

MINUTE ITEM

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 5/12/97 meeting.

CALENDAR ITEM

C25

A 5

05/12/97

S 6

W 25340

D. Jones

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

The Sierra Health Foundation, a California
Nonprofit Public Benefit Corporation
1321 Garden Highway
Sacramento, California 95833

AREA, LAND TYPE, AND LOCATION:

0.46 acre, more or less, of tide and submerged land in the Sacramento River, in the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The construction and maintenance of approximately 560 feet of bank protection.

LEASE TERM:

25 years, beginning April 1, 1996.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:
\$500,000 Combined Single Limit.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. An EIR was prepared and certified for this project by the city of Sacramento. The State Lands Commission has reviewed this document and the Mitigation Monitoring Program adopted by the lead agency.
3. Findings made in conformance with section 15091 of the State CEQA Guidelines are contained in Exhibit C attached hereto.

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4. A Statement of Overriding Considerations made in conformance with section 15093 of the State CEQA Guidelines is contained in Exhibit C attached hereto.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, California Department of Fish and Game,
California Regional Water Quality Control Board, State Reclamation Board.

EXHIBITS:

- A. Site Map.
- A-1. Lease Description
- B. Location Map.
- C. CEQA Findings and Statement of Overriding Considerations.
- D. Mitigation Monitoring Program.

PERMIT STREAMLINING ACT DEADLINE:

N/A.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.
3. ADOPT THE REVEGETATION MONITORING PLAN, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

CALENDAR ITEM NO. C25 (CONT'D)

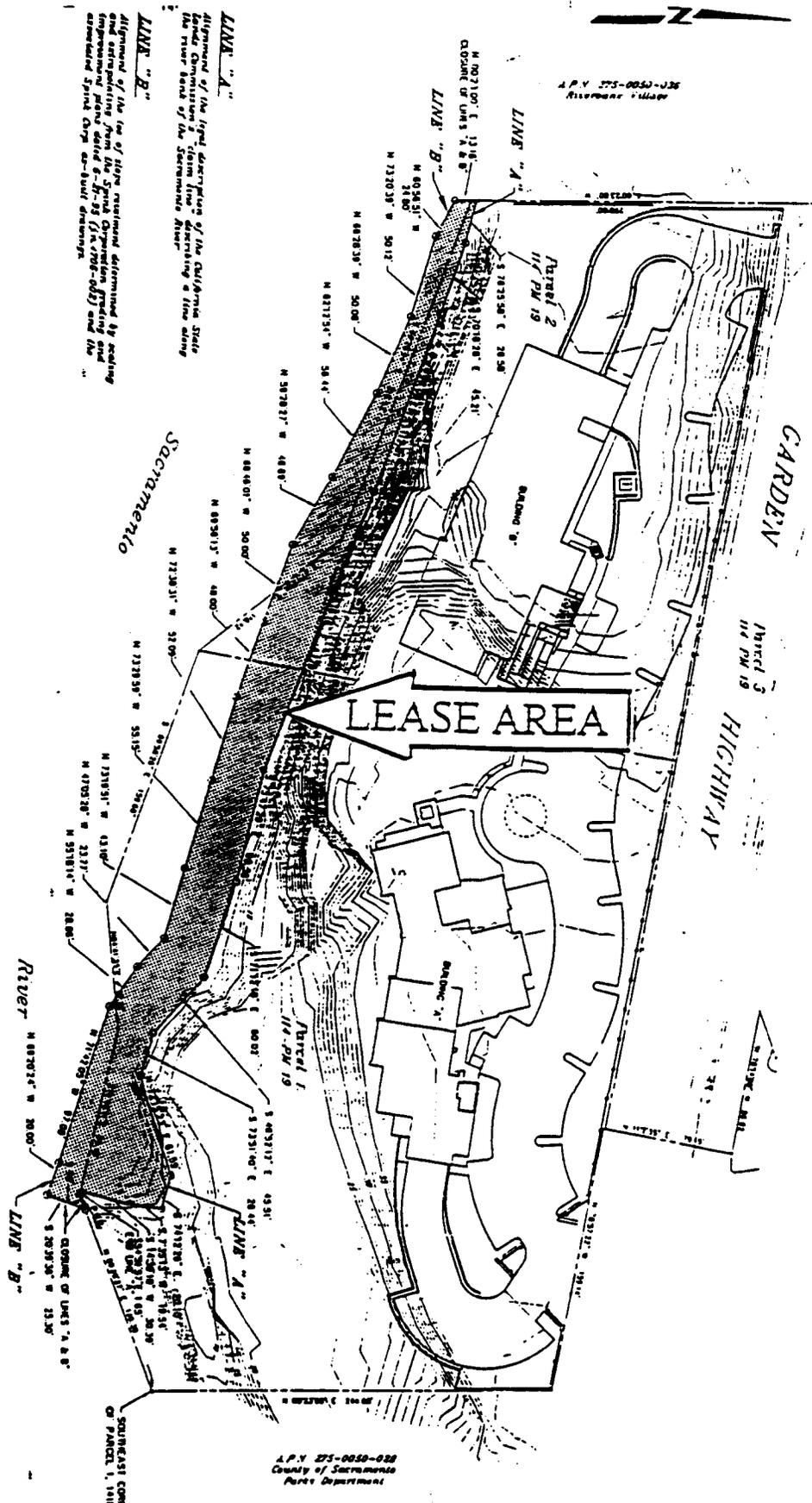
4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH SECTION 15093 OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE SIERRA HEALTH FOUNDATION, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, EFFECTIVE APRIL 1, 1996, FOR A TERM OF 25 YEARS, FOR BANK PROTECTION PURPOSES, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF; CONSIDERATION: THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; INSURANCE: LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000.



LINE "A"
 Alignment of the legal description of the California State Lands Commission's "stem line" of the river along the river bank of the Sacramento River.

LINE "B"
 Alignment of the line of high water determined by receding and extending from the 5-foot high water mark and improving plan dated 6-22-22 (A-275-0050-028) and the extended spirit of the original drawings.

A.P.V. 275-0050-028
 County of Sacramento
 Parks Department

This exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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EXHIBIT "A-1"

SIERRA HEALTH FOUNDATION

(STATE LANDS LEASE AREA FOR SLOPE REVETMENT)

BEGINNING AT A POINT, SAID POINT BEING S69°28'27"W 126.39 FEET FROM THE SOUTHEAST CORNER OF PARCEL 1, AS SAID PARCEL IS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 141 OF PARCEL MAPS AT PAGE 19, RECORDS OF SACRAMENTO COUNTY; THENCE RUNNING ALONG THE SOUTH LINE OF SAID PARCEL 1, N69°28'27"E 9.95 FEET; THENCE S20°39'36"W 25.30 FEET; THENCE N69°20'24"W 20.00 FEET; THENCE N71°42'05"W 97.08 FEET; THENCE N55°18'14"W 28.86 FEET; THENCE N47°05'28"W 23.77 FEET; THENCE N73°19'51"W 43.10 FEET; THENCE N73°29'59"W 55.15 FEET; THENCE N72°38'31"W 52.09 FEET; THENCE N69°56'13"W 48.00 FEET; THENCE N68°46'01"W 50.00 FEET; THENCE N59°28'27"W 46.69 FEET; THENCE N62°12'54"W 56.44 FEET; THENCE N66°28'39"W 50.06 FEET; THENCE N73°20'39"W 50.12 FEET; THENCE N60°56'51"W 24.80 FEET; THENCE N00°23'00"E 13.16 FEET; THENCE S76°25'58"E 26.58 FEET; THENCE S70°16'28"E 45.21 FEET; THENCE S70°02'08"E 112.91 FEET; THENCE S68°16'16"E 179.25 FEET; THENCE S75°47'29"E 69.38 FEET; THENCE S71°12'10"E 60.02 FEET; THENCE S46°52'12"E 45.51 FEET; THENCE S73°51'40"E 26.44 FEET; THENCE N72°15'23"E 61.59 FEET; THENCE S74°12'26"E 20.10 FEET; THENCE S07°35'13"W 19.54 FEET; THENCE S14°30'10"W 30.39 FEET; THENCE S54°51'57"E 1.65 FEET TO THE POINT OF BEGINNING.

July 2, 1998

303.01A

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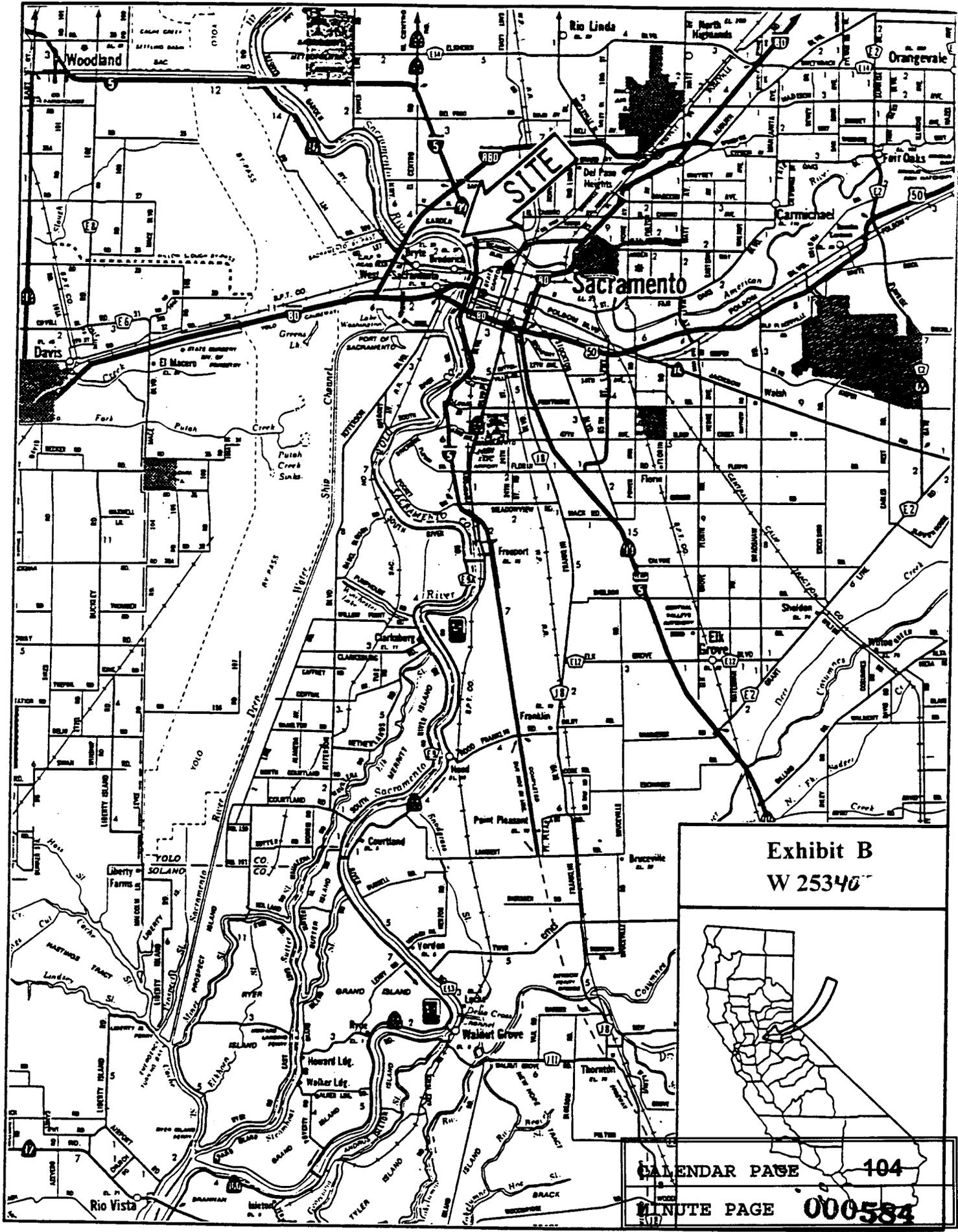


Exhibit B
W 25340



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EXHIBIT C

**CEQA STATEMENT OF FINDINGS OF FACTS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

FOR

SIERRA HEALTH FOUNDATION CENTER EIR

(State Clearinghouse Number 91012011)

Prepared By:

**City of Sacramento Environmental Services Division
October 15, 1992**

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92-804

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~~(including eligibility for National Register nomination) and, if significant, their locations must be mapped and a data collection program implemented. The archaeologist conducting the diving operations should determine the significance of any and all finds of shipwreck resources. Further mitigation measures, if necessary, will need to be determined by the archaeologist in charge.~~

~~All significant submerged cultural resources must be mapped in place, photographed or drawn to illustrate their relative positions, and any other significant data required. Sites must be recorded according to standard guidelines. The advisability of retrieval and curatorial, as well as determination of any other mitigation measures necessary should rest with the archaeologist in charge. A report must be prepared detailing the find, its significance and the historical details of association that may be obtained.~~

With the exception of the changes to impact statements and mitigations noted above, all other impacts and mitigations assigned to the Proposed Project in the Draft and Final Environmental Impact Report for this project remain valid and unchanged by this addendum.

4. Inclusion in the Record: The above findings and modifications constitute an addendum to the Draft and Final EIR prepared for the Sierra Foundation Project (State Clearinghouse Number 91012011), and are considered part of the administrative record for the project pursuant to the California Environmental Quality Act.

