude of these effects depends on a number of factors, including the type of dredging equipment used; the timing of dredging relative to the occurrence of sensitive life stages of affected fish species; and the frequency, intensity, and duration of dredging. Implementation of Mitigation Measure BIO-6 would reduce this potential impact to a less-than-significant level.

### **Impact BIO-7: Potential for land use changes to result in the loss of oak woodland and valley foothill riparian habitat**

Valley oak woodland and foothill riparian habitat, including riparian vegetation supporting SRA cover, are sensitive communities that occur in areas planned for development and that could be affected under the General Plan update. Trees growing in these habitats that are protected under the City's Tree Preservation Ordinance could also be affected.

### **Impact BIO-12: Potential for land use changes and subsequent development to introduce or spread invasive plant species**

Invasive plants are present in the planning area; however, development activities resulting from the proposed land use changes could introduce new invasive plants into the study area or contribute to the spread of existing invasive plants to uninfested areas outside the planning area. Invasive plants or their seeds may be dispersed by construction equipment if appropriate preventive measures are not implemented. The potential introduction or spread of invasive plants as a result of project activities under the General Plan update could have a significant effect on sensitive habitat types within and outside the planning area by displacing native flora.

## **Findings**

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

## **Basis for Findings**

The following mitigation measures will reduce the impacts of the project to a less-than-significant level by minimizing impacts from in-water activities, establishing protections for riparian and cover habitat, and minimizing the potential introduction of invasive plants.

**Mitigation Measure BIO-6: Amend policy NCR-2.13 (Fisheries) to include in-water construction and maintenance activities in the Sacramento River, Deep Water Ship Channel, and Lake Washington**

**Mitigation Measure BIO-7: Amend policy NCR-2.9 (No Net Loss) to include riparian and associated SRA cover habitat and require the use of locally occurring native species**

**Mitigation Measure BIO-12: Amend policies NCR-2.4 (Habitat Surveys) and NCR-2.14 (Public Areas) to avoid the introduction and minimize spread of invasive plants**

These mitigation measures will work in conjunction with the updated General Plan policies identified in Impact BIO-7, beginning on page 3.4-41 of the Draft EIR. Those policies would be implemented during approval of future development projects.



## Cultural Resources

### Summary description

#### **Impact CUL-1: Potential to cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5**

Development pursuant to the proposed General Plan update would result in changes to existing cultural resources. At the individual project level, future projects could be consistent with the General Plan, comply with all state and local laws that are protective of significant historical resources, and still result in a significant adverse impact on a historical resource. Typically, such a project would be one that demolishes or otherwise destroys a significant historical resource. For example, Policy 6 states that “Structures of historical, cultural, or architectural merit which are proposed for demolition shall be considered for relocation as a means of preservation. Relocation within the same neighborhood or to another compatible neighborhood shall be encouraged.” Relocation may reduce the impacts on a historical resource, but not to a less-than-significant level.

#### **Impact CUL-2: Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5**

Archaeological resources are known to be present in the West Sacramento planning area. Consequently, it is possible that future development, redevelopment, and construction activities proposed under the General Plan update may result in direct or indirect impacts on both prehistoric and historic archaeological resources. If archaeological resources are present in the areas where development is planned to occur, they could be damaged by earth-disturbing construction activities, such as excavation for foundations, placement of fills, trenching for utility systems, and grading for roads and staging areas. In particular, construction activities may disturb such resources, thereby exposing them to potential vandalism or causing them to be displaced from their original context and integrity. Additionally, transportation improvements could restrict access to previously accessible locations that are important to Native Americans. This is considered a significant impact.

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

The planning area is located in an area inhabited by Native Americans during pre-European times. Accordingly, Native American burials may be found in the future on sites where no record of such burials exists. Buried human remains that were not identified during previous research and field studies could be inadvertently unearthed during ground-disturbing activities, possibly resulting in damage to the human remains. Accordingly, human remains could be damaged or destroyed by future development related to build-out of the updated General Plan.

### Finding

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

- 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 environmental impact report.

