

RESOLUTION NO. 2019-0346

Adopted by the Sacramento City Council

September 3, 2019

Adopting the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Fairgrounds Subdivision Project (P18-048)

BACKGROUND

- A. On July 25, 2019, the City Planning and Design Commission reviewed and considered the mitigated negative declaration and conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions, the Fairgrounds Subdivision Project (P18-048); and
- B. On September 3, 2019, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 17.812.010 (2)(b), the City Council conducted a public hearing on the Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds as follows:

- A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
 - 1. On February 5, 2019, a Notice of Intent to Adopt the MND (NOI) dated February 5, 2019 was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within

500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

2. On February 5, 2019, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
3. The Initial Study was revised after public notice of its availability to address an entitlement change. The General Plan Amendment of Traditional Neighborhood High Density to Traditional Neighborhood Low Density has been changed to Traditional Neighborhood Medium Density. Per CEQA Guidelines Section 15073.5(c), recirculation of a negative declaration prior to adoption is not required due to new project revisions added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

- Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.
- Section 3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
- Section 4. The City Council adopts the MND for the Project.
- Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.
- Section 6. Upon approval of the Project, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Section 8. Exhibit A is part of this Resolution.

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Exhibit A: Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on September 3, 2019, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer and Warren

Noes: None

Abstain: None

Absent: Mayor Steinberg

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2019.09.05 16:08:35
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.



Fairgrounds Subdivision Project (P18-048)

MITIGATION MONITORING and REPORTING PLAN

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require monitoring or reporting on of mitigation measures adopted as part of the environmental review process.

The following is the Mitigation Monitoring and Reporting Plan (MMRP) for the Fairgrounds Subdivision project (proposed project). The intent of the MMRP is to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted from the Fairgrounds Subdivision Project Mitigated Negative Declaration (MND).

MITIGATION MEASURES

The mitigation measures are taken from the Fairgrounds Subdivision project MND and are assigned the same number as in the MND. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP COMPONENTS

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the MND.

Mitigation Measure: All mitigation measures that were identified in the Fairgrounds Subdivision project MND are presented, and numbered accordingly.

Action: For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

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Implementing Party: This identifies the entity that will undertake the required action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Sacramento is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the city, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Other agencies, such as the Sacramento Metropolitan Air Quality Management District (SMAQMD), may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

Table 1
Fairgrounds Subdivision Project MND Mitigation Monitoring and Reporting Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
<p>Result in construction emissions of NO_x above 85 pounds per day, result in operational emissions of NO_x or ROG above 65 pounds per day, or result in PM₁₀ concentrations equal to or greater than five percent of the State ambient air quality standard.</p>	<p>Mitigation Measure AQ-1 (Construction Emissions)</p> <p>The following Basic Construction Emission Control Practices (BCECP) shall be implemented during project construction:</p> <ul style="list-style-type: none"> • Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. • Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered. • Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited. • Limit vehicle speeds on unpaved roads to 15 miles per hour (mph). • All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. <p>The following practices describe exhaust emission control from diesel powered fleets working at a construction site. California regulations limit idling from both on-road and off-road diesel powered equipment. The California Air Resources Board enforces the idling limitations.</p> <ul style="list-style-type: none"> • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site. 	<p>During construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>	<p>City of Sacramento Community Development Department and Contractor</p>		

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<p>Create a potential health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected, or result in substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal species.</p>	<p>Although not required by local or state regulation, many construction companies have equipment inspection and maintenance programs to ensure work and fuel efficiencies.</p> <ul style="list-style-type: none"> Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated. <p>Mitigation Measure AQ-2 (Construction Traffic)</p> <p>Route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling vehicles along local roads.</p>	<p>During construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>	<p>City of Sacramento Community Development Department and Contractor</p>		
Biological Resources					
<p>Project construction could result in impacts to nesting birds, including the loss of active nests with eggs or fledglings if vegetation clearing and ground-disturbing activities occur during the nesting season (generally February 1 through August 30, depending on the species). All native migratory bird species are protected by the federal Migratory Bird Treaty Act; active nests of all birds are protected under California Fish and Game Code 3503, and individual raptors (and their active nests) are protected under 3503.5. A preconstruction nesting bird survey shall be conducted by a qualified biologist no sooner than 10 days prior to tree removal, construction and any ground-disturbance activities, if such activities occur during the nesting season, to determine if any native birds are nesting on or immediately adjacent to the site (including a 250-foot buffer for raptors). If any active nests are observed during the survey, a suitable avoidance buffer shall be determined and flagged by the qualified biologist based on species, location, and planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the biologist.</p>	<p>Mitigation Measure BIO-1 (construction)</p>	<p>Prior to and during construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>	<p>City of Sacramento Community Development Department and Contractor</p>		
Cultural Resources					