CEQA STATEMENT OF FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR THE PROPOSED SIERRA HEALTH FOUNDATION CENTER
PROJECT

I CERTIFICATION OF THE FINAL EIR

Facts in Support of Findings

- A. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Sierra Health Foundation Center project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Sacramento environmental guidelines.
- B. A Notice of Preparation (NOP) of the draft EIR was filed by the City of Sacramento with the State Clearinghouse at the Office of Planning and Research. The State Clearinghouse assigned Clearinghouse Number 91012011. The NOP was distributed to all responsible and trustee agencies, and interested groups, organizations, and individuals on December 31, 1990. The City accepted comments on the NOP from December 31, 1990 to January 30, 1991.
- C. Copies of the Sierra Health Foundation Center draft EIR were distributed by the City of Sacramento to the State Clearinghouse, to those public agencies which have jurisdiction by law with respect to the Project and to other interested parties and agencies. A public review period for the Sierra Health Foundation Center draft EIR began on March 6, 1992 and concluded on April 20, 1992. In addition on April 16, 1992 the City Planning Commission held a public hearing to hear comments on the Draft EIR. After the close of the comment period, the City responded to all of the written comments that were received.
- D. The Sierra Health Foundation Center draft EIR was then supplemented to incorporate comments received during the public comment period and the City's responses to those comments. As so revised, the Sierra Health Foundation Center final EIR, which includes Sierra Health Foundation Center draft EIR (collectively the "EIR"), was prepared and released to the public on June 23, 1992.
- E. An Addendum to the Final EIR was prepared in October 1992, and circulated to the City Council along with these findings. The Addendum was prepared to describe the revised project which deleted the marina, restaurant and floating pavilion structure, and which substituted 12,400 square feet of commercial space for an equal amount of office space in Building B. The removal of these structures resulted in reduced impacts to the Sacramento River system. The addendum describes the areas of impacts which result from removal of the marina, restaurant and floating pavilion structure. The project described in the Addendum, these findings and the Mitigation Monitoring Plan is the same as

the "Proposed Project" described in the Draft and Final EIR except that the project no longer includes a 20 boat marina, a floating restaurant and pavilion and commercial space. The revised project includes Building A, a 23,000 square foot three level office building with parking, Building B, a 37,000 square foot four level office building with parking, landscaping and a gabion and fabric riverbank protection system. A total of 214 spaces are provided.

- F. The following information is incorporated by reference and made part of the record supporting these findings:
1. The Sierra Health Foundation Center draft EIR, final EIR, including the addendum to the EIR and all documents relied upon or incorporated by reference therein;
 2. The Mitigation Monitoring Plan dated July 31, 1992;
 3. Testimony, documentary evidence and all correspondence submitted or delivered to the City relating to this project or the EIR;
 4. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project including but not limited to City of Sacramento General Plan, and the Environmental Impact Report for the City of Sacramento General Plan Update.

Findings

- A. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the Sierra Health Foundation Center EIR and comments and responses thereto having been considered, the City Council makes the following determinations:
1. The Sierra Health Foundation Center EIR was prepared and completed in compliance with CEQA.
 2. The Sierra Health Foundation Center EIR has been presented to the City Council which reviewed and considered the information therein prior to acting on the proposed Sierra Health Foundation Center project.
 3. The Sierra Health Foundation Center EIR reflects the independent judgment of the lead agency, California Environmental Quality Act, Section 21082.1(c)(3).

II FINDINGS AND STATEMENT OF FACTS SUPPORTING THE FINDINGS

The Environmental Impact Report for the Sierra Health Foundation Center proposal, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts which could result from adoption of the project or alternatives to the project.

Because the EIR indicates the implementation of the project (or project alternatives) would result in certain unavoidable adverse impacts, the City is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all the identified significant impacts of the project. The significant impacts that cannot be mitigated to a less-than-significant level are considered acceptable by the City Council based on a determination that the benefits of the project (listed in the Statement of Overriding Considerations, section VII) outweigh the risks of the potentially significant environmental effects of the project.

A. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED

Finding - As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the City finds that changes or alterations have been required in, or incorporated into, the Sierra Health Foundation Center project which mitigate or avoid the significant environmental impacts listed below, as identified in the Sierra Health Foundation Center EIR.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. LAND USE - 51-1A Conflict with the General Plan and Community Plan Designations
 - a. Significant Impact The project site is designated as Open Space in the SGPU and designated Riverfront in the South Natomas Community Plan. An impact will exist if the project is inconsistent with the Land Use Designations.
 - b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 1. To alleviate the inconsistencies of the proposed project the City Council can elect to either approve an alternative to the project which preserves open spaces or make findings and approve a General Plan redesignation from Parks, Recreation, and Open Space to Community/Neighborhood Commercial and Offices and amend the South Natomas Community Plan from Riverfront to Office/Office Park.
2. LAND USE - 51-1B Conflict with the Open Space Goals of the General Plan
 - a. Significant Impact Development of the Proposed Project includes buildings,

pavement and landscape within a designated A-99 flood zone. This project may be subject to flooding and may place people in jeopardy of flood related hazards (please refer to the Hydrology Section). The Proposed Project is inconsistent with Goal A and Goal C.

b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR.

1. To alleviate the impact of approving development in a flood prone area, the project will be required to meet all structural design restrictions imposed on non-residential structures in Natomas until such time as the levees on the Sacramento River are stabilized. The adopted "Land Use Policy Within the 100 year Floodplain in the City and County of Sacramento" requires compliance with either elevation of the structures or floodproofing requirements contained in the City's floodplain management regulations or compliance with flow through design requirements. In addition, all structures (including fill or erosion control features) located in the Sacramento River floodway must be designed with a certification by a professional registered engineer demonstrating that the encroachment will not result in any increase of flood levels during the occurrence of a base flood discharge (Sacramento City Building Code Section 9.1005 (d)).

3. LAND USE - 51-2A Zoning Consistency

a. Significant Impact The Proposed Project will require removal of trees and topsoil contrary to the American River Parkway-Flood Plain (ARF-F) zoning.

b. Facts in Support of Finding Implementation of the following measures will alleviate the inconsistency in zoning:

1. Rezone the subject site from ARF-F to OB-PUD and,

2. Implement Mitigation Measures 51-5 (Land Use Flooding), 5.8 and 5.9 (Hydrology and Erosion) and 510-1 and 2 (Biological Resources and Trees) to reduce the impact to trees and topsoil.

4. LAND USE - 51-1D Conflict Regarding Access to Riverfront

a. Significant Impact The South Natomas Community Plan requires that the project provide continuous public pedestrian access to the river with connecting paths to Garden Highway at intervals of 800 feet or less as a condition of development approval for projects other than single family homes on sites one acre or larger. Paths should be marked by signs reading "Public Access to River."

The South Natomas Community Plan also regulates intensity of development according to accepted standards for vehicle trip generation and parking

generation by land uses proposed, allocating to each parcel a share of available capacity proportional to its frontage on Garden Highway.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. To conform to the public pedestrian access policy, the project should designate and dedicate a public pedestrian access-way which should be marked by signs reading "Public Access to River" or the applicant shall contribute to the City or a trust agency designated by the City an amount equal to the costs of dedicating and developing public access at a comparable location along the Sacramento River. The contribution shall be based in the independently verified costs of acquiring fee title or easements from the Garden Highway to the river and the costs of developing such access including improvements for safe walking, viewing, parking and signage.

2. To conform to the transportation and parking policy the City should require an aggressive Transportation Management Plan or require that the PUD guidelines provide for parking management strategies to avoid parking overflow onto the shoulder of Garden Highway.

5. LAND USE - 5.1-2B Parking Standards

a. Significant Impact The proposed project is located in an area of limited off-street parking, any parking overflow could result in a potentially significant effect.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. The applicant should monitor the use of the project's parking to ensure that adequate space is provided for peak use. Related to this, to the extent possible, the applicant should employ all reasonable Transportation Management Plan strategies to reduce office parking demand.

6. LAND USE - 5.1-3B Land Use Conflict with the Planned Intent of the Site

a. Significant Impact The development associated with the Proposed Project would contrast with the existing and planned land use of the project site. The aesthetic character of the property would be altered by removing natural vegetation, grading and filling the site, constructing the project and paving the driveway and parking area. Development along the river also impacts river habitats, the flood corridors, viewsheds and the balance of open space. Development of the Proposed Project will create significant physical change and land use impact in the areas of air quality, transportation, hydrology, water quality, biology and aesthetics. These significant impacts are discussed in the respective chapters that deal with the physical impacts (e.g., Transportation, and

Aesthetics).

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. Comprehensive implementation of mitigation measures prescribed to reduce air quality, transportation, hydrology, water quality, biology and aesthetics. (Please see these respective sections).

7. LAND USE - 5.1-3C Conflict with Bannon Island Nature Study Area

a. Significant Impact Development of the Proposed Project would increase the intensity of land use immediately adjacent to the Bannon Island Nature Study Area. This impact is considered significant.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

A buffer zone between the project site and the Nature Study Area should be incorporated into the design of the Proposed Project. This buffer zone shall include the following and shall be consistent with the requirements of Biology Mitigation Measure 5.10-1:

1. A vegetative or fenced barrier to reduce intrusion and screen the area from disruptive uses;

2. A tree and native vegetation planting strip at least 30 feet wide to be established and maintained between the easterly project site boundary and the barrier. The trees shall be consistent with the native species or related genera appropriate to riparian and flood plain areas of the Sacramento Valley.

8. RECREATION - 5.2-1 Impact to Existing Boating

a. Significant Impact An additional marina within River Reach 4 will have minimal additional impact on boat and jet skiers due to current speed restrictions caused by existing marinas. With boat fishing being the most popular type of recreational activity throughout the study area, increased conflicts may result from additional boating. Conflicts could result from wakes caused by irresponsible or uneducated boaters near fishing hot spots during the fishing season. In addition to wakes, noise, and general crowding will also detract from this recreational pleasure. This is considered a significant impact.

b. Facts in Support of Finding This impact is no longer applicable because the project no longer includes a marina and related project generated boating impacts.

9. RECREATION - 5.2-2 Impact to Existing Shore Based Recreation

- a. Significant Impact The increase in boating activity will increase the noise, wake action, and general congestion which contributes to the significant impacts of adjacent recreational areas. Particularly vulnerable to the increased boat activity is the fishing and passive recreational activity that currently exists between Discovery Park and Miller Park. The construction impact and use impact of the on-shore facilities on current BINSAs recreation is a potentially significant impact.
- b. Facts in Support of Finding This impact is no longer applicable because the project no longer includes a marina and related project generated boating impacts.

10. RECREATION - 5.2-3 Cumulative Recreation

- a. Significant Impact The Proposed Project would result in an increase of boat slips within the River which would increase boating traffic in the River. Increased boat activities such as skiing that would result from the proposed marina could present additional conflicts with fishermen during the fishing season at the mouth of the American River. These conflicts would contribute to the significant impact identified above. Therefore, a significant impact would result for the Proposed Project.
- b. Facts in Support of Finding This impact is no longer applicable because the project no longer includes a marina and related project generated boating impacts.

11. RECREATION - 5.2-6 Construction Impacts

- a. Significant Impact Short-term construction disturbance and noise may result in impacts to existing wildlife in the BINSAs resulting in temporary or permanent relocation. Therefore, the Proposed Project may be inconsistent with the goals in the American River Parkway Plan; therefore, a significant impact would result.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. Implement the mitigation measures for Biological Resources.

12. RECREATION - 5.2-7 Conformity with the 1985 American River Parkway Plan

- a. Significant Impact The Proposed Project could result in increased boat traffic and intrusion on the Bannan Island Nature Study area.
- b. Facts in Support of Finding The Proposed Project no longer includes a marina and thus will no longer directly increase boating traffic in the River.

13. RECREATION - 5.2-8-9 Conformity with the 1975 Sacramento River Parkway

Plan - Recreation Policies

- a. Significant Impact The Proposed Project could result in increased boat traffic and intrusion on the Bannon Island Nature Study area.
 - b. Facts in Support of Finding The Proposed Project no longer includes a marina and thus will no longer directly increase boating traffic in the River.
14. RECREATION - 5.2-10 Conformity with the 1977 Bikeway Master Plan
- a. Significant Impact The Proposed Project site does include property on both the southern and northern side of Garden Highway. Northbound and southbound on-street right-of-way is required on the project site to implement the 1977 Bikeway Master Plan. The right-of-way consists of a five foot right-of-way for the paved bike lane as well as a minimum two foot shoulder off the bikelane. There appears to be sufficient setback area between Garden Highway and the proposed fence. However, the on-street bikeway was not planned as part of this front setback area and the fence may create safety issues with bikers. The existing site plan, combined with the existing on-street parking conflicts results in a significant impact.
 - b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. The applicant for the Proposed Project shall coordinate with the City's Transportation Division to assure that sufficient right-of way and setback area on both the southern and northern side of Garden Highway is reserved for an on-street bikeway.
15. RECREATION - 5.2-11 Conformity with the South Natomas Community Plan Bicycle Policies
- a. Significant Impact Provide a system of on-street bicycle routes for bicycle commuters and attractive off-street bicycle paths for recreational bicyclists. Provide on-street signed and striped bikeways on designated major streets.
 - b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. The applicant for the Proposed Project shall coordinate with the City's Transportation Division to assure that sufficient setback area on both the southern and northern side of Garden Highway is reserved for an bikeway or bicycle path.
16. TRANSPORTATION - 5.5-3 Parking Impacts
- a. Significant Impact The potential for flooding of the proposed off-street parking facilities provided by the project would result in a significant impact. The

garage of Building B is designed for flood flow through in accordance with the applicable codes. The lower level floor comprises 41 parking spaces that could be flooded.

- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 - 1. The installation of No Parking Signs along the project frontage would mitigate potential impacts to on-street parking in the study area.
 - 2. Require major employers of the project site to include in their employer TMP, emergency flood condition procedures to reduce employee parking on the site.

17. TRANSPORTATION - 5.5-7 Bicycle Impacts

- a. Significant Impact Bicycle lanes do not currently exist along Garden Highway. This is considered to be a significant impact.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 - 1. The project sponsor for the Proposed Project shall coordinate with the City's Transportation Division to assure that sufficient setback and right-of-way area on both the southern and northern side of Garden Highway is reserved for an on-street bikeway.

18. TRANSPORTATION - 5.5-8 Marina Circulation Impacts

- a. Significant Impact The Proposed Project no longer includes a marina and thus will no longer directly increase boating traffic in the River.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 - 1. The Proposed Project no longer includes a marina which would add new boats to the Sacramento River.

19. NOISE - 5.6-1 Noise from Garden Highway

- a. Significant Impact The average daily traffic noise produced by Garden Highway under future conditions will be 66 dB, L_{dn} at the nearest building facades, which falls into the Conditionally Acceptable range. This indicates that noise abatement design features must be included into the office building designs.