## Basis for Finding

The following mitigation measures will reduce these impacts by providing for the proper treatment of unknown archeological resources, and ensuring that state law regarding the discovery and disposition of human remains will be enforced, should such resources be discovered.

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

### **Mitigation Measure CUL-3: Implement appropriate treatment for discovery of human remains**

Avoidance of this impact, however, is infeasible. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan provides for the long-term development of the city. Government Code Section 65580, *et seq* requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. This requires the City to authorize future development to occur.

Demolition or destruction cannot be mitigated under CEQA (*Architectural Heritage Association v. County of Monterey* [2004] 122 Cal. App. 4th 1095; *League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland* [1997] 52 Cal. App. 4th 896). Therefore, although the updated General Plan policies would reduce the potential impacts on historical resources, because the update itself would allow development to occur where potential historic resources may be affected (*e.g.*, through loss of potential or known historic resources even after following the procedures set forth by federal, state, and local laws), the General Plan update could ultimately result in a significant and unavoidable impact.

## Geology and Soils

### Summary Description

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

Although the surficial Holocene deposits in the planning area have a low sensitivity for paleontological resources, the underlying Pleistocene deposits of the Modesto and Riverbank Formations are highly sensitive for paleontological resources. If fossils are present where development is planned, they could be damaged by earth-disturbing activities during construction, such as excavation for foundations, placement of fills, trenching for utility systems, and grading for roads and staging areas. The more extensive and deeper the earth-disturbing activity, the greater the potential for damage to paleontological resources.

## Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

## Basis for Findings

The following mitigation measure will reduce the impact of the project to a less-than-significant level by enacting a policy for the proper treatment of discovered paleontological resources. The measure will be enforced on individual development projects as they are considered for approval by the city.

### **Mitigation Measure GEO-7: Adopt new goal and policy to protect paleontological resources**

## Greenhouse Gas Emissions

### Summary Description

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

Construction associated with the General Plan update would result in the temporary generation of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Emissions would originate from mobile and stationary construction equipment exhaust and employee and haul truck vehicle exhaust. Operation of land uses supported by the General Plan update would generate direct and indirect greenhouse gas (GHG) emissions. Sources of direct emissions include mobile vehicle trips, natural gas combustion, and landscaping activities. Indirect emissions would be generated by electricity generation and consumption, waste and wastewater generation, and water use. Based on the anticipated reductions in GHG emissions from the City's draft CAP, 2020 emissions would not exceed thresholds. However, 2035 emissions levels would be significant.

#### **Impact GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases**

AB 32 codifies the state's GHG emissions reduction targets for 2020. The California Air Resources Board (ARB) adopted the 2008 Scoping Plan and 2014 First Update as a framework for achieving AB 32. The 2008 Scoping Plan and 2014 First Update outline a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions. Some reductions would need to come in the form of changes pertaining to vehicle emissions and mileage standards. Some would come from changes pertaining to sources of electricity and increased energy efficiency at existing facilities. The remainder would need to come from state and local plans, policies, or regulations, such as the General Plan update, that will lower carbon emissions, relative to business as usual conditions.

Environmental quality and sustainability is one of six MTP principles addressed in SACOG's MTP/SCS, which was adopted by SACOG on February 18, 2016. The MTP/SCS provides a long-range framework to minimize transportation impacts on the environment, improve regional air quality, protect natural resources, and reduce GHG emissions. The MTP/SCS is consistent with SB 375,

which requires SACOG to adopt an SCS that outlines policies to reduce per capita GHG emissions from automobiles and light trucks. The SCS policies include a mix of strategies that encourage compact growth patterns, mixed-used design, alternative transportation, transit, mobility and access, network expansion, and transportation investment. The General Plan update is consistent with the MTP/SCS.

While the General Plan update policies and the draft CAP are consistent with anticipated long-term statewide strategies to reduce GHG emissions, they are not adequate on their own to reduce emissions anticipated with General Plan Build Out to a level below the 2035 efficiency indicator. Accordingly, the project's emission levels are conservatively found to be inconsistent with the long-term statewide goals expressed in Executive Order (EO) S-3-05 and EO B-30-15. The 2030 goal is now codified in SB 32, which will become effective January 1, 2017.

