

RESOLUTION NO. 2009-355

Adopted by the Sacramento City Council

June 2, 2009

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE TRACK RELOCATION AND SACRAMENTO VALLEY STATION IMPROVEMENTS PROJECT

BACKGROUND

- A. On June 2, 2009, the City Council received and considered evidence concerning the Sacramento Intermodal Transportation Facility (SITF) project, which included the Environmental Assessment and the Section 4(f) Evaluation Report, the Mitigated Negative Declaration for the first two phases of the SITF - Track Relocation and Sacramento Valley Station Improvements Project, and technical studies regarding the site plan alternatives for planning for Phase 3 of the SITF involving moving or not moving the historic Depot building.

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 Track Relocation and Sacramento Valley Station Improvements Project (Project) initial study identified potentially significant effects of the Project. Revisions to the Project before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services Manager 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 May 12, 2009 a Notice of Intent to Adopt the MND (NOI) dated May 12, 2009 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 May 12, 2009 the Project site was posted with the NOI, 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.

- 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 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's Environmental Planning Services Department 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.

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Exhibit A - Mitigation Monitoring Program

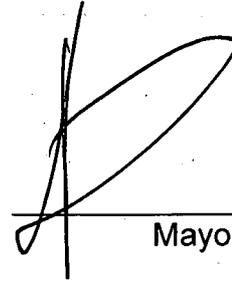
Adopted by the City of Sacramento City Council on June 2, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Tretheway, Waters,
and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember Hammond.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk

MITIGATION MONITORING AND REPORTING PLAN

INTRODUCTION

CEQA requires review of any project that could have significant adverse effects on the environment. CEQA also requires reporting on and monitoring of mitigation measures (MMRP) adopted as part of the environmental review process (Public Resources Code Section 21081.6). This MMRP is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the **Mitigated Negative Declaration (MND) for Realignment Of Existing Mainline Rail Tracks And Improvements To The Existing Southern Pacific Railroad Depot Projects (project)**.

MMRP COMPONENTS

The components of the MMRP table are summarized below.

Mitigation Measure: All mitigation measures identified in the MND for the project are presented.

Action: Identifies the action that must be completed in order for the mitigation measure to be considered implemented. For every mitigation measure, one or more action is described.

Implementing Party: Identifies the entity that will be responsible for implementing the 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 approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: Identifies the entity that will be responsible for monitoring implementation of the required action. The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: Identifies verification of compliance for each identified mitigation measure.

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Air Quality					
The following measures are required by the SMAQMD for level one mitigation, and shall be implemented during grading at all project sites:					
a) Water all soil with sufficient frequency as to maintain soil moistness.	Verify that exposed soils are moist	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
b) Maintain two feet of freeboard space on haul trucks.	Verify two feet of freeboard space on haul trucks.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
In addition, the following measures shall be implemented to further reduce the PM ₁₀ impact during construction activity:					
c) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry brushes is expressly prohibited except where preceded or accompanied by sufficient water or chemical stabilizer/suppressant.)	Verify the removal of accumulated mud and dirt from public streets.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
d) Wheel washers for all exiting trucks shall be installed, or all trucks and equipment leaving the site shall be washed off.	Verify that trucks and wheels are washed prior to leaving the site.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
e) Excavation and grading activity shall be suspended when winds exceed 20 mph.	Verify that grading activities are halted during when windy.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
f) During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or dust-preventative measures. All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.	Verify that watering occurs twice a day.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
g) Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.	Verify that speed limit is observed.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services.	
The following measures shall be incorporated into construction contracts and included on all construction plans:					

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a) The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NO _x reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.	Verify that construction bid documents include required measures to minimize ozone precursor emissions.	Project Applicant.	Prior to issuance of grading permits or building permits.	Development Services.	
b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, projected hours of use or fuel throughput for each piece of equipment, and its compliance status with respect to CARB emission reduction regulations for off-road diesel equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor.	Prior to construction activities. Monthly reports ongoing during construction.	Development Services.	