MITIGATION MONITORING AND REPORTING PLAN

<p>Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, or directly or indirectly destroy a unique paleontological resource, or adversely affect tribal cultural resources.</p>	<p>Mitigation Measure CUL-1</p> <p>If cultural resources, paleontological or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to cultural resources and tribal cultural resources. This shall be accomplished, if feasible, by several alternative means, including:</p> <ul style="list-style-type: none"> • Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. • Recommendations for avoidance of cultural resources, paleontological and tribal cultural resources shall be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid cultural resources or tribal cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource. • Native American representatives from interested culturally affiliated Native American tribes shall be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its 	<p>During construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>	<p>City of Sacramento Community Development Department and Contractor</p>	
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Native American
Representative

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	<p>representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.</p> <ul style="list-style-type: none"> If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s), shall install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with interested culturally affiliated Native American tribes and tribes shall be invited to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing shall be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes. The construction contractor(s) shall maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area shall be demarcated as an "Environmentally Sensitive Area". <p>If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources:</p> <ul style="list-style-type: none"> Each resource shall be evaluated for California Register of Historical Resources- (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes, as applicable. <p>If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the CRHR, the City shall avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that</p>		<p>Qualified archaeologist</p>		
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	<p>respond to the City's invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations shall be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed shall be provided in the project record.</p> <p>Native American representatives from interested culturally affiliated Native American Tribes and the City representative shall also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation shall be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.</p> <p>If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:</p>				
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	<ul style="list-style-type: none"> • Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following: <ul style="list-style-type: none"> ○ Protect the cultural character and integrity of the resource. ○ Protect the traditional use of the resource. ○ Protect the confidentiality of the resource. ○ Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. ○ Protect the resource. <p>Mitigation Measure CUL-2</p> <p>If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC) Section 7050.5, if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).</p> <p>If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the</p>	<p>During construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>	<p>City of Sacramento Community Development Department and Contractor</p> <p>Sacramento County Coroner</p>	
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	<p>disinterment and removal of non-Native American human remains.</p> <p>If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050(c)). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.98.</p> <p>Mitigation Measure CUL-3</p> <p>The City shall require the applicant/contractor to provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP shall be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. The City may invite Native American representatives from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.</p> <p>The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and shall outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP shall emphasize the requirement for confidentiality.</p>	<p>Native American Heritage Commission (NAHC)</p> <p>City of Sacramento Community Development Department and Contractor</p> <p>During construction – Mitigation measures shall be included in all construction documents for implementation during construction</p>		
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	<p>and culturally appropriate treatment of any discovery of significance to Native Americans and shall discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.</p>				
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MITIGATION MONITORING AND REPORTING PLAN

Hazards and Hazardous Materials		
<p>Expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities.</p>	<p>Mitigation Measure HAZ-1</p> <p>If evidence of contaminated soils is discovered during grading or soil excavation, work in the vicinity of the contaminated area shall cease until the suspected contaminated soils are properly characterized, identified and remediated. Hazardous or contaminated materials may be removed and disposed of from the project site only in accordance with applicable federal, state and local requirements.</p>	<p>Prior to construction – Mitigation measures shall be included in all construction documents for implementation during construction</p> <p>City of Sacramento Community Development Department and Contractor</p>
Transportation and Circulation		
<p>Roadway segments: degrade peak period Level of Service (LOS) from A, B, C or D (without the project) to E or F (with project) or the LOS (without project) is E or F, and project generated traffic increases the Volume to Capacity Ratio (V/C ratio) by 0.02 or more.</p>	<p>Mitigation Measure TRAF-1</p> <p>Prior to the start of any construction activities, a Construction Traffic Management plan shall be prepared to the satisfaction of the City's Traffic Engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on roadways are maintained. At a minimum, the plan shall include:</p> <ul style="list-style-type: none"> • Description of trucks including: number and size of trucks per day, expected arrival / departure times, truck circulation patterns. • Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, specific signage. • Description of street closures and/or bicycle and pedestrian facility closures including: duration, advance warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control. • Description of access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses. • Provisions for parking for construction workers. 	<p>Prior to construction – Mitigation measures shall be included in all construction documents for implementation during construction</p> <p>City of Sacramento Community Development Department and Contractor</p>
Tribal Cultural Resources		
<p>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and</p>	<p>Mitigation Measure TCR-1</p> <p>Implement Mitigation Measures CUL-1 through CUL-3.</p>	<p>Prior to and during construction – Mitigation measures shall be included in all construction documents for implementation during construction</p> <p>City of Sacramento Community Development Department and Contractor</p>

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<p>supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>					
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