## Findings

- 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 environmental impact report.

## Basis for Findings

The General Plan update includes the following policies that will reduce GHG emissions from construction (see page 3.7-14 of the Draft EIR for details): S-5.3 New Development,; S-5.9 Mitigation Measures, S-5.10 Truck Idling, and S-5.11 Public Education. Additional reductions would be achieved by anticipated CAP actions that encourage use of alternatively fueled and electrified equipment. Similarly, the draft CAP is expected to enable the City to reach 2020 goals for operations, consistent with AB 32. However, local actions are not expected to be sufficient to meet the 2030 goal set out in SB 32.

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

The 2030 goal of reducing GHG emissions to 40%t below 1990 levels established by SB 32 will require statewide actions and is not feasible to achieve solely at the local level. These statewide initiatives are listed below.

- Reliance on 50% renewable energy for the electricity supply
- 50% reduction in petroleum use in vehicles
- Double the energy efficiency savings from existing buildings (California Air Resources Board 2016)

# Hydrology and Water Quality

## Summary Description

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

The project will place housing within a 100-year flood hazard area. The Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps (FIRMs) for West Sacramento, last updated in 1995, show that all areas within the city located outside the main waterways are mapped as Zone X—area protected from the 100-year flood by levee or other structures subject to possible failure of overlapping during longer floods. Extensive studies that have been conducted since 1995 identify deficiencies in West Sacramento's levee system and likely inability to truly provide 100-year or 200-year flood protection; consequently, new draft revised FEMA maps anticipated to be issued in the near future are expected to show that all or parts of the city may meet neither 100-year flood standards nor 200-year level of flood protection required by CVFPP for urban areas. The City, in cooperation with the U.S. Army Corps of Engineers and the West Sacramento Flood Control Agency, is undertaking levee improvements that are designed to provide a 200-year level of flood protection. However, until these improvements are completed, West Sacramento remains at risk of flooding.

## Findings

- 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 environmental impact report.

## Basis for Findings

The General Plan update includes a substantial commitment to flood protection under Safety Element Goal S-2 (to prevent loss of life, injury, and property damage due to flooding). This includes an extensive set of 38 policies, including the following examples: S-2.1 Flood Insurance Program, S-2.2 Minimize Risk of Flood Damage, S-2.3 Flooding Evacuation and Rescue Maps, S-2.7 200-Year Flood Protection, S-2.25 Maintenance and Improvement of Levees, and S-2.32 Design and Operation of Critical Facilities. These are described in the Draft EIR, beginning on page 3.9-57. In addition, the City Council has adopted findings pursuant to SB 5 describing the ongoing efforts to provide 200-year flood protection.

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

# Noise

## Summary Description

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

The General Plan update does not propose any specific development projects, but outlines what future development is expected to look like in West Sacramento; future development under the General Plan update would be required to comply with noise limitations specified in Section 17.32 of the City's Municipal Code (Table 3.12-9 in the Draft EIR). If the construction of future projects complies with the City's performance standards for noise, impacts from construction noise would be less than significant. However, it may not be feasible in all cases to mitigate construction noise of individual projects to less-than-significant levels. Because construction noise associated with future projects may expose people to noise levels in excess of thresholds, and because it may not be feasible to mitigate future construction noise to levels below the applicable noise standards, this impact would be significant. The same reasoning applies to operational noise resulting from new development under the General Plan update. The updated General Plan's Safety Element includes extensive policies under Goal S-7 (to protect city residents from the harmful effects of excessive noise and vibration) aimed at reducing construction and operational noise impacts, but these would not fully avoid the significant effect. The policies are described beginning on page 3.12-15 of the Draft EIR.