Garden Highway traffic noise represents a potentially significant adverse impact upon future users of the planned office and commercial space. This

potential impact can be mitigated through the use of readily available mitigation measures.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. It is recommended that all windows and glass doors with a view toward Garden Highway or the Sacramento River be sound rated to a Sound Transmission Class (STC) rating of not less than 27. This rating is typically achieved by dual glazed windows and doors which have adequate seals, and will ensure that residents will be able to maintain interior noise levels below 45 dB, L_{dn} , when windows and doors are closed, in even the most noise impacted rooms. This reduces the potential boat and highway traffic noise impacts on buildings to less-than-significant levels.

20. NOISE - 5.6-3 River Traffic Noise

a. Significant Impact Existing and projected noise levels from the river (boats and jetski) and the Garden Highway will result in a potentially significant adverse impact particularly on high use summer days.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. It is recommended that all windows and glass doors with a view toward Garden Highway or the Sacramento River be sound rated to a Sound Transmission Class (STC) rating of not less than 27. This rating is typically achieved by dual glazed windows and doors which have adequate seals, and will ensure that residents will be able to maintain interior noise levels below 45 dB, L_{dn} , when windows and doors are closed, in even the most noise impacted rooms. This reduces the potential boat and highway traffic noise impacts on buildings to less-than-significant levels.

21. NOISE - 5.6-6 Construction Noise

a. Significant Impact On-site generation of noise will be significant during the period of construction for the proposed project and all alternatives. This is a significant avoidable, temporary adverse impact on adjacent land uses.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. Construction activities should be limited to the period 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday, as a maximum, to limit noise disturbance of nearby areas to less sensitive periods. This applies particularly to construction equipment.

powered by internal combustion engines, or other noise generating equipment that would disturb surrounding residential areas.

- 2 All noise-generating construction equipment must be equipped with factory installed or equivalent silencers, maintained in good working order.

22 SOILS & GEOLOGY - 5.8-1 Site Grading

a. Significant Impact Under the proposed grading plan, project related construction activities requiring cut and fill will result in the alteration of site topography. Excavation or fill in vegetated areas will eliminate vegetation and render the resulting surfaces susceptible to erosion. Excavations planned for Buildings A and B may be unstable and will require temporary stabilization and/or laying back of the cut slopes. These are considered significant impacts.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

- 1 As required by the Reclamation Board of the State Resources Agency, all project grading activities should follow the guidelines set forth in the Reclamation Board's Standards for Encroachments.
- 2 The site should be graded such that the new topography makes a smooth transition to the existing adjacent topography. All grading activities should be done in accordance with the Uniform Building Code (UBC), Chapter 70.
- 3 Grading techniques that control excessive run-off and erosion during construction should be implemented.
- 4 Temporary excavations for basements and retaining walls should be properly braced or sloped back during construction to insure worker safety.
- 5 The applicant should be required to monitor the site during grading for any evidence of soil contamination. If contaminated soils are encountered, the applicant should be required to remediate such contamination prior to proceeding with construction.
- 6 Prior to submitting an application for an Encroachment Permit to the State Reclamation Board, the applicant should be required to obtain exceptions to Reclamation District 1000's Special Encroachment Standards criteria that are not explicitly satisfied by the proposed project.

23 SOILS & GEOLOGY - 5.8-2 Settlement/Slope Instability

- a. Significant Impact The proposed riverbank protection system is not expected to have any long-term adverse impacts on the stability of the riverbank or the levee system. Minor slope failures along the riverbank could result from alteration of the toe of the slope during installation of the slope protection system; however, such failures would be remediated during construction of the slope protection system and would not have any lasting effects.

A slight potential exists for slope failures occurring along steeper portions of the Sacramento riverbank due to pile-driving activities for the main structures. Such failures are most likely during the winter months when riverbank soils tend to be the wettest. As discussed below, the potential for such failures can be reduced by pre-drilling pile holes prior to pile driving.

- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. As recommended in the preliminary geotechnical report by Wallace-Kuhl & Assoc, Inc. (1990), Pile-supported foundations will be utilized for the main structures to control excessive settlement and minimize liquefaction hazard. Piles will be founded in dense material below the depth of liquefaction-prone soils. Based on available subsurface data (Wallace-Kuhl & Associates, Inc, 1990), the depth to dense soils beneath the land portion of the site is estimated to be approximately 55 to 70 feet.
2. The contractor should take measures to minimize the potential for slope failures along the riverbank caused by soil vibration and/or displacement resulting from adjacent pile-driving activities. One such measure involves pre-drilling pile holes prior to pile driving, resulting in a lower volume of displaced soil, and allowing piles to penetrate more easily.
3. Temporary excavations for basements and retaining walls should be properly braced or sloped back during construction to insure worker safety and minimize the potential for slope failures.
4. Prior to issuance of a grading permit, the applicant shall submit a final geotechnical investigation to the City Department of Public Works. This investigation should include site-specific engineering analyses of riverbank stability under seismic and rapid-drawdown conditions. In addition, the potential for liquefaction/lateral spreading should also be evaluated.
5. If site-specific engineering analyses indicate that proposed grading activities (i.e., the addition of fill adjacent to existing slopes) would adversely affect the stability of either the Garden Highway levee or the riverbank slope south of the main structures, various measures should be taken to mitigate this impact. Such measures include sloping it back, reinforcing it with geofabric, and minimizing adjacent fill thicknesses.

at the top of the slope, and reinforcing the slope with geofabric. Potential impacts resulting from sloping back the riverbank or reinforcing it with geofabric include alteration of site topography, loss of existing trees along the riverbank, temporary loss of other riparian vegetation (assuming the riverbank would be replanted with riparian species), and a temporary increase in stormwater runoff and erosion due to soil-disturbing activities. Minimizing fill thicknesses adjacent the levee or riverbank would not result in any additional impacts beyond those discussed in Sections 5.8-1 (Site Grading) and 5.8-3 (Soil Erosion/Increased Runoff). As discussed in these sections, known impacts are mitigatable to insignificance, providing that all mitigation is employed including those related to the restoration of disturbed areas. However, in the event the final soils engineering analysis reveals that substantial alternation of the site, not analyzed in this EIR would occur, further environmental analysis will be required.

24. SOILS & GEOLOGY - 5.8-3 Soil Erosion/Increased Runoff

- a. Significant Impact Development of the site would not effect the on-going natural erosion of the riverbank presently occurring at the site (JBS Energy, Inc., 1991). Increased soil erosion would result from project construction activities, and increased stormwater runoff would result from an increase in the area covered by impervious surfaces. Such changes in site drainage characteristics are not expected to adversely affect either the riverbank or the levee system north of Buildings A and B.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
1. The existing riverbank and adjacent slope should be protected from future erosion resulting from river turbulence and waves associated with boat traffic. The applicant has proposed a gabion and slope blanket protection system. This approach would greatly minimize the potential for future erosion of this slope.
 2. The proposed slope protection system should be constructed to provide a smooth transition with existing slopes upstream and downstream of the proposed project.
 3. The site shall be graded such that the new topography makes a smooth transition to existing adjacent topography. All grading activities shall be done in accordance with the Uniform Building Code (UBC), Chapter 70.
 4. Grading techniques which control excessive runoff and erosion during construction shall be implemented.
 5. Dust and soil erosion control measures should be implemented during the

construction phase of the proposed project. These measures are intended to minimize soil erosion and fugitive dust emissions. Suggested measures include:

- a. watering exposed soils;
 - b. covering exposed soils with straw or other materials;
 - c. adopting measures to prevent construction vehicles from tracking mud onto adjacent roadways;
 - d. covering trucks containing loose and dry soil;
 - e. providing interim drainage measures during the construction period.
6. In non-pavement and riverbank areas, any vegetation covered or removed during construction of the proposed project (including the proposed slope protection system) should be replanted following construction. The applicant shall hire a qualified biologist to prepare a restoration and replanting for the areas located to the immediate south, east and west of the building footprints and extending to the river. This area shall be restored in accordance with mitigation measure 5.10-1. The balance of the site shall be planted in native, drought resistant plants approved by the Reclamation Board.
7. Storm drains, catch basins, and gutters should be designed to accommodate increased concentrated runoff associated with construction of the proposed project. Storm drain discharge outlets should be designed to prevent backup associated with inundation by flood waters.
8. A silt curtain should be utilized in conjunction with construction of the gabion slope protection system in order to minimize increased in turbidity resulting from construction activities below the low water level.
9. Prior to issuance of a grading permit, the applicant should be required to submit a final geotechnical investigation to the City Department of Public Works. Potential erosion problems resulting from obstructions to flow due to dock support structures should be addressed along with specific surface drainage structure designs (i.e. storm drains, catch basins, gutters, etc.).

25. **SOILS & GEOLOGY - 5.8-4 Faulting & Seismicity**

- a. **Significant Impact.** Damage due to strong ground shaking can be greatly reduced if proper design and construction measures are employed, as discussed below. Although the potential for liquefaction related damage to proposed pile-supported structures is minimal, additional site-specific studies should be performed in order to better assess the potential for liquefaction related damage (including lateral spreading). If such studies reveal that liquefaction or lateral spreading could occur at the site, various measures should be employed (as

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discussed below) to mitigate the potential for liquefaction-related damage.

The existing riverbank could also experience local instability (ravelling, cracking, slumping, etc.) during a large earthquake. Pile foundations could be subjected to lateral forces in the event of such a failure. In any case, seismic hazards are inherent to the region and do not pose any greater threat to the proposed project than to other similar riverbank sites in the area.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures

1. As recommended in the preliminary geotechnical report by Wallace-Kuhl & Assoc., Inc. (1990), Pile-supported foundations will be utilized for the main structures to control excessive settlement and reduce liquefaction hazard. Piles will be founded in dense material below the depth of liquefaction-prone soils. Based on available subsurface data (Wallace-Kuhl & Associates, Inc., 1990), the depth to dense soils beneath the land portion of the site is estimated to be approximately 55 to 70 feet.
2. In order to minimize seismic hazards, buildings and structures at the proposed project site shall be designed to meet the requirements of the 1991 Uniform Building Code (UBC) for Seismic Zone 3.
3. Prior to issuance of a grading permit, the applicant should submit a final geotechnical investigation to the City Department of Public Works. This investigation should include site-specific slope stability (including seismic stability) and liquefaction analyses.
4. If site-specific engineering analyses confirm the potential for liquefaction and/or lateral spreading at the subject site, measures should be taken to minimize fire hazards associated with the rupturing of gas lines as a result of soil liquefaction or lateral spreading. Such measures include providing automatic shut-off valves on all gas lines, and restricting gas lines to the land sides of all buildings.
5. If site-specific engineering analyses confirm the potential for liquefaction/lateral spreading or seismic slope instability, building foundations should be designed to resist liquefaction and/or seismic slope instability effects, which may include lateral forces on pile foundations. Alternatively, deep dynamic compaction of subsurface soils, relocation of the main structures further from the top of the riverbank, or sloping back the existing riverbank could also be employed to reduce the potential for liquefaction-related and seismic slope failure damage.

26. WATER QUALITY, HYDROLOGY, DRAINAGE - 5.9-1 Construction

a. Significant Impact Construction of the proposed slope protection system of

gabions and the accompanying Reno mattress could have a short term impact on water quality. This is primarily due to the underwater construction of a toe needed to stabilize the slope protection, and the exposure of disturbed soils to erosive factors.

- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. Implement mitigation 5.8-3(1-5).

27. WATER QUALITY, HYDROLOGY, DRAINAGE -5.9-3 Marine Sewage Disposal

- a. Significant Impact The Proposed Project no longer includes a marina and thus will no longer directly increase boating traffic and the related marine sewage impact in the River.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. The Proposed Project no longer includes a marina which would add new boats to the Sacramento River and cause a marine sewage impact. No mitigation is required.

28. WATER QUALITY, HYDROLOGY, DRAINAGE - 5.9-4 Fueling Activities

- a. Significant Impact The Proposed Project no longer includes a marina and thus will no longer directly increase boating traffic and the boat fueling impact in the River.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. The Proposed Project no longer includes a marina which would add new boats to the Sacramento River and cause an impact related to boat fuels. No mitigation is required.

29. WATER QUALITY, HYDROLOGY, DRAINAGE - 5.9-5 Litter

- a. Significant Impact The proposed project is one of the more intensive uses of the project site, and therefore can be expected to generate one of the higher impacts from litter. The office buildings will expose the site to many people and because these users are temporary, they may be more apt to litter than would be property owners. If proper mitigation measures are implemented and maintained, the impact of litter resulting from this use can be lessened to a less than significant level.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

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1. Trash receptacles sufficient to handle waste generated by users of the project shall be placed in convenient locations in order to facilitate their use.
2. The project owner shall police the project site at least daily for litter to ensure no litter enters the river inadvertently.

30. WATER QUALITY, HYDROLOGY, DRAINAGE - 5.9-11 Public Safety

- a. Significant Impact. The proposed project and alternatives are located in an area of the City determined to have less than 100-year flood protection resulting in exposure to flood hazards. Implementation of the project will therefore, expose people and/or property to the risk of injury and damage in the event of a 100-year or lesser flood. These risks are considered significant adverse impacts under CEQA.
- b. Facts in Support of Finding. The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

For the Proposed Project, the applicable provisions of the Sacramento City Code permit development on the project site provided applicants, by agreement with the City, assume the risk of all flood-related damage to any permitted new construction, agree to notify subsequent purchasers of the flood risk, and ensure that any new construction complies with City-imposed design restrictions aimed at reducing the risk of flood-related property damage and personal injury.

31. WATER QUALITY, HYDROLOGY, DRAINAGE - 5.9-12 Parking Lot Runoff

- a. Significant Impact. The Proposed Project provides for 214 parking spaces. Oil, grease and other toxins can be washed into the river during precipitation events or by irrigation runoff, and contribute to the pollutant load of the river.
- b. Facts in Support of Finding. The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. The project owner shall implement a parking lot cleaning and maintenance program designed to minimized the introduction of toxic materials into the Sacramento River from parking lot runoff. The program shall include at least weekly mechanical cleaning of all paved areas and parking lots, including enclosed areas. The owner shall also instruct maintenance personnel to promptly clean any oil/grease or other toxic deposits discovered on the premises.
2. Prior to issuance of building permits, the project owner shall incorporate into the drainage plan inlet catch basins containing grease/sediment traps. These traps shall incorporate a polypropylene pillow or equivalent for grease collection, and shall be installed in sufficient number and

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appropriate locations in parking lots, as well as any other impervious area expected to collect toxins. The design of the traps and drainage system must be approved by the City, and must include a maintenance program designed to keep the traps clean, and to properly dispose of the material collected.