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c) The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor.	Weekly surveys and monthly reports ongoing during construction.	Development Services.	
d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	
e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO _x that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the applicable current SMAQMD Fee. The applicant shall keep track of actual equipment use and their NO _x emissions so that mitigation fees can be adjusted accordingly for payment to the SMAQMD.	Verify SMAQMD's construction mitigation fund fees have been paid.	Project Applicant.	Prior to issuance of grading permit/building permit.	Development Services.	
f) Construction equipment shall be kept in optimum running condition at all times.	Verify that construction equipment is kept in optimum running condition.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	
g) When appropriate, use alternative fueled (such as aqueous diesel fuel) or catalyst equipped diesel construction equipment.	Verify that alternative is used when appropriate.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	

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h) When appropriate, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).	Verify that electrical equipment replaces fossil-fueled equipment when appropriate.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	
Biological Resources					
a) Nesting Swainson's Hawk Habitat: If construction occurs during the breeding season (February 1-August 31), the project applicant shall conduct CDFG-recommended protocol-level surveys prior to construction as required by the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley or as required by the CDFG in the future. If active nests are found in the construction area, mitigation measures consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California shall be incorporated in the following manner or as directed by CDFG: 1) If an active nest is found no intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that may cause nest abandonment or forced fledging, can be initiated within 200 yards (buffer zone) of an active nest between March 1 and September 15. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the hawks. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. 2) Nest trees shall not be removed unless there is no feasible way of avoiding removal of the tree. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.	Verify that a qualified biologist has conducted pre-construction surveys for the presence of Swainson's hawk. If nests are present, verify appropriate measures are included in construction contracts to protect nesting raptors.	Project Applicant.	Prior to issuing of demolition or grading permits every calendar year that construction occurs and ongoing during construction.	Development Services/Public Works/CDFG.	

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<p>3) If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project proponent) by a qualified biologist will be required to determine if the nest is abandoned. If the nest is abandoned and if the nestlings are still alive, the project proponent shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).</p> <p>4) Routine disturbances, such as routine maintenance activities within 0.25 mile of an active nest, shall not be prohibited.</p>					
<p>b) Nesting habitat for other protected or sensitive avian species:</p> <p>1) Vegetation removal and construction shall occur after between September 1 and January 31 whenever feasible.</p> <p>2) Prior to any construction or vegetation removal between February 1 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitat within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. This survey can be carried out concurrently with surveys for other species provided it does not conflict with any established survey protocols. A copy of the pre-construction survey shall be submitted to the City of Sacramento. If an active nest of a sensitive species is identified onsite (per established thresholds), specific mitigation measures shall be developed in consultation with CDFG and USFWS. At a minimum, these measures shall include a 500-foot no-work buffer that shall be maintained between the nest and construction activity until CDFG and/or USFWS approves of any other mitigation measures.</p> <p>3) Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.</p>	<p>Verify that a qualified biologist has conducted a nesting survey for protected or sensitive species and submitted the survey to the City of Sacramento.</p>	<p>Project Applicant.</p>	<p>Prior to issuing demolition or grading permits every calendar year that such activities occur.</p>	<p>Development Services/ CDFG/ USFWS.</p>	

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<p>c) Burrowing Owl Nesting Habitat:</p> <p>1) Prior to construction activity, focused pre-construction surveys shall be conducted for burrowing owls where suitable habitat is present within the construction areas. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys shall be conducted in accordance with CDFG burrowing owl survey protocol.</p>	<p>Verify that a qualified biologist has conducted a pre-construction survey for burrowing owls. If present, verify appropriate measures have been incorporated in construction contracts to protect owls.</p>	<p>Project Applicant.</p>	<p>Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.</p>	<p>Development Services/ CDFG/ USFWS.</p>	
<p>2) If unoccupied burrows are found during the non-breeding season, the project applicant may collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows. This measure would prevent inadvertent impacts during construction activities.</p> <p>3) If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the City and CDFG, and no further mitigation is necessary.</p> <p>If occupied burrows are found, impacts on the burrows shall be avoided by providing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the owls. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over.</p> <p>4) If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied</p>					