### **Impact NOI-3: Potential to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project**

Development under the General Plan update could result in a substantial permanent increase in ambient noise levels in the planning area above levels that would exist without the General Plan update, as described in the Draft EIR under Impact NOI-1. Traffic noise levels throughout the city would increase with build-out under the General Plan update, and noise levels along some roadways would be expected to increase. Compared to existing conditions, impacts from the General Plan update related to a substantial permanent increase in ambient noise would be significant. Policies S-7.1 through S-7.5, S-7.7 through S-7.10, LU-3.5, LU-6.4, and PFS-1.6 in the General Plan update would help to reduce the level of the potential noise impacts on noise-sensitive land uses in the city. However, mitigation of potential future noise impacts to a less-than-significant level may not be feasible in all situations.

### **Impact NOI-4: Potential to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project**

Although construction activities associated with new development would be temporary, and the related noise impacts would be short-term, build-out under the General Plan update would result in exposure of noise-sensitive land uses to temporary noise levels from construction activities associated with development (as described for Impact NOI-1). These activities could result in a substantial temporary or periodic increase in ambient noise levels. It may not be feasible in all cases to mitigate construction noise of individual projects to less-than-significant levels. Because temporary construction associated with development under the proposed General Plan update may expose people to noise levels in excess of thresholds, and because it may not be feasible in all cases

to mitigate this noise to levels below the applicable noise standards, this impact would be significant and unavoidable.

## Finding

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

## Basis for Finding

The following mitigation measure would reduce vibration impacts from future construction activities to a less-than-significant level.

### **Mitigation Measure NOI-2: Add Vibration Standards Policy to the General Plan**

Avoidance of significant noise impacts under Impacts NOI-1 and NOI-4 is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan provides for the long-term development of the city. Government Code Section 65580, et seq. requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. This requires the City to authorize future development to occur. This further development, both through its construction and its contribution to vehicular traffic, will substantially increase noise levels in some portions of the city above low, existing ambient levels.

## Population and Housing

### Summary Description

**Impact POP-1: Potential to induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)**

Future development under the General Plan update would cause a substantial increase in population in the planning area. The project’s contribution to the cumulative impact on population and housing would be significant and unavoidable.

## Finding

- 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 environmental impact report.

## Basis for Finding

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan as amended provides for the long-term development of the city. Government Code Section 65580, et seq. requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. This requires the City to authorize future development to occur.

## Public Services

### Summary Description

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

The increase in population expected to occur as development occurs under the General Plan update will necessitate the construction of new or expanded public service facilities. Typical facilities, being located in an urbanized area, would not have significant operational effects on the environment. However, the construction of typical facilities could result in impacts on unknown cultural resources and surface water quality unless mitigated.

### Finding

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

### Basis for Findings

Surface water quality will be protected by state and city regulations, as discussed under Impact WQ-1, beginning on page 3.9-46 of the Draft EIR. Public services facilities (i.e., fire station, police substation, lift stations) are expected to be only a small part of the overall development that will occur under the General Plan update. Given the limited potential for impact, the following mitigation measures will reduce the impact of future public services facilities on cultural resources to a less-than-significant level.



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

**Mitigation Measure CUL-3: Implement appropriate treatment for discovery of human remains**

## Recreation

### Summary Description

**Impact REC-2: Construction or expansion of recreational facilities that might have an adverse physical effect on the environment**

Construction or expansion of recreational facilities might have an adverse physical effect on the environment. The increase in population expected to occur as development proceeds under the General Plan update will necessitate the construction of new or expanded recreation facilities. Typical facilities, being located in an urbanized area, would not have significant operational effects on the environment. However, the construction of typical facilities could result in impacts on unknown cultural resources and surface water quality unless mitigated.

### Findings

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

#### Basis for Findings

Surface water quality will be protected by state and city regulations, as discussed under Impact WQ-1, beginning on page 3.9-46 of the DEIR. Park and recreation facilities typically do not require extensive excavation that might adversely affect cultural resources. Park design, in particular, offers opportunities for avoiding or capping cultural resources. The following mitigation measures, in conjunction with the policies of the proposed General Plan update, will reduce the impact to a less-than-significant level.