32 BIOLOGICAL RESOURCES - 5.10-1 Riparian Habitat\Riverbank Vegetation

a. Significant Impact Under the proposed site plan, 0.06 acres of mixed riparian habitat would be permanently lost along the western end of the project site. This small isolated stand of riparian habitat is not considered high value habitat and loss of this area would not be significant. The cumulative impact of this decrease in riparian habitat along the river would, however, be considered significant. Implementation of the project may also result in adverse impacts to an additional 0.3 acres of high value riparian habitat located on the eastern edge of the project site adjacent to the Natomas East Main Drainage Canal. This is considered a significant impact.

b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. Limit all construction, excavation, fill placement and equipment movement outside a 30-foot setback from the outermost edge of the riparian habitat adjacent to the Natomas East Main Drainage Canal as shown on the site development plan. Prohibit all permanent structures and non-native landscaping in the designated riparian restoration area on the eastern portion of the site. The designed riparian restoration site includes all areas to the south and east of the footprint of building A. The 30-foot buffer shall also apply to the remainder of the project site, with the exception of the area where the utility line placement are proposed along the western edge of the western end of the site. The buffer zone shall be protected by the following specific means:

a. The buffer zone shall be flagged and/or fenced prior to initiation of any construction activities on the site.

b. Structure shall be located outside the drip lines of all existing mature trees that will be preserved.

c. No vegetation removal or trimming shall occur in the buffer zone other than for placement of utility lines and riverbank protection during project construction. In the event tree limbing or removal is determined to be necessary for safety reasons, the work shall be conducted with standards adopted by the Western Chapter of International Society of Arborist (ISA). The work shall be conducted by an ISA certified arborist.

d. Following construction, riparian vegetation within the buffer

zone shall not be mowed and/or weeded or subject to other types of unnatural management.

- e. Vegetation removed as provided for in item d will be replaced on a one-to-one basis. Species used for re-vegetation for as described above shall be native California species typical of riparian habitat in the project vicinity.
2. Riverbank protection placement shall be limited to the bank of the Sacramento River and shall not extend into the main channel of the Natomas East Main Drainage Canal.
3. Tree removal activities shall be conducted in accordance with Mitigation Measure 5.10-2 and shall include provisions for monitoring the condition of trees retained along the waterfront where bank protection will be placed and for replacement of the same species as that lost.
4. Develop an on-site or offsite habitat enhancement/restoration plan to replace the 0.06 acres of riparian habitat lost as a result of the project. The plan shall be developed by a qualified restoration biologist and shall ~~include replanting of native plant species. The enhancement plan shall focus on the eastern side of the project site in the vicinity of the Natomas East Main Drainage Canal.~~ The plan shall be submitted to the City of Sacramento for approval prior to issuance of a building permit and for coordination with State Lands Commission, and State Department of Fish and Game (regarding special status species habitats). ~~for approval prior to issuance of a building permit.~~ Ultimate City Council approval shall be by City Council. The plan must also be part of the development of the site and the essential planting and landscaping components of the restoration completed prior to issuance of a notice of occupancy. Any on-site mitigation shall include all areas within the 90 foot an adequate buffer area parallel and adjacent to the drainage canal as well as all areas to the south and east of the footprint of Building A. The restoration plan for this area shall include planting of both native riparian understory and canopy species in accordance with the approved restoration plan. To the extent feasible, the understory density should increase in areas adjacent to the Bannon Island Nature Preserve in order to provide a deep vegetative buffer and protective habitat. The plan ~~can~~ may incorporate elements of the Swainson's hawk nesting habitat restoration as required in Mitigation Measure 5.10-3 and the tree replanting plan as required in Mitigation Measure 5.10-2.

The areas included in the replanting plan shall be maintained as in perpetuity and protected from future development/ alteration by the project applicant. ~~The restoration plan therefore, must designate a responsible stewardship program for the restoration site including the such methods as dedication of the land to an approved conservation agency with a trust fund provided by the applicant to ensure adequate funding for on-going maintenance is approved.~~

5. It will be the project proponents responsibility to remove trash dumped in any on-site enhancement area.
6. Implement the monitoring requirements specified in Mitigation Measure 5.10-2
7. Restoration shall be conducted as part of the development agreement with the City of Sacramento and shall include a monitoring program to ensure the success of the habitat restoration plan.

33. **BIOLOGICAL RESOURCES - 5.10-2 Tree Resources**

- a. **Significant Impact** Adverse impacts to existing tree resources, including valley oaks, will result from construction of the project. This is considered a significant impact.
- b. **Facts in Support of Finding** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 1. Trees not designated for removal and/or replanting shall be protected during construction by the following means:
 - a. Place temporary chain link fencing around individual trees or around protected groves, or lines of trees. The fencing shall be placed outside the drip line of the trees.
 - b. No trenching or grading below the drip lines of trees shall be allowed. Cuts or fills near trees to be retained on the site should not cause water to pond continuously around the trees. Compliance shall be determined by the on site monitor.
 2. Prepare and submit a detailed tree removal, protection plan and replanting plan to the City of Sacramento's Environmental Services Division for review and approval for trees # 4, 6, 7, and 17 (Exhibit 3-12). The tree removal plan shall be developed by a qualified biologist or arborist. Elements which shall be included in the tree removal plan include:
 - a. The number, location, species types, and size of all trees to be removed or relocated. The location for trees to be relocated/replanted shall be shown on a map in the plan. In addition, the plan shall depict any trees which will be retained, but which will have trenching or grading performed with their dripline. This will provide information for future monitoring of the health and condition of these trees. Information in the existing arborist report can be incorporated into the plan.

Oak trees removed or damaged as a result of

construction/operation of the project will require replacement of the same species as those lost. Replanting shall be performed to the extent possible along the eastern edge of the site within the 30-foot buffer. It is anticipated that additional planting location(s) will be required to accommodate the number of trees which may need to be planted. Any alternative locations shall be specified in the replanting plan and the use of these site for replanting shall be approved by the City.

- b. Planting techniques, necessary maintenance regime, success criteria, and a monitoring plan.
 - c. Monitor in the spring and fall during the first year following transplanting, annually thereafter for 4 years and submit the report to the City Arborist for each of the 5 years. If the City Arborist determines, within the 5 year period, the trees are not in a minimum of a "marginal condition" per Exhibit 3-12 (DEIR), the applicant will be liable to replace the trees at a monetary value determined using the International Society of Arboriculture evaluation guidelines. The monetary value determined will be paid by the applicant to the City of Sacramento, to provide for riparian habitat restoration.
3. Implement the tree relocation/removal plan in accordance with requirements imposed by the City of Sacramento.
 4. Hire a certified (International Society of Arborist) arborist to monitor on site implementation of the plan. Monitoring shall include trees replaced, relocated, and preserved on site. Monitoring shall also include trees which have trenching conducted within their dripline. The monitor shall prepared periodic reports for submittal to the City. Replacement trees must be healthy and determined to not be root-bound by the on site monitor. The City of Sacramento shall be responsible for enforcement of the plan.
 5. Monitor in the spring and fall during the first year following replanting, annually thereafter for 5 years. If the success criteria is not met, replace dead or unhealthy individual trees and/or implement other remedial actions or modification to maintenance as necessary to achieve specified mitigation.
 6. Following construction of the project, monitoring of the remaining trees, including relocated and replanted trees shall be conducted by a qualified arborist hired by the project proponent. The monitoring will be required to ensure success of the protection and replanting plan.
 7. Mitigate the removal of the cluster of valley oaks (tree # 19, Exhibit 3-12) on an inch per inch basis of the diameters of tree # 19. The diameters

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of the cluster of valley oaks total approximately 70 inches. The project sponsor shall supply one inch or greater diameter trees (one inch tree x 70 inches of replacement = 70 one inch replacement trees) as replacement for the removal of tree # 19. The project sponsor shall contact the City of Sacramento's Environmental Services Division to coordinate the planting of the trees.

34. **BIOLOGICAL RESOURCES - 5.10-3 Swainson's Hawk**

- a. **Significant Impact** Implementation of the proposed project would result in the loss of Swainson's hawk nesting habitat. Pursuant to CEQA, this is considered a significant impact.
- b. **Facts in Support of Finding** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. Prepare a mitigation and operation plan for Swainson's hawk nesting habitat affected by the proposed project. The mitigation and operation plan shall be submitted to the DFG for review and approval prior to project construction.
 - 2. Implement Mitigation Measure 5.10-2 to replace the tree resources lost and/or in accordance with requirements imposed by DFG for mitigation for loss of nesting habitat.
 - 3. The mitigation plan which shall include replacement/replanting shall strive to incorporate replanting on the project site, near the riverfront or along the Natomas East Main Drainage Canal or shall identify suitable a suitable off-site mitigation area near Swainson's hawk foraging habitat.

Implementation of this mitigation measure will mitigate for the loss of available nesting habitat, however, this habitat will be not immediately available for nesting use until the trees attain a size suitable for nesting. During the time period when this area is not available for nesting, the restoration area will provide an important buffer zone between the site and available nesting habitat on Bannon Island.

- 4. Monitor the success of the habitat replacement for Swainson's hawk annually for the first 5 years following establishment, and thereafter every 3-5 years. Written monitoring reports shall be prepared by a qualified biologist and submitted to DFG. Take corrective actions to ensure successful establishment of Swainson's hawk nesting habitat in perpetuity.

The DFG mitigation guidelines (1990) for Swainson's hawk specifies that no disturbance shall occur within a half-mile of an active nest between March 1 - August 15 to avoid construction of other project related

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activities which may cause nest abandonment or adverse disturbance to nearby active nest during the breeding season. Because of the proximity of the site to Bannon Island, construction activities may disturb the nesting pairs of Swainson's hawk recorded on Bannon Island this year. The project site has been identified as an alternate nesting site for the pair, and the hawks may use the project site during the year in which the project is constructed.

5. Prior to construction, hire a qualified biologist to conduct a survey within a 1/2 mile radius of the site to determine the location of active nests.
6. Avoid construction on the site during the breeding/nesting period of the Swainson's hawk of March 1 through August 15 to avoid disturbance of nesting pairs within a half-mile radius of the site or;
7. During construction within the breeding/nesting season, conduct intensive monitoring of active nests (funded by the project proponent). The monitoring shall be done by a DFG approved raptor biologist.

35. **BIOLOGICAL RESOURCES - 5.10-4 Species of Concern**

- a. Significant Impact The giant garter snake, a species listed by DFG as threatened and is a federal candidate 2 for listing, potentially use the Natomas East Main Drainage Canal. Removal of suitable habitat anywhere that the snake is found can have significant impacts on the population. Such habitat removal is prohibited as "incidental take" under the California Endangered Species Act, as is inadvertent injury to any individual of the species. Until a survey to determine whether the snake is present is completed, suitable habitat on site must be assumed to support giant garter snakes.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 1. Before construction is initiated, a survey will be conducted during the appropriate season (preferably between April 15 and July 15) to establish the presence or absence of giant garter snakes on the project site.
 2. Maintain the minimum 30-foot buffer as specified in Mitigation Measure 5.10-1. If a giant garter snake is found on site, a mitigation plan must be prepared and approved by the City Environmental Coordinator in consultation with State Fish and Game prior to start of construction. The mitigation plan may specify among other things, construction procedures and techniques to minimize disturbance to the habitat are of the snake and restoration activities (see Mitigation 5.10-1) which would replace habitat losses.

- 3 Conduct a plant survey for California Hibiscus. The survey shall be conducted by a qualified biologist during the appropriate bloom season, which is approximately July through September, but may be identifiable through November. If the species is found on-site, the following shall be conducted:
 - a. Flag and fence around the plant if the plant is located outside the 30 foot buffer area.
 - b. Avoid disturbance of the plant during construction.
 - c. Avoid disturbance of the plant during maintenance of the site following construction.

36. **BIOLOGICAL RESOURCES - 5.10-5 Fish Migration**

- a. Significant Impact Placement of the riverbank protection and on-site construction activities may increase turbidity in the Sacramento River during fish migration periods and result in adverse impacts to the state-listed endangered, and federally-listed threatened winter-run chinook salmon and other migratory and resident fish species. This is considered a significant impact.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 1. Restrict grading activities to outside the 30-foot setback in accordance with Mitigation Measure 5.10-1.
 2. The contractor shall be required to provide erosion control techniques in accordance with Mitigation Measure 5.8-3 as described in the Geology and Soils Chapter of this report, including replanting of all disturbed areas. Large ungraded portions of the project site shall be stabilized to prevent surface runoff. Contract specification for the project contractors shall include necessary provisions for implementation of this mitigation measure.
 3. In-stream construction, fill placement, or riverbank protection installation shall be conducted during non-migratory and spawning periods or,
 4. During construction install a silt/turbidity barrier at the downstream end of the area, upstream from the Natomas East Main Drainage Canal to minimize impacts on migrating fish.
 5. Implement erosion control techniques to minimize turbidity impacts during riverbank protection placement. Such techniques may include, but not be limited to, placement of straw bails or silt barrier at the water

line, hydrosseding of exposed surfaces prior to the rainy season, and minimize clearing of shoreline vegetation to accommodate the riverbank protection.