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<p>burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated pairs shall follow guidelines provided in the California Burrowing Owl Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines,¹ which ranges from 7.5 to 19.5 acres per pair.</p>					
<p>Prior to construction within 100 feet of the I-5 and I Street Bridge, the project applicant shall conduct a pre-construction survey during the time when bats would be expected to be present and active to determine the presence of roosting bats. This survey shall be conducted by a wildlife biologist qualified to identify the species of bats using these roosts. If no special status species bats are roosting, then no further mitigation is required.</p> <p>If special status bat species, e.g. roosting bats, are present, prior to construction within 100 feet of the I-5 and I Street Bridge, the project proponent shall provide for a replacement roosting facility in the form of either a bat house or several bat boxes, immediately adjacent to the I-5 and I Street Bridge. The wildlife biologist who conducted the pre-construction surveys shall recommend appropriate bat exclusion devices (i.e., light weight polypropylene netting (<1/6" mesh), plastic sheeting, tube-type excluders, etc.) that shall be installed at the bridge to prevent roosting bats from being on the bridge when demolition or construction occurs, but located such that they would not interfere with nesting purple martins (which shall take priority due to their tendency permanently abandon nesting sites that have been subject to artificial exclusion devices). The exclusion devices can be designed to serve multiple purposes if the exclusion of other species (i.e., purple martins) is also required.</p>	<p>Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.</p> <p>Verify that proper procedures are followed as outlined in the mitigation measure to ensure if any bats are identified on-site they are removed according to BCI standards.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to issuing grading or building permits.</p> <p>Prior to issuing grading or building permits.</p>	<p>Development Services/Public Works.</p> <p>Development Services/Public Works/CDFG.</p>	
<p>a) Prior to the realignment of the Union Pacific Railroad tracks and/or removal of the existing overhead utility lines, the following measures shall be implemented to reduce impacts to the purple martins.</p> <p>1. To offset loss the loss of nesting material gathering site sand and reduce potential predation from feral cats using tall vegetation as</p>	<p>Verify that appropriate measures to prevent nest establishment are implemented. If</p>	<p>Project Applicant.</p>	<p>Prior to issuing grading or building permits.</p>	<p>Development Services/Public Works/CDFG.</p>	

¹ California Department of Fish and Game, 1995. Staff report on burrowing owl mitigation, Sacramento, CA..

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<p>ambush points, during railroad track realignment the project applicant shall conduct weed abatement measures (e.g., weed whacking) bi weekly from March 15th to May 15th. The area to be maintained is the area that extends out 600 feet north of the existing railroad, as detailed on Figure 5.5-1. The plant waste shall be left in place from March 15th to May 15th to allow the purple martins to use the "waste" for nest building material. This measure is temporary and shall only occur while the existing railroad tracks are being realigned.</p> <p>2. To offset the potential impacts from loss of perching wires the project applicant shall erect permanent perching structures, in close proximity to the colony but within the footprint of the project, before the removal of the existing utility lines and poles (wires for perching should be 3/8-3/4 inch in diameter and shall be at least 19.5 feet off the ground. Pole mounted structures could be mounted on light poles or fencing for stability). In the event that the perching structures are not a feasible alternative within the project footprint, the project applicant shall consult with the California State Railroad Museum as to the possibility of the perches being erected within state lands.</p> <p>3. Landscaping within 120 feet of the colony shall be planned as to not disrupt the flight access to the colony, small and medium size non fruit-bearing trees shall be incorporated to the landscaping plans. Landscaping plans shall also consider the option of prohibiting fruit-bearing trees within 500 feet of the site and not removing all the clippings from the area during maintenance specifically at the beginning of the nesting season (March 15th to May 15th) as to allow the purple martins to use the clippings as nesting materials.</p>	<p>nest establishment occurs, then verify that a qualified biologist inspects nests prior to removal.</p>				

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<p>i) Until the proposed open space that is adjacent to the I Street Colony is landscaped, the project applicant shall, from March 15th to May 15th, supply nesting material (straw, pine needles, etc.) in designated areas close to the colony for use by the purple martins while the planted trees and shrubs develop. The areas should be no further than 200 feet from perching wires.</p> <p>4. So long as the I Street Colony is active, landscaping trees adjacent to the purple martin colony shall include pine species (<i>Pinus</i> spp.) to provide a permanent source of nesting material. The pine needles shall not be removed during landscape maintenance from January 1st to May 15th.</p>					
<p>b) Although purple martins are tolerant of human activities, if active nests are present no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) during the beginning of the purple martin breeding season from March 15th to May 15th. The buffer area shall be avoided to prevent destruction or disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the martins. The site characteristics used to determine the size of the modified buffer should include; a) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; and d) sensitivity of the species to nest disturbances. No project activity shall commence within the buffer area until a qualified biologist confirms that any nests are no longer active. In addition, no equipment shall be parked or stored beneath the I Street on-ramp or the I-5 overpass at the I Street on-ramp during the breeding season (April 15 to August 1).</p>	Verify that appropriate buffers around purple martin nests are implemented.	Project Applicant.	Ongoing during construction April 15 to August 15 in proximity to I-5.	Development Services/Public Works/CDFG.	
<p>c) All fixtures on elevated light standards west of I-5 within the project boundaries, such as in parking lots or along roadways, shall be shielded to reduce glare.</p>	Verify that light fixtures west of I-5 are shielded.	Project Applicant.	Prior to occupancy of area between I-5 and the river.	Development Services.	