**Mitigation Measure BIO-6: Amend NCR-2.13 (Fisheries) to include in-water construction and maintenance activities**

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

**Mitigation Measure CUL-3: Implement appropriate treatment for discovery of human remains**

## Transportation and Traffic

### Summary Description

#### **Impact TRA-1: Deterioration of intersection level of service**

Future development under the General Plan update will result in levels of service exceeding the standard for congestion at certain intersections within the city. This is a significant impact.

#### **Impact TRA-3: Increase in daily traffic volumes on arterial or non-residential collector road segments to from an acceptable level to a level greater than the maximum desirable daily volume**

Future development under the General Plan update will increase daily traffic volumes on arterial or nonresidential collector road segments from an acceptable level to a level greater than the maximum desirable daily volume.

#### **Impact TRA-4: Increase in daily traffic volumes on residential streets from an acceptable level to an unacceptable level**

The daily traffic volumes on certain residential streets will increase from an acceptable level to an unacceptable level under future development that results from the General Plan update.

### Findings

- 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 environmental impact report.

### Basis for Findings

Existing development presents structural impediments to the road improvements that would be necessary in order to meet level of service (LOS) standards at all city intersections. Because of constrained right-of-way at these intersections, the high level of at-grade improvements outlined in Table 3.16-7 of the Draft EIR would have an unacceptable impact on adjacent uses. These impacts include increased traffic noise, proximity to vehicle emissions, and loss of property frontage. At some locations the at-grade improvements would require a roadway width or traffic control that is not acceptable because of its impact on pedestrians and bicyclists. At two intersections, grade separating two or more of the “critical movement” traffic flows at an intersection would be needed to provide an acceptable LOS. However, grade separations (e.g., an overpass or underpass) require significant right-of-way and would consequently affect adjacent uses. Grade separations would also affect access to adjacent uses, as well as access for pedestrian and bicyclist traffic. Accordingly, the mitigation actions outlined in Table 3.16-8 of the Draft EIR would not be feasible. The LOS impacts at these intersections would be significant and unavoidable.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of the ... city ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan provides for the long-term development of the city. Government Code Section 65580, et seq. requires the General Plan to “identify adequate sites for

housing” and otherwise plan for sufficient development to meet the City’s share of the regional housing need. This requires the City to authorize future development to occur.

## Utilities and Service Systems

### Summary Description

#### **Impact UT-3: Potential to require new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects**

The new and expanded stormwater drainage facilities necessary to accommodate the increased stormwater runoff from development under the General Plan update could cause significant environmental impacts.

#### **Impact UT-4: Potential to result in insufficient water supplies to serve the project from existing entitlements and resources, or a need for new or expanded entitlements**

Development under the General Plan update could result in insufficient long-term water supplies to serve West Sacramento from existing entitlements and resources (U.S. Bureau of Reclamation (USBR) contract), or a need for new or expanded entitlements (North Delta Water Agency (NDWA) contract). For the large part of the planning area served by the NDWA, the City’s contract ensures that “water under this contract is 100 percent reliable in all year types” (City of West Sacramento 2016). However, this water supply may be subject to reductions should water quality in the Sacramento-San Joaquin Delta deteriorate to the point that water must be devoted to maintaining Delta water quality. The USBR contract is susceptible primarily to drought conditions, when diversions from the Sacramento River may be reduced by USBR under its Sacramento River Central Valley Project Municipal and Industrial Water Shortage Policy. Due to uncertainties about the reliability of the water supply under all conditions in the future, it is possible that water supplies would not be sufficient to meet the increased demand. This impact is significant and unavoidable.

### Finding

- 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 environmental impact report.

### Basis for Finding

Goal PFS-4 (to maintain an adequate level of service in the City’s storm drainage system to accommodate runoff from existing and future development, prevent property damage due to flooding, and improve environmental quality) and its associated policies will reduce this impact. The goal and policies are described in the Draft EIR beginning on page 3.17-18. In addition, construction of new or expanded stormwater facilities would comply with the requirements of the City’s state-approved Stormwater Management Plan. However, these requirements would not reduce the impact to a less-than-significant level because individual facilities have not been proposed; accordingly, specific impacts such as damage to sensitive habitats cannot be evaluated, nor can the efficacy of mitigation measures that have not been developed.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the City Council to “adopt a comprehensive, long-term general plan for the physical development of

the ... city ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan provides for the long-term development of the city. Government Code Section 65580, et seq. requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the City's share of the regional housing need. This requires the City to authorize future development that will lead to this impact.