37. **BIOLOGICAL RESOURCES - 5.10-6 Aquatic Habitat**

- a. **Significant Impact** The proposed project may result in degraded water quality from construction, run-off and erosion which may affect aquatic habitats
- b. **Facts in Support of Finding** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 - 1. Implement all the mitigation in Section 5.9., Water Quality

38. **BIOLOGICAL RESOURCES - 5.10-7 Wetland Habitat**

- a. **Significant Impact** It is expected that approximately 0.7 acres of jurisdictional Waters of the U.S. and/or wetlands would be altered or lost as a result of placement of riverbank protection, excavation and construction of the drainage and water service lines. In addition, construction of the site and associated riverbank protection facilities may require alteration and/or fill placement within 1.5 acres within the river. The project proponent will be required to apply to the Corps of Engineers for a Section 404 permit for discharge of fill if the total area filled is one acre or greater of wetland or other waters of the U.S. A Section 10 permit from the Corps of Engineers may also be required for alteration of a navigable waterway. A Streambed Alteration Agreement must also be obtained from DFG for any work that will affect the Sacramento River or the Natomas East Main Drainage Canal prior to commencement of work activities on the site.
- b. **Facts in Support of Finding** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures
 - 1. If the 404 permit process determines that the identified U.S. Waters are wetland habitat areas the applicant shall comply with any COE requirements including if necessary the requirement to compensate for unavoidable wetland fill by creating an equal or greater acreage of wetlands of equal or greater habitat value than those that are to be filled.

39. **BIOLOGICAL RESOURCES - 5.10-7 Light & Glare**

- a. **Significant Impact** Increased light and glare from the project site may adversely affect wildlife use of the adjacent Bannon Island and Nature Study Area. This is considered a significant impact.
- b. **Facts in Support of Finding** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures

- 1 Outdoor security lighting shall be directed away from the vicinity of Bannon Island.
- 2 Implement Mitigation Measure 510-1 to ensure adequate vegetation is maintained between the project site and Bannon Island.

40. **WATER SUPPLY - 5.11-2 Water Supply**

- a. **Significant Impact.** Currently the subject site does not have an adequate water distribution system to meet current domestic water and fire protection needs. The project will require an 8 inch water main along the land side of the Garden Highway extending along the entire frontage of the project site. This 8 inch line is shown as part of the project on the utility map (Exhibit 3-18). For fire demand requirements it may be necessary to extend the water main beyond the westerly extension of the project site to connect to an existing 8 inch main to form a looped system. An encroachment permit from the Reclamation Board will be required to install utilities in the levee section.
- b. **Facts in Support of Finding.** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1 The project sponsor shall be responsible for installing an 8 inch water main to serve the site, and shall obtain all necessary Reclamation Board permits for work to be done in the levee section. The characteristics of the distribution system shall be in accordance with the City Fire Department and Public Works Department's specifications for adequate fire protection.

41. **SOLID WASTE - 5.13-2 Cumulative Solid Waste**

- a. **Significant Impact.** The cumulative development in the South Natomas sub-region including the Proposed Project would result in approximately 6.27 percent of the solid waste estimated to be generated by cumulative development within the project area. As stated in the methodology section, any additional contribution to the cumulative waste stream is considered significant. The Recycling Ordinance currently being developed by the City will reduce this impact. However, the solid waste generated by the proposed project will add to the cumulative waste stream. This is considered a significant impact.
- b. **Facts in Support of Finding.** The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1 There shall be compliance with the requirements of the City of Sacramento Public Works Department, Solid Waste Division. The Department requires the use of trash compactor machines by major commercial, retail, office, and hotel customers. While, these machines do not reduce the actual amount of waste to be treated, the amount of space that the waste occupies is reduced. This could result in fewer trips by

trash haulers to the landfill site, but this would not be a significant reduction.

- 2 There shall be adequate space designed at ground floor level of the office buildings to accommodate future recycling efforts. This space shall be designed and used for the purpose of recycling only. The design of this recycling area will be subject to approval by the City of Sacramento, Department of Public Works, Solid Waste Division.
- 3 The goals and requirements of Section 34 to the Zoning Ordinance that will address recycling and solid waste disposal shall be met.

42. POLICE & FIRE - 5.14-1 Police

- a. Significant Impact The buildings in the Proposed Project may be equipped with inadequate lighting areas that would promote crimes.

Development associated with the Sierra Health Foundation proposal may be designed such that inadequately lighted areas exist, or it may contain areas that would promote crimes. A significant impact may exist.

- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

- 1 The project shall comply with the requirements of the City of Sacramento Police Department in order to avoid design features that may promote criminal elements. All design features and security measures including lighting, fencing, and access shall be in accordance with the Biological Resources mitigation measures. Security lighting must not be directed into the Bannon Island Nature Study Area; security fencing around the project site must not intrude or substantially effect the Bannon Island Nature Study Area or the 30 foot buffer area along the Bannon Slough and along the river bank.

43. LIGHT & GLARE - 5.16-1 Glare Impacts

- a. Significant Impact The environmental conditions provide in-place mitigation to both the intensity and reach of the glare onto the adjacent properties. The existing trees serve to significantly cut the effect of the glare impact. This analysis concludes that the overall glare impact of the Sierra Health Foundation Center ranges from low to minimal. Any impact in glare is considered an environmental impact. Therefore, this impact is a significant impact.

- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

In order to protect against the minimal intensity glare that may reach into the

intersection of Garden Highway and Gateway Drive and along Garden Highway, the applicant shall use solar reflectivity glass (6 percent) and plant deciduous (native to the project area) trees and other vertical landscaping along the northern edge of the site at locations which will intercept the glare around the driveway entrances and retain, as proposed, the most southern existing trees adjacent to the Sacramento River. All trees planted around the driveway entrances shall be planted to provide a clear line of sight to the satisfaction of the City Traffic Engineer, thereby ensuring appropriate ingress and egress. The size and type of trees to be planted shall be selected by consultation with a landscape architect and approved by the Environmental Services Division. The location and type of trees shall be included on plans submitted for building permits.

44. CULTURAL RESOURCES - 5.17-1 Prehistoric Resources

- a. Significant Impact Under the proposed site plan, no known cultural resources will be impacted on the land portion, as none were identified during the survey. Impacts could result to potential unknown buried resources with this alternative. This could be a significant impact. Impacts could result to unknown underwater resources with this alternative. This could be considered a significant impact.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures: If cultural resources are discovered during any phase of construction, all work must be halted within 20 meters (60 feet) of the resource located until that resource can be assessed by a professional archaeologist. If any human skeletal remains are encountered, it is also required that the County Coroner be notified (CEQA Guidelines, Part VIII of Appendix K).

The above protection, to be effective, requires reasonable observation and honest, timely reporting on the part of the contractors and excavation/grading crew. Crew supervisors should be instructed on signs of cultural use in order to enable such deposits to be identified as quickly as possible, before serious damage is done.

45. AESTHETICS - 5.18-4 South Natomas Community Plan, Guiding Policy

- a. Significant Impact The intent of this goal is to maintain a balance between views of the Sacramento while providing public access. An impact will exist if the project is not consistent with this goal of the SNCP.
- b. Facts in Support of Finding The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:
 - 1. The proposed project shall utilize landscaping within the three view corridors which do not result in tall dense vegetative cover which could entirely block views of the river. The Landscaping Plan should be

reviewed by the Design Review Board. Should the landscaping design change substantially from that reviewed in this document, additional environmental review shall be required.

B. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

Finding - The City finds, that, where feasible, the changes or alterations have been required in, or incorporated into, the Project which reduces the significant environmental impacts listed below as identified in the EIR. However, specific economic, social, or other considerations make infeasible mitigation measures to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceeding before the City including the draft and final EIR prepared for this project. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce magnitude of the impact. Where feasible mitigation measures exist to reduce the magnitude of impact, even if the reduction is not to a less than significant level, the City has agreed to employ such mitigation measures to the extent feasible. Also incorporated by reference into this section are the findings and facts stated in Section III that reject the alternatives for failure or infeasibility to mitigate the potential effect and achieve the basic objectives of the project.

1. LAND USE - 5.1-1C Conflict with the South Natomas Community Plan Riverfront Policy

a. **Significant Impact** The Proposed Project includes two buildings, which would interrupt views of the river from the Garden Highway.

b. **Facts in Support of Finding** No feasible mitigation measures are available to reduce the view impacts of the river to below a less-than-significant level other than the adoption of an Alternative. Also incorporated by reference into this paragraph are the facts stated in Section III that reject the alternatives for failure or infeasibility to mitigate the potential effect and achieve the applicant's basic objectives.

2. LAND USE - 5.1-3A Conversion of 5.73 acres of vacant riverfront land to non-riverfront uses

a. **Significant Impact** The Proposed Project will result in the conversion of 5.73 acres of vacant riverfront land to urban uses.

b. **Facts in Support of Finding** This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant. Any of the development Alternatives which meet the applicant's objectives would result in impact to riverfront open space.

The Final EIR proposed one mitigation measure to reduce the magnitude of impact:

- 1 Loss of riverfront open space for a non-river dependent use can be mitigated in part by requiring the applicant to contribute a riverfront acquisition fund.

3 TRANSPORTATION - 5.5-1 Intersections

- a. Significant Impact The intersection of Garden Highway/Natomas Park Drive would operate at service level F conditions during both the a.m. and p.m. peak hour. Since the addition of project traffic results in an increase in v/c ratio of 0.02 during the a.m. peak hour, the intersection would be significantly impacted by the project.

The project driveway located at the western boundary of the site is located nearby to a driveway for the Chevy's Restaurant. This creates a potential conflict between vehicles attempting to turn left from Garden Highway into the project site and vehicles exiting the adjacent restaurant. This is considered to be a significant impact.

- b. Facts in Support of Finding

The significant effect listed above will be reduced in magnitude by requiring the project sponsor to implement mitigation measure 2 below as part of the project. Mitigation measure 1, however, will require acquisition of Right-of-way, design engineering and costs beyond the reasonable scope of this individual project. As such, the City will require the applicant to contribute a fair share contribution to the construction of these improvements.

- 1 Add a second through lane in the westbound direction at the intersection of Garden Highway and Natomas Park Drive. This mitigation would require the widening of the north side of Garden Highway by 16 feet for a length of approximately 500 feet east and west of Natomas Park Drive. This would involve the acquisition of additional right-of-way, construction of a retaining wall approximately 15-20 feet in height, relocation of overhead electrical utilities, relocation of trees, and modifications to the traffic signal (e.g., controller, two mast arms, etc.). The project sponsor shall contribute his fair share of the cost of implementing the above mitigation at the intersection of Garden Highway/Natomas Park Drive.
- 2 Prohibit left turn movements from westbound Garden Highway into and out of the project driveway at the western boundary of the site. This would require a modification of the proposed driveway design to allow only right-turn-in and right-turn-out movements using the appropriate channelization. The project sponsor shall assume all financial responsibility for implementing this mitigation.

4 TRANSPORTATION - 5.5-5 Mid-Range Cumulative Impacts

- a. Significant Impact The intersection of Garden Highway/Natomas Park Drive would operate at service level F conditions during the a.m. peak hour and service level E conditions during the p.m. peak hour under mid-range conditions. Since the addition of project traffic results in an increase in v/c ratio of 0.02 during the a.m. peak hour, the intersection would be significantly impacted by the project.
- b. Facts in Support of Finding The significant effect listed above results from the cumulative contributions to traffic from many individual projects and is not solely attributable to this project. In addition, the mitigation will require acquisition of Right-of-way, design engineering and costs beyond the reasonable scope of this individual project. As such, the City will require the applicant to contribute a fair share contribution to the construction of these improvements. Implementation of these measures will reduce the magnitude of impact.
 - 1. Add an exclusive right turn lane in the westbound direction, a second exclusive left turn lane in the eastbound direction, and re-stripe the northbound direction of Natomas Park Drive for two lanes to except the additional left turn lane from eastbound Garden Highway at the intersection of Garden Highway and Natomas Park Drive. This mitigation would require the widening of the north side of Garden Highway by 12 feet for a length of approximately 500 feet east and west of Natomas Park Drive. This would involve the acquisition of additional right-of-way, construction of a retaining wall approximately 15-20 feet in height, relocation of overhead electrical utilities, relocation of trees, and modifications to the traffic signal (e.g. controller, two mast arms, etc.). The project sponsor shall contribute his fair share of the cost of implementing the above mitigation at the intersection of Garden Highway/Natomas Park Drive.

5. **TRANSPORTATION - 5.5-6 Long-Range Cumulative Impacts**

- a. Significant Impact The intersections of Garden Highway/Gateway Oaks, Garden Highway/I-5 southbound ramps, and Garden Highway/Natomas Park Drive would operate at service level E/F conditions during both the a.m. and p.m. peak hour. Since the addition of project traffic results in an increase in v/c ratio of 0.02 at all three locations during the a.m. peak hour, the intersections would be significantly impacted by the project.
- b. Facts in Support of Finding The significant effect listed above results from the cumulative contributions to traffic from many individual projects and is not solely attributable to this project. In addition, the mitigation will require acquisition of Right-of-way, design engineering and costs beyond the reasonable scope of this individual project. As such, the City will require the applicant to contribute a fair share contribution to the construction of these improvements. Implementation of these measures will reduce the magnitude of impact by requiring the project sponsor to contribute a fair share contribution to these mitigation measures.

- 1 The addition of a second left turn lane in the westbound direction, which would be required to mitigate long-term conditions, is not feasible for the intersection of Garden Highway/I-5 southbound ramps at this time. Additional studies conducted by Caltrans would be required to determine the long-term improvements for the I-5/Garden Highway interchange. The project sponsor shall contribute his fair share of the cost of implementing the second left turn lane or an equivalent improvement to the intersection of Garden Highway/I-5 southbound ramps.
- 2 The addition of a second through lane in the westbound direction and an exclusive left turn lane in the westbound direction at the intersection of Garden Highway/Gateway Oaks Drive. This mitigation would require the widening of the south side of Garden Highway by 12 feet and the north side of Garden Highway by 12 feet for a length of approximately 500 feet east and west of Gateway Oaks Drive. It would require the dedication of right-of-way by the project sponsor on both sides of Garden Highway. This would involve the construction of a retaining wall approximately 10 feet in height, relocation of overhead electrical utilities on the north side of Garden Highway, relocation of trees, and modifications to the traffic signal (e.g., two mast arms, etc.).