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All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Urban Forest Services. A qualified biologist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die during that period.	Provide a tree mitigation plan to the City and evidence of a contractual agreement with a qualified biologist for monitoring of replacement trees for 5 years.	Project Applicant.	Prior to approval of Design Review.	Development Services/Urban Forests Division	
Cultural Resources					
a) Prior to any ground-disturbing activity in Archaeologically Sensitive Areas (ASAs), a focused Archaeological Testing Plan (ATP) shall be prepared and implemented to determine the presence/absence of archaeological resources and to assess their eligibility to the CRHR. The ATP shall be reviewed and approved by the Preservation Director prior to implementation.	Verify that an ATP is prepared.	Project Applicant.	Prior to issuing grading permits in ASAs requiring an ATP.	Development Services/City Preservation Director.	
b) If the testing program identifies CRHR-eligible archaeological resources, an Archaeological Mitigation Plan shall be prepared and implemented.	Verify that an Archaeological Mitigation Plan is prepared if necessary.	Project Applicant.	Prior to issuing of grading permits.	Development Services/City Preservation Director.	
c) With respect to portions of ASAs where ground-disturbing activities would take place but that are not subject to the archaeological test investigation referred to above, a Construction Monitoring Plan shall be prepared and implemented to ensure appropriate identification and treatment of unanticipated archaeological resources, if any are discovered during grading or construction activities.	Verify that a Construction Monitoring Plan is prepared and implemented.	Project Applicant.	Prior to issuing of grading permits and during construction activities in areas not subject to archaeological testing.	Development Services/City Preservation Director.	

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d) Prior the commencement of any ground disturbance in the 6th-7th Street Corridor ASA, consultation shall be initiated between the landowner or his representative and the appropriate Native American group having traditional authority over the Initial Phase Area. The goal of the consultation shall be to formulate procedures for the treatment of Native American human remains, should any be uncovered during project activities.	Verify that consultation occurs between the landowner and the appropriate Native American group.	Project Applicant.	Prior to issuing grading permits in the 6 th /7 th Street Corridor ASA.	Development Services/City Preservation Director.	
e) All earth-moving activities within the project Area shall be monitored by a person approved by the City of Sacramento Preservation Director. Prior to any earth-moving activities, for each phase of the project a focused Monitoring and Unanticipated Discovery Plan shall be written by a qualified archaeologist and submitted to the City of Sacramento Preservation Director for approval. In the event that unanticipated archaeological resources or human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and human remains shall be required. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered.	Provide for monitoring of earth-moving activities by an archaeologist.	Project Applicant and/or project contractors.	Ongoing during construction.	Development Services/City Preservation Director.	
i. If the monitoring results in the identification of an archaeological resource, all work adjacent to the discovery shall cease, and the appropriate steps shall be taken, as directed by the Preservation Director in consultation with the archaeologist, to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with Federal and State Law. At a minimum the area will be secured to a distance of 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. The archaeologist will conduct a field investigation and assess the significance of the find. Impacts to cultural resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. All identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the North Central Information Center.	If an unknown archaeological resource is discovered, halt construction within 50 feet of the resource and conduct a field investigation to determine the significance of the resource.	Project Applicant and/or project contractors.	Ongoing during construction.	Development Services/City Preservation Director.	

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<p>ii. If human remains are discovered at the project construction site during any phase of construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. If the remains are determined to be Chinese, or any other ethnic group, the appropriate local organization affiliated with that group shall be contacted and all reasonable effort shall be made to identify the remains and determine and contact the most likely descendant. The approved mitigation shall be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p>	<p>If human remains are discovered, halt construction within 50 feet of the discovery and notify the Sacramento County Coroner immediately. If remains are determined to be Native American, contact NAHC. If remains are determined to be Chinese or other ethnic group, contact most likely descendant.</p>	<p>Project Applicant and/or project contractors.</p>	<p>Ongoing during construction.</p>	<p>Development Services/City Preservation Director.</p>	
<p>If the remains are of Native American origin, the landowner or his representative shall contact the Native American Heritage Commission to identify the Most Likely Descendant. That individual shall be asked to make a recommendation to the landowner for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.983.</p> <p>If the Most Likely Descendant fails to make a recommendation or the landowner or his authorized representative rejects the recommendation of the descendant, and if mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner, then the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>					