## Significant Irreversible Environmental Changes

State CEQA Guidelines Section 15126.2 requires that the EIR for a general plan amendment must address any significant irreversible environmental change that would result from implementation of that amendment. Specifically, per the Guidelines (Section 15126.2[c]), such an impact would occur under the circumstances listed below.

- The project would involve a large commitment of nonrenewable resources.;
- Irreversible damage can result from environmental accidents associated with the project.
- The proposed consumption of resources is not justified.

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

Implementing the General Plan update would result in environmental changes because the physical environment would be altered through continued commitments of land and construction materials to urban development. There would be an irretrievable commitment of labor, capital, and materials used in construction and a permanent loss of open space over time. Nonrenewable resources would be committed primarily in the form of fossil fuels such as oil, natural gas, and gasoline used to support the additional development associated with implementation of the current General Plan.

Implementing the General Plan update would also result in the consumption of other nonrenewable or slowly renewable resources, including lumber and other forest products, sand and gravel, asphalt, steel, copper, and water. Although alternative energy sources such as solar, geothermal, or wind energy are in use in West Sacramento, the proportion of energy generated by these sources is so much smaller than the proportion generated by fossil fuel sources that it is unlikely that savings in nonrenewable energy supplies (e.g., oil and gas) could be realized in the immediate future.

## Recirculation Not Required

The revisions made to the Final EIR and General Plan Policies are intended to reflect the streamlining provisions of CEQA for projects consistent with the General Plan, and do not raise substantive changes that would rise to the level of "significant new information" requiring recirculation. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other

information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

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

(CEQA Guidelines, § 15088.5.)

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

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes to the Draft EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper because they offer clarifying information to the reader and do not result in an exacerbation of existing impacts or create new impacts.

## Statement of Overriding Considerations

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

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

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

The EIR for the General Plan Update examines the changes to the existing environment that would occur as the General Plan is built-out over to 2035 planning horizon. The significant, unavoidable impacts are described below. These are detailed in the respective sections of the Draft EIR.

- Aesthetics
- Agricultural Resources
- Air quality
- Cultural resources
- Greenhouse gas emissions
- Flooding
- Noise
- Growth inducement
- Traffic
- Stormwater facilities
- Water supply

These impacts are outweighed individually and collectively by the following benefits of the General Plan Update project.

## Benefits and Supporting Facts

The General Plan Update will ensure that the General Plan complies with current statutory requirements for content and avoid the consequences that may occur from inconsistency with current state law. The prior General Plan was adopted in 1990 and has not had a comprehensive update since that time.

Government Code Section 65302, et seq. sets out the essential content requirements for General Plans. The General Plan Update ensures that the city's General Plan complies with these requirements. In particular, the update includes extensive new policies (Policies S-1.12 through S-1.13 and S-2.1 through S-2.44) and maps under Safety Element Goals S-1 and S-2 relating to floodplain management that meet the provisions of Section 65302(g) relating to flood hazard. These updates also ensure that the City meets the requirements of Senate Bill 5 (Chapter 364, Stats. of 2007) related to floodplain management, project approval in recognition of ongoing flood hazard reduction activities, and mandating 200-year flood protection in urbanized areas.