6 AIR QUALITY - 5.7-1 Ozone Impacts

- a. Significant Impact. After the Proposed Project's completion, ROG and NOx emissions are estimated to be higher when compared to the existing setting. Table 5.7-3 illustrates the emissions generated by the traffic from the Proposed Project and Alternatives. The traffic associated with the project is estimated to produce 44.1 pounds of ROG while producing 37.2 pounds of NOx. This would be an increase of 44.1 pounds of ROG and 37.2 pounds of NOx emissions per day over the existing setting. An increase over the existing setting is a significant impact. Sacramento is a non-attainment area for ozone and carbon-monoxide. Implementation of the recommended mitigation measure therefore, will assist in reducing emissions from this project, but will not result in the attainment of State and Federal standards.
- b. Facts in Support of Finding. This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.
 - 1 Provide information on the U.S. Postal Service's "Stamps on Call Program" (which provides delivery of postal products to the employees). The program is available at the nearest Local Delivery Unit of the Postal Service.
 - 2 Provide and maintain at least 5 Bike Lockers Class I in the parking garage of Building A and 7 Bike Lockers Class I in the parking garage of Building B within 150 feet of an entrance.

3. Designate at least 5 preferential parking spaces in Building A and 7 preferential parking spaces in Building B, near an entrance for vanpool and carpool vehicles.
4. Provide and maintain a display that would be located in a central location for employees of the proposed project that would list amenities within the proposed project and within a 1/2 of a mile of the project site (e.g., food, cleaning, insurance, banking, childcare, and public transit).
5. Distribute an annual letter to employees to inform them of the above items. Also, new employees would need to receive the letter prior to starting work so they would be aware of the services described above.
6. Provide and maintain a shower facility with personal lockers for both men and women within the design in each of the buildings of the proposed project.
7. Participate and maintain membership in the South Natomas Transportation Management Association.

7. AIR QUALITY - 5.7-2 Cumulative Ozone Impacts

- a. Significant Impact. The proposed project may add to the impacts of cumulative development for ROG and NOx in the South Natomas Community, Citywide and Regionwide. An increase over the existing setting is a significant impact. Sacramento is a non-attainment area for ozone and carbon-monoxide. Implementation of the recommended mitigation measure therefore, will assist in reducing emissions from this project, but will not result in the attainment of State and Federal standards.
- b. Facts in Support of Finding. This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.

1. Implement mitigation 5.7-1.

8. AIR QUALITY - 5.7-3 Carbon Monoxide Impacts

- a. Significant Impact. The Proposed Project's traffic would not violate the 1-hour state or federal standard at any of the intersections analyzed in Table 5.7-6. However, traffic associated with the proposed project will contribute to increased CO emissions above the 8-hour state and federal standard at the intersection of Garden Highway at I-5 southbound ramps Table 5.7-7. The existing traffic condition (AA) at the intersection of Garden Highway at I-5 is also in violation of the state and federal CO standards Table 5.7-7. A violation of the state or federal standard is a significant impact. Sacramento is a non-attainment area for ozone and carbon-monoxide. Implementation of the

recommended mitigation measure therefore, will assist in reducing emissions from this project, but will not result in the attainment of State and Federal standards.

- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.

- 1. Implement mitigation 5.7-1 and 5.5-1

9. AIR QUALITY - 5.7-6 Particulate Matter Impacts

- a. Significant Impact The traffic associated with the Proposed Project will result in 428 pounds per day of PM-10. An increase of PM-10 levels would impact surrounding land uses, motorists, and pedestrians. A project that produce more PM-10 than the existing setting is a significant impact; therefore, this impact is significant.

- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.

- 1. Implement mitigation 5.7-1 and 5.5-1

10. AIR QUALITY - 5.7-7 Cumulative Particulate Matter Impacts

- a. Significant Impact The traffic associated with the Proposed Project and combined with cumulative projects will result in PM-10 problems. An increase of PM-10 levels would impact surrounding land uses, motorists, and pedestrians. The Proposed Project was identified as having a significant impact to project specific PM-10 problems; therefore, the project's contribution to cumulative impacts will be significant. Sacramento is a non-attainment area for ozone and carbon-monoxide. Implementation of the recommended mitigation measure therefore, will assist in reducing emissions from this project, but will not result in the attainment of State and Federal standards.

- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.

- 1. Implement mitigation 5.7-1 and 5.5-1

11. AESTHETICS - 5.18-1 Conserve and Protect Planned Open Space

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- a. Significant Impact The project site is vacant, any on-site development will result in a physical/visual change to the existing environment as well as to the natural/open space character of the adjacent south and east lands. This is considered a significant unavoidable impact.
- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.
 - 1. The proposed project shall be reviewed by the Design Review Preservation Board to ensure compatibility and consistency with adjacent land uses and open space nature preserve areas. Should the design change substantially from that reviewed in this document, additional environmental review shall be required.

12. AESTHETICS - 5.18-3 SGPU, Section 6 Implementing Policy, Goal C

- a. Significant Impact Any on-site development will result in a change to the existing environment as well as to the natural/open space character of the adjacent south and east lands. This is considered a significant unavoidable impact.
- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.
 - 1. The proposed project shall be reviewed by the Design Review Preservation Board to ensure compatibility and consistency with adjacent land uses and open space nature preserve areas. Should the design change substantially from that reviewed in this document, additional environmental review shall be required.

13. AESTHETICS - 5.18-5 American River Parkway, Goal 1

- a. Significant Impact An impact will exist if the project is inconsistent with the City's goal of provide public access and preserving open space along the American and Sacramento Rivers.
- b. Facts in Support of Finding This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.
 - 1. The proposed project shall be reviewed by the Design Review Preservation Board to ensure compatibility and consistency with adjacent land uses and open space nature preserve areas. Should the

design change substantially from that reviewed in this document, additional environmental review shall be required.

14. **AESTHETICS - 5.18-6 Ensure Public View and Access to the Sacramento River**

- a. **Significant Impact** Vacant properties which are located along the Sacramento River have the potential to provide opportunities for pedestrian access and views to the River. This increased intensity of the site would decreased public view and may reduce potential access points to the Sacramento River.

The proposed project does not include a designated public pedestrian access to the river. This is a significant impact.

- b. **Facts in Support of Finding** This impact will be reduced to the extent feasible with the following mitigation measures identified in the Sierra Health Foundation Center EIR. The mitigation measure will reduce the magnitude of the impacts, but would not make the impact less-than-significant.

1. Maintain the building's linear coverage to approximately half of the site's total width; thereby retaining most of the allowable view to the Sacramento River.
2. Provide a designated public access-way to allow the public to access and enjoy the river from the site.

III REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative along with other "build" alternatives to the Project. The following alternatives were considered for the Sierra Foundation Center EIR:

Alternative A - No Project Alternative

Alternative B - Office, Hotel, Conference Facility, Marina, and Pavilion

Alternative C - Office, Restaurant, Banquet Facilities, and Fishing Dock

Alternative D - Riverfront Residential, Marina, and Pavilion

Alternative E - Office, Residential, Marina, and Pavilion

Alternative F - Office, Residential, and Banquet Facilities

None of the alternatives which the exception of the No Project alternative would eliminate the significant and unavoidable impacts of the proposed project.

A. **Alternative A - No Project Alternative**

Under the No-Project Alternative, the site would retain its present open space and undeveloped state.

The No-Project alternative would be environmentally superior to the proposed project because it proposes no development on the project site. Project impacts associated with

land use, aesthetics, traffic, noise, air quality, microclimate, geology/soils, human health, biological resources, cultural resources, public services and utilities, and natural resources would remain at current levels and would be less than the proposed project.

Finding

Specific economic, social, or other considerations make infeasible the No Project Alternative identified in the EIR and described above in that:

1. Selection of the No-Project Alternative would not, however, attain the basic objectives of the Project sponsors. The objectives of the Project sponsor are:
 - ◆ Provide a project to house the Sierra Foundation Center Headquarters office, as well as provide additional development for income production.
 - ◆ Provide a project in a unique location.
 - ◆ Provide a project located on the river to enhance the working and creative environment.
 - ◆ Provide a project with a close proximity to Downtown Sacramento.
 - ◆ Provide a project with a location within the City of Sacramento.
 - ◆ Provide a project which will accommodate a range of small to large groups for meetings and conferences, seminars and health related data, display information, administrative functions, and provide space for organizations related to the Sierra Foundation.
 - ◆ Provide a market rate income producing investment that diversifies the Sierra Foundation's monetary base.
 - ◆ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
 2. The No-Project Alternatives would not contribute jobs, tax revenue and/or economic support to the City.
 3. Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from the No Project Alternative which would not allow the applicant to meet his objectives.
- B. Alternative B - Office, Hotel, Conference Facility, Marina, and Pavilion

Alternative B includes Building A, a 23,000 square foot office space to serve as the Sierra Foundation headquarters, and Building B, a 40,000 square foot hotel and conference center with 50 hotel rooms of 600 gross square feet per room, 2,500 square feet of support space and 7,500 square feet for meeting/assembly space.

The water portion of the alternative would include a marina and a two story pavilion. The marina would include 20 uncovered berths, consisting of 16 by 44 feet slips. The marina would also have 2 guest spaces. The two story pavilion includes 2,950 square

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feet on the lower level and 2,250 square feet on the upper level. The upper level would accommodate a 2,250 square foot, 75-seat restaurant. The lower level would house a 2,250 square foot multi-purpose room with 475 square feet of support space and 225 square foot harbor master's office.

This alternative would result in more intense impacts to the site and Sacramento River environment than the proposed project. The impacts to noise, geology/soils, biological resources, water quality/hydrology/drainage, cultural resources, public services and utilities, light/glare, and aesthetics are expected to be similar or greater than the Proposed Project. The impacts to land use plans and policies, transportation/circulation, and air quality are expected to be equal to or less than the Proposed Project.

Finding

Specific economic, social, or other considerations make Alternative B infeasible as identified in the EIR and described above in that:

1. Selection of Alternative B would not, however, attain the basic objectives of the Project sponsor. The objectives of the Project sponsor are:
 - ♦ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
2. Selection of Alternative B would not result in a significant reduction of impacts, and could result in greater impacts to the Sacramento River environment resulting from the marina facility.
3. Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from Alternative B.

C. Alternative C - Office, Restaurant, Banquet Facilities, and Fishing Dock

Alternative C includes one building on the western portion of the site. It would have 23,000 square feet of office space for the Sierra Foundation headquarters, a 4,000 square foot restaurant and a 3,000 square foot meeting/banquet room. The building would total 30,000 square feet. The eastern portion of the site would not be intensively developed in order to allow open space and to provide a buffer between Bannon Island Nature Study Preserve and the project.

The water side development would include 10 transient dockage facilities, a public fishing pier and a river viewing platform.

This alternative would be environmentally superior to the proposed project in the areas of land use compatibility, aesthetics, transportation/circulation, biological resources,

light/glare, air quality and preservation of open space. This Alternative does however, include limited waterfront development (fishing dock) which would pose additional noise, geology/soils, water quality/hydrology/drainage, cultural resources, public services and utilities, and aesthetics at a level greater than the Proposed Project.

Finding

Specific economic, social, or other considerations make infeasible Alternative C as identified in the EIR and described above in that:

1. Selection of this Alternative would not attain all of the project objectives. The project objectives which would not be met are:
 - ♦ Provide a market rate income producing investment that diversifies the Sierra Foundation's monetary base.
 - ♦ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
2. Alternative C would generate less revenue to the City and provide fewer employment opportunities than the proposed project.
3. Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from Alternative C.

D. Alternative D - Riverfront Residential Marina and Pavilion

Alternative D includes medium density residential units, the marina and the pavilion. The residential component includes a total of 54 units of 1,100 square feet and with a height of 3 stories.

The proposed project would include a marina with 20 uncovered berths, a two story pavilion includes 2,950 square feet in the lower level and 2,250 square feet in the upper level. The upper level would accommodate a 2,250 square foot, 75-seat restaurant. The lower level would house a 2,250 square foot multi-purpose room with 475 square feet of support space and 225 square foot harbor master's office.

This alternative would result in greater environmental effects to Sacramento River environment because the project includes a marina but would be environmentally comparable to the proposed project in some other respects. The impacts to land use compatibility, noise, geology/soils, biological resources, water quality/hydrology/drainage, cultural resources, public services and utilities, light/glare, and aesthetics are expected to be similar or greater than the to the Proposed Project. The impacts to land use plans and policies, transportation/circulation, and air quality are expected to be less than the Proposed Project.

Finding

Specific economic, social, or other considerations make infeasible Alternative D as identified in the EIR and described above in that:

- 1 Selection of this Alternative would not, however, attain the project objectives. The project objectives are:
 - ◆ Provide a project to house the Sierra Foundation Center Headquarters office, as well as provide additional development for income production.
 - ◆ Provide a project which will accommodate a range of small to large groups for meetings and conferences, seminars and health related data, display information, administrative functions, and provide space for organizations related to the Sierra Foundation.
 - ◆ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
- 2 This Alternative would generate less revenue to the City and provide fewer employment opportunities than the proposed project.
- 3 Currently, the City of Sacramento has placed restrictions on the development of residential units within the South Natomas area until comprehensive flood control measures are available.
- 4 Selection of Alternative B would not result in a significant reduction of impacts, and could result in greater impacts to the Sacramento River environment resulting from the marina facility.
- 5 Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from Alternative D.

E. Alternative E - Office, Residential, Marina, and Pavilion

Alternative E would be developed for office space, low density residential, the marina and pavilion. The office portion is Building A, a 23,000 square foot space for the Sierra Foundation Headquarters. The residential component includes a total of 30 units of 1,100 square feet and with a height of 3 stories. The water side portion of the alternative would include a marina and a pavilion. The marina would include 20 uncovered berths. The marina would also have 2 guest spaces. The two story pavilion includes 2,950 square feet on the lower level and 2,250 square feet on the upper level. The upper level would accommodate a 2,250 square foot, 75-seat restaurant. The lower level would house a 2,250 square foot multi-purpose room with 475 square feet of support space and 225 square foot harbor master's office.

This alternative would be environmentally similar to the proposed project except that the proposed project does not include a marina and the related impacts. The impacts to land use compatibility, noise, geology/soils, biological resources, water quality/hydrology/drainage, cultural resources, public services and utilities, light/glare, and aesthetics are expected to be similar to the Proposed Project. The impacts to land use plans and policies, transportation/circulation, and air quality are expected to be less than the Proposed Project.