The new Mobility Element includes measures addressing multi-modal transportation (Goal M-1 and Policies M-1.1 through M-1.10) and complete streets (Goal M-2 and Policies M-2.1 through M-2.14), consistent with Assembly Bill 1358 (Chapter 657, Stats of 2008), the California Complete Streets Act<sup>1</sup>. These goals and policies will implement the Complete Streets Act by, among other things: establishing multi-modal corridors (Policy M-1.2); incorporating into new development multi-modal access to civic and commercial centers, employment centers, transit stops/stations, schools, parks, recreation areas, and tourist attractions (Policy M-1.7); ensuring that all new roadway projects and major reconstruction projects provide appropriate and adequate rights-of-way for all users including bicyclists, pedestrians, transit riders, and motorists (Policy M-2.3); ensuring that all streets are safe and accessible to people with disabilities and others with limited mobility (Policy M-2.4); requiring that streets be dedicated, widened, extended, and constructed to provide for a well-connected, walkable community (preferably a grid or modified grid), according to City street design standards and complete streets concepts (Policy M-2.9); and ensuring that in constructing and reconstructing streets that adequate rights-of-way and crossing of rights-of-way be provided for all users including bicyclists, pedestrians, transit riders, and motorists (Policy M-2.12).

Further, Government Code Section 65300.5 states: "the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies." The General Plan Update ensures that the elements of the General Plan are consistent with the Housing Element that was adopted in September 2013, and reflect the city's policies ensuring that it can accommodate its share of the Regional Housing Needs Allocation.

## Other Benefits

The General Plan is the foundation of the City's land use planning and regulatory scheme. It embodies land use goals and policies ranging from agricultural land to healthy communities to urban design. An up-to-date General Plan that complies with current state law and represents the Planning Commission's and City Council's land use goals and policies enables the city to make land use decisions in a timely and consistent manner. This represents good planning.

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<sup>1</sup> Government Code Section 65302(b)(2)(A) provides: "Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan."

An up-to-date general plan supports the following key land use decisions:

- Consideration and approval of land use projects that are consistent with the General Plan, including zone changes that implement the General Plan, conditional use permits, and subdivision maps. These projects implement the vision established by the General Plan for a healthy community that provides parks, “complete streets,” and attractive neighborhoods for its current and future residents. Such projects also enhance the vitality of the city by providing new opportunities for businesses and residents to locate in West Sacramento, and to enable existing businesses and residents to reinvest in their properties.
- Approval of development projects consistent with the regional Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) that advance the policies of the MTP/SCS. Encouraging transit priority projects reduces the growth of automobile use in the city, by building close to transit lines and providing infrastructure connections that encourage non-automobile travel modes. This reduces the growth of “vehicle miles travelled” in comparison to conventional auto-dependent development patterns, which reduces greenhouse gas emissions and also provides health benefits in the form of reduced automobile air pollutant emissions. Transit priority projects provide the density and intensity of development near transit lines that encourage transit use, including buses and the proposed trolley. These advantages keep the City in the forefront of planning innovation within the Sacramento region.
- Aligning the General Plan with the MTP/SCS, which enhances the City’s regional funding opportunities. Consistency with the MTP/SCS is important in order to qualify for transportation funding from SACOG. Planning grants from state agencies such as the Strategic Growth Council (e.g., Affordable Housing and Sustainable Communities Program) are prioritized for qualifying projects consistent with the MTP/SCS. These can be used to improve the quality of life in West Sacramento by providing affordable housing and reducing the locally-borne cost of infrastructure.
- Adoption of a capital improvement program that prioritizes necessary capital improvements in coordination with planned development density and intensity. This ensures that capital improvements such as roads, water lines, and sewer lines are installed or expanded in a cost-effective manner that matches the timing and scope of expected future development so that services can be provided efficiently.
- Establishment and revision of equitable infrastructure and public service financing mechanisms. Land use patterns and the density and intensity of future development are critical to establishing the nexus necessary to support impact fees for the construction of infrastructure needed to support new development. Similarly, infrastructure financing methods such as Enhanced Infrastructure Financing Districts and Community Facilities Districts rely upon the land use type, density and intensity within proposed district boundaries for essential assumptions regarding the size of necessary infrastructure, its related cost, and the capacity of planned development to support the proposed infrastructure. Reliable assumptions are needed to ensure that the districts will have the necessary long-term financing capacity. This also applies to financing mechanisms, whether Enhanced Infrastructure Financing Districts, Community Facilities Districts, or others, that fund services.