Finding

Specific economic, social, or other considerations make infeasible Alternative E as identified in the EIR and described above in that:

1. Selection of this Alternative would not, however, attain the project objectives. The project objectives are:
 - ♦ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
2. Alternative E would generate less revenue to the City and provide fewer employment opportunities than the proposed project.
3. Currently, the City of Sacramento has placed restrictions on the development of residential units within the South Natomas area until comprehensive flood control measures are available which affects the feasibility of the residential portion of this project.
4. Selection of Alternative B would not result in a significant reduction of impacts, and could result in greater impacts to the Sacramento River environment resulting from the marina facility.
5. Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from Alternative E.

F. Alternative F - On-site Office and Restaurant (No Marina)

Alternative F includes one office building and a restaurant with banquet facilities. The building would be located on the western portion of the site. It would have 23,000 square feet of office space for Sierra Foundation headquarters, a 4,000 square foot restaurant and a 3,000 square foot meeting/banquet room. The building would total 30,000 square feet. The eastern portion of the site would not be intensively developed in order to allow open space and to provide a buffer between Bannon Island Nature Study Preserve and the project.

This alternative would be environmentally superior to the proposed project. The

impacts to land use compatibility, transportation, air quality, noise, geology/soils, biological resources, water quality/hydrology/drainage, cultural resources, public services and utilities, light/glare, and aesthetics are expected to be less than the Proposed Project.

Finding

Specific economic, social, or other considerations make infeasible the Reduced Intensity Alternative identified in the EIR and described above in that:

1. Selection of this Alternative would not, however, attain the project objectives. The project objectives are:
 - ♦ Provide a market rate income producing investment that diversifies the Sierra Foundation's monetary base.
 - ♦ Provide for long term expansion for the Sierra Foundation when needed in the future as well as accommodate organizations which want to locate on the River or locate in close proximity to the Sierra Foundation offices.
2. Alternative F would generate less revenue to the City and provide fewer employment opportunities than the proposed project.
3. Significant effects of the preferred project are acceptable when balanced against facts set forth in the Statement of Overriding Considerations and stated above, and are more acceptable than those anticipated from Alternative F.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the City has determined pursuant to Section 15093 of the CEQA Guidelines that the benefits of the proposed project outweigh the adverse impacts, and the proposed project shall be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City has determined that the proposed project would contribute to environmental impacts which are considered significant and adverse, as disclosed in the EIR prepared for the proposed project.

The City specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the proposed project have been eliminated or substantially lessened where feasible. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

- A. The Project would support the General Plan goal of promoting economic vitality and diversification of the local economy.

- B. The Project would create jobs and anchor the headquarters of an important non-profit foundation in the City of Sacramento.
- C. The Project would provide adequate off-street parking for new development and reduce the impact of on-street parking in established areas.

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EXHIBIT D

L A N D S C A P E
A R C H I T E C T S
& P L A N N E R S

REVEGETATION MONITORING PROGRAM

MARCH 5, 1997

Riverbank Repair & Erosion Protection for:
Sierra Health Foundation
1321 & 1331 Garden Highway
Sacramento, California

Presented to:

State of California
State Lands Commission
Attn: Public Land Management Specialist
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
(916) 574-1843
File Ref No.: 25340

Department of Fish and Game
Region 2 Fish and Game Warden
1701 Nimbus Road, Suite A
Rancho Cordova, California 95670
(916) 983-5162
Notification No. II-196-95

Prepared on Behalf of:

Sierra Health Foundation
1321 Garden Highway
Sacramento, California 95833

Prepared by:

The HLA Group
Landscape Architects & Planners, Inc.
1990 Third Street, Suite 500
Sacramento, California 95814
(916) 447-7400

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REVEGETATION MONITORING PROGRAM

SYNOPSIS

Project Location:

1321 & 1331 Garden Highway, City of Sacramento, State of California
Section 26, Township 9 North Range 4 East

Project Applicant:

Mr. Len McCandliss
for Sierra Health Foundation
1321 Garden Highway
Sacramento, California 95833

Revegetation and Civil Engineering Plans Prepared by:

The Spink Corporation
2590 Venture Oaks Way
Sacramento, California 95833

Revegetation Monitoring Program Prepared by:

The HLA Group, Landscape Architects & Planners, Inc.
1990 Third Street, Suite 500
Sacramento, California 95814
(916) 447-7400

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A. OVERVIEW

This yearly monitoring program for five years shall be a guide to chart the revegetation establishment progress, as well as to identify the procedures for handling failed plant material with the goal of reaching 75% minimum plant material survivability at Sierra Health Foundation's referenced site. This monitoring program is designed to protect and maintain riparian woodland systems and to ensure a "No Net Loss" in wildlife value and riparian habitat.

This program is based upon the Agreement Regarding Stream Alteration ("Agreement") entered into between the State of California, Department of Fish and Game, and Len McCandliss', representing Sierra Health Foundation. Pursuant to Division 2, Chapter 6 of California Fish and Game Code, Len McCandliss, representing Sierra Health Foundation, notified the Department of Fish and Game ("F & G") on April 27, 1995 that they intended to substantially change the bed, channel, or bank of, or use material from the Sacramento River streambed: Sacramento River in the County of Sacramento, State of California, Section 26, Township 9 North, Range 4 East.

B. PROPOSED VEGETATION

Based upon the submitted plan by The Spink Corporation in 1995, for Sierra Health Foundation, the following plant material will be planted:

	<u>Botanical Name</u>	<u>Common Name</u>	<u>Size</u>	<u>Qty</u>
Trees	Alnus rhombilfolia	California White Alder	5 gallon	19
	Platanus racemosa	California Sycamore	5 gallon	16
Shrubs				
	Salix hindsiana	Sandbar Willow	5 gallon	46
	Salix hindsiana	Sandbar Willow	Poles	29
	Salix hindsiana	Sandbar Willow	Wattles*	102
	<i>*Wattles shall be planted between the 3+00 and 8+00 contours only.</i>			
	Rubus vitifolius	California Blackberry	Liners, 36" o.c	1,660 SF
	Vitus californica	California Wild Grape	Liners, 36" o.c	1,820 SF

Hydroseed Groundcover (including specified mulch, tacifier and fertilizer):

	California Wildflower Seed mix	5/AC
Deschampsia elogatum	Tall Tuffed Hat Grass	4/AC
Hordeum brachyanthepum	Meadow Barley	10/AC
Vulpia myuros	Zorro Annual Fescue	4/AC

Total Hydroseeded Groundcover Area = 24,730 SF

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C. IRRIGATION COVERAGE AND WATERING FREQUENCY

The irrigation system, as designed by The Spink Corporation, utilizes pop-up gear driven rotors to irrigate the entire slope. Irrigation coverage of the project is based upon operating the system of a sufficient frequency, as discussed below, which will enable the planted slope to receive an adequate precipitation rate while minimizing the potential for erosion.

An estimated irrigating frequency to achieve adequate coverage per season shall be as follows:

	Spring	Summer	Fall	Winter
Days per Week	3	4	3	2
Station Run Time (minutes per day)	8	10	6	8
Cycles per Day	2	2	2	1

Existing site applicable factors which directly influence an optimum irrigating frequency must be monitored by the on-site water manager (landscape maintenance company). Such factors include but are not limited to soil type, distribution uniformity as a result of wind and run-off as a result of ground-plane cover.

Five years from the completion of the landscape revegetation the plant material shall be evaluated to determine if the irrigation system should be abandoned. Plant material should be sufficiently established to enable survivability without an irrigation program.

The determination shall be addressed within the fifth year monitoring report.

D. MONITORING AND REPORTING

Pursuant to the Agreement, Sierra Health Foundation shall be responsible for monitoring, reporting and replacing plant material, which has failed to establish itself, to densities and quantities as designed in 1995 by The Spink Corporation.

Monitoring shall be completed by an ISA Certified Arborist, Ornamental Horticulturist or Landscape Architect (the "Professional") with experience in evaluating riparian plant species. The Professional retained shall inventory the site once a year every year for an overall time period of five (5) years.

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The first inspection for the monitoring report shall be conducted by June 1 of the year following commencement of the landscape installation. The monitoring report shall be submitted to:

Department of Fish and Game
Region 2 Fish and Game Warden
1701 Nimbus Road, Suite A
Rancho Cordova, California 95670
Notification No. II-196-95

and

The State of California
State Lands Commission
Public Land Management Specialist
100 Howe Avenue, Suite 100, South
Sacramento, California 95825
File Ref No.: 25340

The time of year for site monitoring shall be in the late spring to early summer (prior to June 1). With each monitoring phase, the Professional shall inspect the site for plant material noting species which have failed to establish or are stressed to a point in which failure is inevitable.

The rating criteria shall be indicated as follows for each tree, each shrub variety as a category and each groundcover as a category. All plant material shall be identified by botanical and common name, tree caliper, shrub quantity, and groundcover square footage. Within the submitted report for each of the three (3) above noted categories a rating of "Good", "Fair", or "Poor" shall accompany. The definition for each rating is as follows:

GOOD: Plant material in this category have no trunk or root crown cavities or injuries; there is not indication of hollowness; no foreign objects are imbedded in its structure; the root crown is above grade there is not decay present except for small stubs; the structure is strong; the trunk is tapered; the bark thickness is normal; there is no fluxing; no fungus is evident; there is a below average amount of dead branching present; there are no large callused areas and any small callusing present is vigorous and intact; there are no abnormally heavy insect infestations; the growth rate is and has been average or above; limb weight is not excessive; buds are normal size and viable; the leaf size, color and density is normal or better; and barring any unforeseen negative effects.

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FAIR: There is no decay or indications of hollow areas, root crown or trunk; a few small callused-over foreign objects, no fungus is evident other than small saprophytes on exposed dead wood; some small, callusing injuries may be present, some small limbs may be dead and decaying but callus is forming at their base; some excessive limb weight may exist; there may be some minor fluxing; the amount of dead limbs and twigs present is within the normal range; some large callused areas may be present; some small cavities and areas of decay may be present: the growth rate is average or slightly below average; and some leaf size, color and density may vary.

POOR: Significant cavities, dead areas, and decay may be present; the plant is structurally defective, fungus fruiting bodies may be present; the amount of dead limbs and twigs is far above normal; major co-dominant branching with imbedded bark may be present; buds are small and some may not be present; and the predicted structural life and/or viability is less than ten years.

The ratings "good to fair" and fair to poor" are used to describe plant material that fall between the described major categories and have elements of both.

Each tree shall be individually inspected noting, in addition to the success rating, the following applicable conditions:

Dripline Environment:	The area of soil around the tree directly under its out most branch tips.
Dripline Radius:	The measurement from the tree trunk to the end of the farthest reaching branch tip.
Root Crown:	The point where the major lateral roots originate typically near ground level.
Condition:	The condition of the tree in general, referring to health and vigor.
Old wound:	An area on the mainstem or a large lateral limb where some type of injury has removed the outer bark down to the interior wood; a.k.a. scar.
Failure (mainstem or branch):	A condition where a portion or part of the tree has structurally failed and caused limb shed or the tree has fallen over.
Cavity:	A large opening originating in the outer bark or in a branch stem and reaching inside the tree's interior wood.
Basal cavity:	A cavity at the base of the trunk or in the root crown area.

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Sprout growth: Describes growth of adventitious buds, usually on trunk or large lateral branches. An indicator of environmental stress.

Bud swell: The state or condition/presence of the future growing seasons bud formation. Applies to deciduous/dormant trees. An indicator of overall vigor/potential foliage coverage.

E. REPORT OF FINDINGS

The yearly plant material inventory report shall be submitted within ten (10) working days of the site inventory. The report shall identify, in addition to the above mentioned criteria, the inventory date, weather, temperature, site conditions, and approximate river water elevation. The report shall be typewritten and in the format as set forth in Attachment "A", attached hereto.

Sierra Health Foundation shall be responsible for replacing the noted plant material that has failed to establish or is stressed to a point past recovery. The percentage of vegetation and trees that shall be replaced will be such that a 75% success rate will be achieved by the end of year 5.

Thus, at the end of each year the Professional will report whether the respective yearly success rate (as indicated below) has been achieved. The goal will be to attain a minimum yearly success rate, as follows:

<u>YEAR</u>	<u>SUCCESS RATE (PERCENTAGE)</u>
Year 1	95%
Year 2	90%
Year 3	85%
Year 4	80%
Year 5	75%

If at the time of inspection the success rate has not been achieved, Sierra Health shall replant materials and trees to attain this level of success. For example, if at the time of inspection for the Year 1 Monitoring Report only 80% of all plant material and trees were remaining, then Sierra Health will replant the percentage of plant material and trees necessary to achieve 90% success by the end of Year 2, and so on.

Replacement plant material and hydroseed shall be the identical genus and species as originally specified for planting by The Spink Corporation's planting plan. Plant material shall be replaced within 60 days of the submitted plant material inventory report date.

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Plant material shall be replanted as per the original planting details as found within The Spink Corporation's set of construction documents. See end of this document for copies of those details for reference.

If the site inventory report finds that less than 75% of the trees planted have survived by the end of the five year report period, alternate replacement trees will be reviewed for substitution to account for site conditions which have caused the trees to die prematurely. Replanting of the trees which fall below the 75% success rate shall not commence until determination has been made as to the exact replacement variety. As an example, 19 *Alnus rhombifolia* (California White Alder) and 16 *Platanus racemosa* (California Sycamore) will be planted. At the time of the five (5) year monitoring report a minimum of 75%, or 27 trees, shall be alive and in an acceptable healthy condition based upon the rating criteria previously mentioned.

All construction with regards to replanting/replacing of plant material which did not survive during the five (5) year monitoring time frame shall be done as per applicable Department of Fish and Game Guidelines as set forth within the original Agreement Regarding Stream Alteration, Notification No. II-196-95.

F. PROJECT ALTERNATIVES

Alternatives in the event of extensive vegetation growth failure would be to first isolate the cause of the failure and if possible correct it. For example, if extensive vegetation growth failure is a direct result of fungus or an invasive insect then the recommendation would be to treat the plant material with an approved fungicide or insecticide. On the other hand, if plant failure is a result, for example, of excessive time spent submerged due to the river's unusually high water elevation an alternate plant palette should be investigated as a replacement for plants which have failed. An alternate approach would be to maintain the same plant palette and re-plant at an elevation higher up the slope.

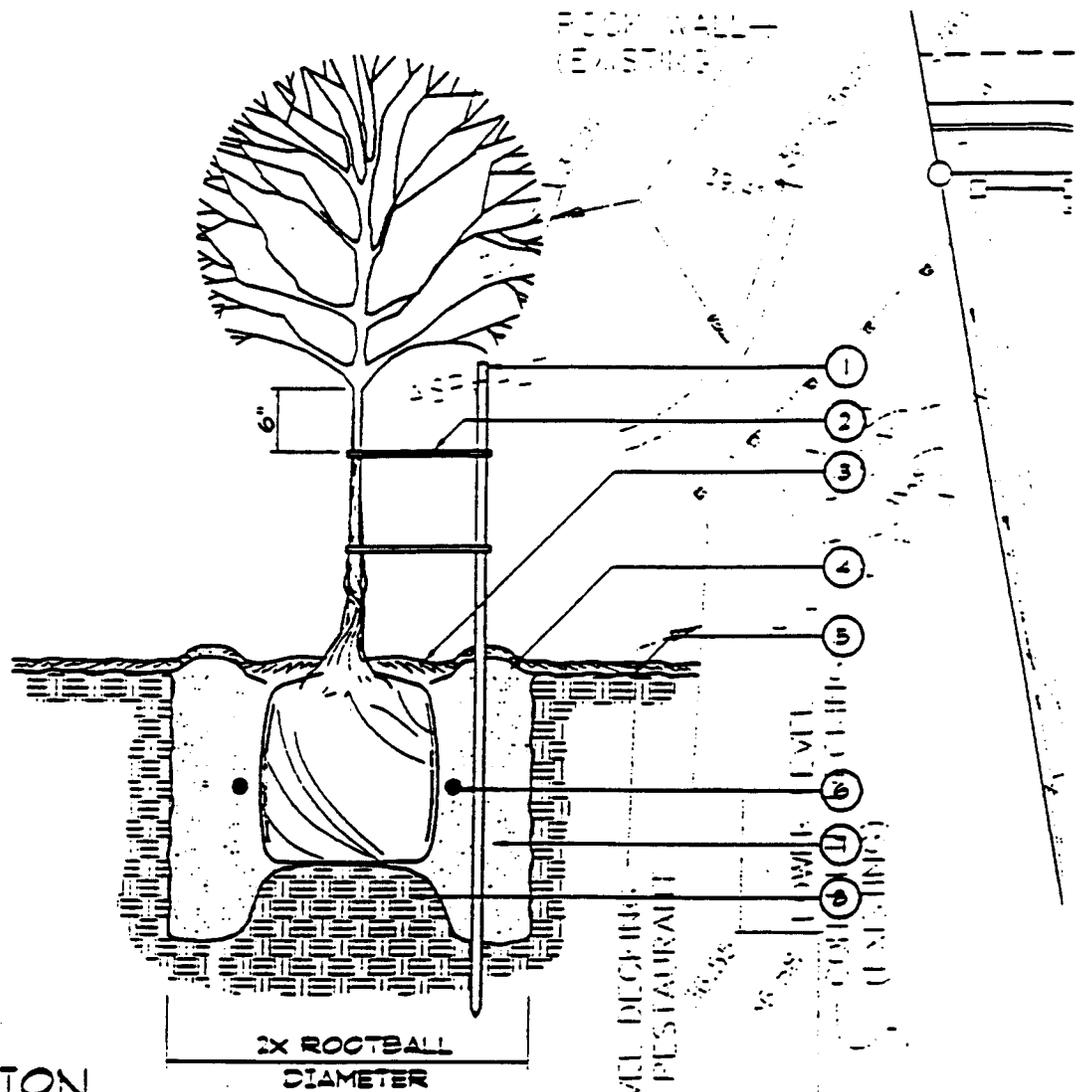
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APPENDIX

DETAIL DESCRIPTION

1. TREE PLANTING DETAIL
2. C.M.P. PLANTING DETAIL
3. POLE PLANTING DETAIL
4. WATTLE PLANTING DETAIL
5. GROUND COVER SPACING DETAIL
6. ATTACHMENT "A"

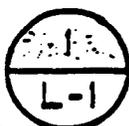
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SECTION

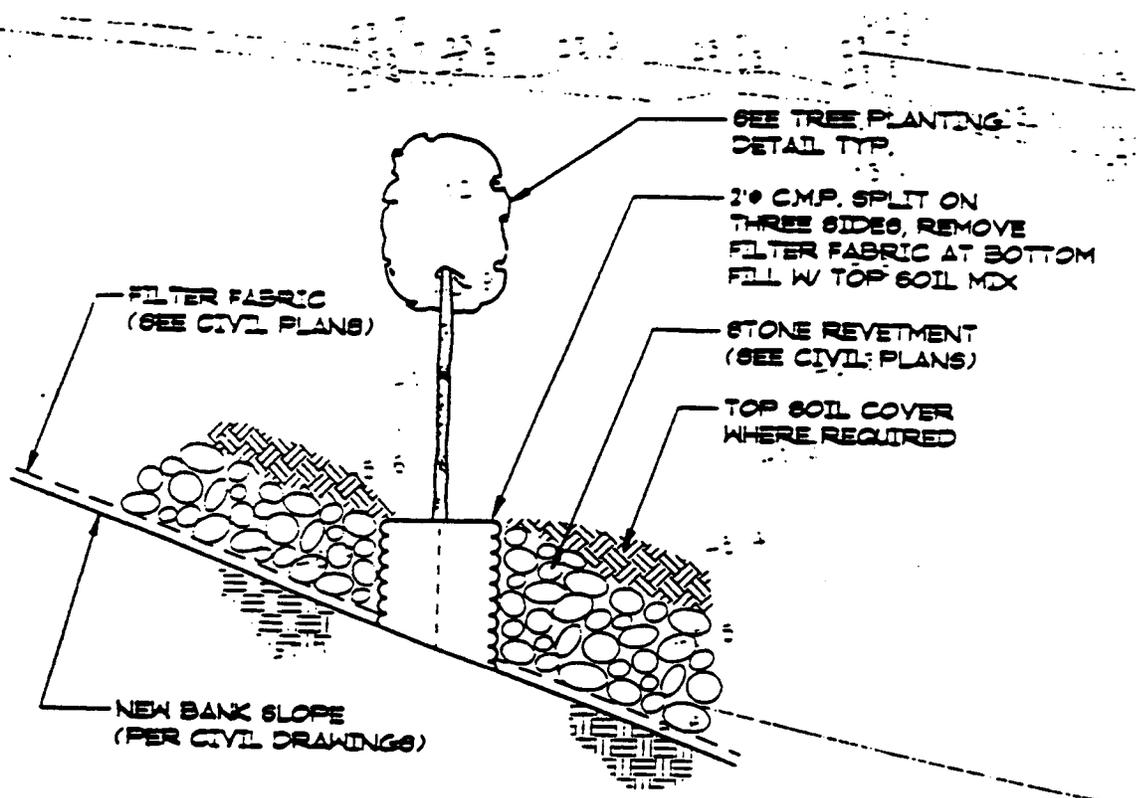
NO SCALE

1. TREE STAKES: 2" x 10'-0" PRESSURE-TREATED LODGEPOLE PINE, 1 PER 5 GAL TREE
2. RUBBER TREE TIES: 2 PER STAKE WRAP NO WIRE AROUND TRUNK OR LIMBS.
3. MULCH: 2" LAYER
4. 4" HIGH EARTH MOUND.
5. FINISH GRADE. KEEP ROOT CROWN 1" ABOVE FINISH GRADE.
6. "RTI" BIO-PAKS, 5 PER 5 GAL
7. PREPARE BACKFILL SEE SPECIFICATIONS.
8. EXISTING UNDISTURBED SOIL



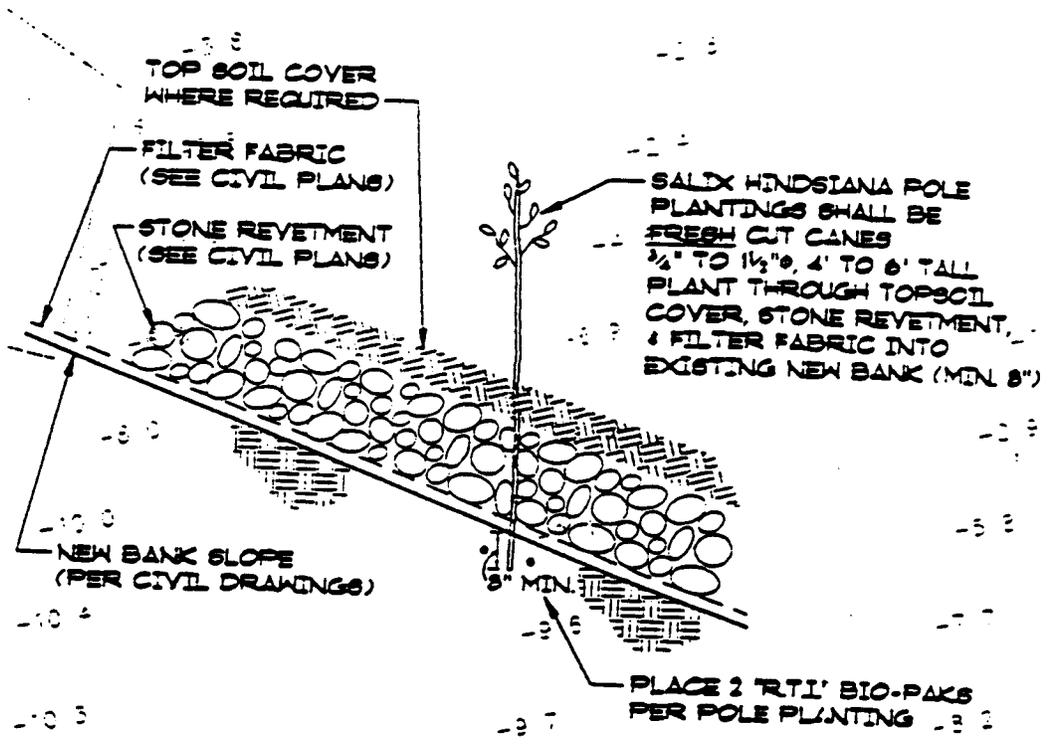
TREE PLANTING

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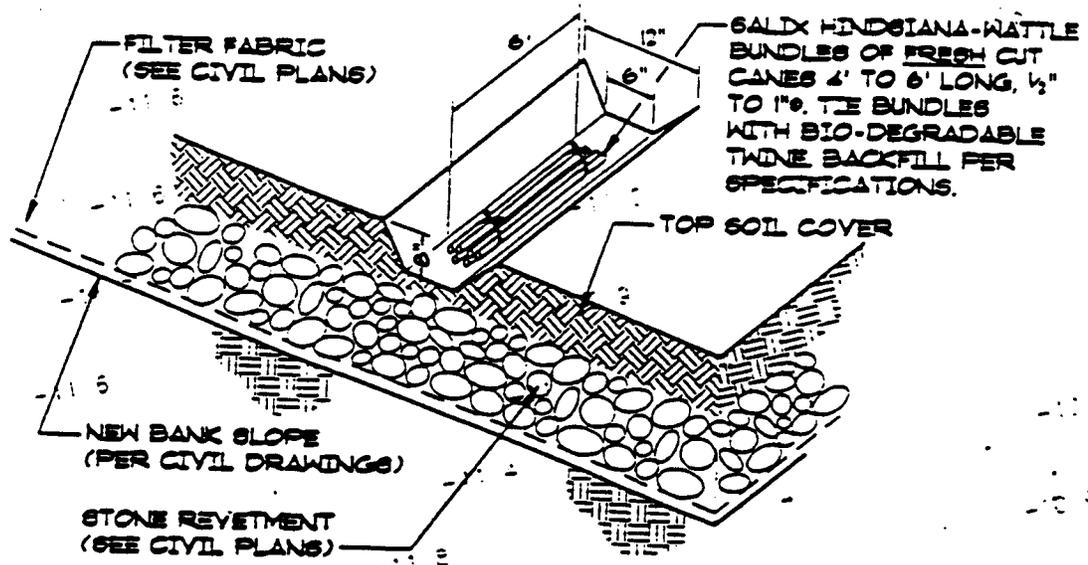
2
L-1

C.M.P. PLANTING



3
L-1

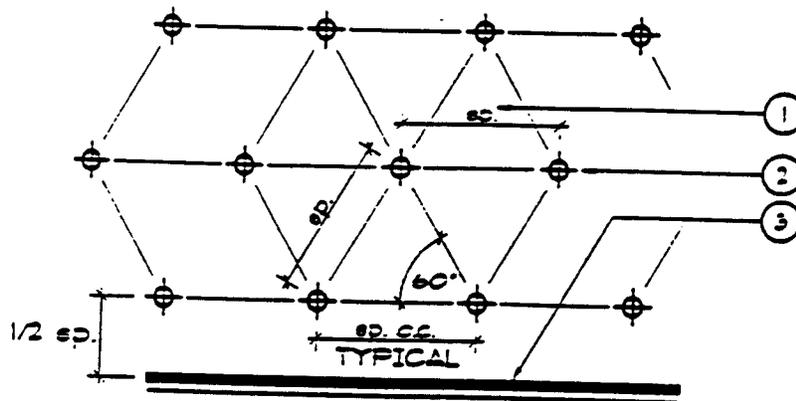
POLE PLANTINGS



4
L-1

WATTLE PLANTING

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PLAN
NO SCALE

1. GROUNDCOVER SPACING: SEE PLANTING LEGEND.
2. GROUNDCOVER CENTERS.
3. WALL, WALK OR EDGE OF GROUNDCOVER PLANTING.

5
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GROUNDCOVER SPACING

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