## Region-wide Environmental Benefit

Senate Bill 375 (Chapter 728, Stats. of 2008) requires the Sacramento Area Council of Governments (SACOG) to prepare a “sustainable communities strategy” (SCS) as part of its MTP/SCS. The purpose



of the MTP/SCS is to reduce regional greenhouse gas emissions from automobiles and light-duty trucks to meet the 2020 reduction target set by the California Air Resources Board (ARB). Cities and counties within the region are encouraged to conform their general plans to the MTP/SCS to enable its 2020 target to be met through local land use patterns and policies that reduce regional vehicle miles travelled.

Assembly Bill 32 (Chapter 488, Stats. of 2006) establishes a statewide greenhouse gas reduction target of 1990 emissions levels by the year 2020. The statute mandates that the ARB quantify the necessary reduction level and identify programs that will enable statewide emissions reductions to meet that target. The SCS programs undertaken by the state's regional Metropolitan Planning Organizations, such as SACOG, are one of the measures identified in ARB's "Scoping Plan" (First Update) as important to meeting the statewide greenhouse gas reduction target. (California Air Resources Board 2014)

The General Plan Update conforms the General Plan to the regional MTP/SCS adopted by the Sacramento Area Council of Governments in 2016. The goals and policies of the General Plan Update therefore help the region attain its share of the Scoping Plan's greenhouse gas emissions reduction attributed to regional SCS efforts. Reduction of greenhouse gas emissions is a region-wide and state-wide benefit of the General Plan Update.

## Statement of Overriding Considerations

The City of West Sacramento has independently reviewed the information in the EIR and the record of proceedings and made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed General Plan Update to the extent feasible, by including policies and actions in the General Plan that mitigate potential environmental impacts to the greatest extent feasible, while balancing the project's benefits against significant and unavoidable impacts.

Adoption and implementation of the General Plan Update would provide the following economic, social, legal, and other considerable benefits:

1. The General Plan Update promotes environmentally sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, agricultural preservation, environmental protection, and preservation of quality of life for residents of the city.
2. The General Plan Update implements principles of sustainable growth by concentrating new development around existing and proposed nodes of transportation.
3. The General Plan Update improves mobility options through the development of walkable communities, adequate rights-of-ways, and development proximate to transit.
4. The General Plan Update addresses adverse environmental impacts associated with global climate change by facilitating sustainable development, adopting a climate action plan, and promoting energy efficiency, all which will work in concert to reduce greenhouse gas emissions.
5. The General Plan Update enhances the local economy and provides opportunities for future jobs and businesses.
6. The General Plan Update is the product of comprehensive public planning efforts, comprised of the public, staff, the Planning Commission, and the City Council, and results in a thoughtful balance of community, economic, and environmental interests.

## Conclusion

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

The City Council has considered the information presented in the EIR, as well as public testimony, and the record of proceedings in which the General Plan Update was considered. Recognizing that significant unavoidable impacts exist in aesthetics, agricultural resources, air quality, cultural resources, greenhouse gas emissions, flooding, noise, growth inducement, traffic, storm-water facilities, and water supply, the Council nevertheless finds that the benefits in the General Plan Update outweigh the impacts of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan Update, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the General Plan, as stated herein, are determined to be unto themselves separated overriding considerations, independent of other benefits, and warrant adoption of the General Plan Update.

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

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

## References

- California Air Resources Board. 2016. *Public Workshop on the Energy Sector to Inform Development of the 2030 Target Scoping Plan Update*. August 23, 2016. Available: <https://www.arb.ca.gov/cc/scopingplan/meetings/08232016/scoping.plan.energy.workshop.pdf>. Accessed: October 5, 2016.
- \_\_\_\_\_. 2014. *First Update to the Climate Change Scoping Plan, Appendix B - Status of Initial Scoping Plan Measures*. Available: [https://www.arb.ca.gov/cc/scopingplan/2013\\_update/appendix\\_b.pdf](https://www.arb.ca.gov/cc/scopingplan/2013_update/appendix_b.pdf). Accessed: October 17, 2016.
- City of West Sacramento. 2016. *2015 Urban Water Master Plan*. October. Prepared by Carollo Engineers, Sacramento, CA. Available: <https://www.cityofwestsacramento.org>.