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Seismicity, Soils, and Geology					
a) To the extent feasible, the historic buildings shall be stabilized and reinforced prior to trenching or other construction activities adjacent to the buildings.	Verify that historic buildings are stabilized and reinforced.	Project Applicant.	Prior to issuing grading permits for activities adjacent to Central Shops.	Development Services/City Preservation Director.	
b) The project applicant shall take reasonable precautions to protect historic structures from damage, such as settlement, caused by excavation, trenching, dewatering, or other construction activities that could affect the integrity of the buildings or expose workers to physical hazards.	Verify that all appropriate measures are taken to prevent damage to historic structures.	Project Applicant.	Ongoing during construction.	Development Services/City Preservation Director.	
c) Measures shall be taken to reduce or eliminate potential ground settlement of the areas surrounding the historic buildings due to dewatering, excavation, or adjacent construction. A pre-excavation settlement-damage survey shall be prepared that shall include, at a minimum, visual inspection of existing vulnerable structures for cracks and other settlement defects, and establishment of horizontal and vertical control points on the buildings. A monitoring program of surveying horizontal and vertical control points on structures and shoring shall be followed to determine the effects of dewatering, excavation, and construction on the particular building site. If it is determined by the engineer that the existing buildings could be subject to damage, work shall cease until appropriate remedies to prevent damage are identified.	Verify that a pre-excavation settlement damage survey is prepared and implement a monitoring program, if determined to be necessary.	Project Applicant.	Prior to excavation activities adjacent to the Central Shops.	Development Services/City Preservation Director.	
Hazards and Hazardous Substances					
The City shall enforce the following requirements for construction on the Specific Plan Area:					
a) The City recognizes that DTSC has ultimate authority regarding approval of health risk assessments. However, through a new Tri-Party MOU, the City may provide input to DTSC if any assumptions employed appear to be inaccurate or differ from those previously prepared.	Provide input to DTSC as appropriate.	Project Applicant.	Ongoing	Development Services/DTSC	
b) The general contractor shall prepare a site-specific construction worker health and safety plan containing construction worker health and safety requirements based on the levels of remediation already performed in each project area.	Verify that each a construction worker health and safety plan is prepared for each project area.	Project Applicant and project contractors.	Prior to issuing building permits within each project area.	Development Services/DTSC.	

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c) Contractors shall be given a worker health and safety guidance document at the time of grading or building permit application to assist them in preparing site-specific worker health and safety plans. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require the use of personal protective equipment, onsite continuous air quality monitoring during construction, and other precautions.	Verify that contractors receive health and safety documents.	Project Applicant.	At the time of grading or building permit applications.	Development Services/DTSC.	
d) During construction, except in imported clean fill areas, all excavation, soil handling, and dewatering activities shall be observed for signs of apparent contamination by the developer under DTSC oversight.	Verify that excavation, soil handling, and dewatering activities are observed for signs of contamination.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services/DTSC.	
e) In addition to these steps, DTSC, through the new Tri-Party MOU, shall provide for environmental oversight, including site inspection during construction and procedures for detecting previously undiscovered contamination during site excavation as well as contingency plans for investigation, remediation and disposal of such contamination.	Provide for site inspections, procedures for detecting contamination, and contingency plans.	Project Applicant and DTSC.	Ongoing during grading and construction activities.	Development Services/DTSC.	
f) In areas where the groundwater contamination has the potential to reach water, sewer or storm drainage pipelines due to fluctuations in the elevation of the groundwater table, or where volatile contaminants in soil vapor could enter porous utility lines, measures such as concrete trenches, membrane barriers and venting will be used to prevent infiltration in accordance with DTSC requirements	Identify and implement all necessary measures to prevent infiltration into water, sewer, or storm drainage pipelines.	Project Applicant and/or project contractors.	Prior to approval of Improvement Plans.	Development Services/Public Works/DTSC.	
g) Prior to approval of any grading permit, developers shall demonstrate access to a nearby secure holding area for interim storage of contaminated soil that could be uncovered during construction, and provide a plan for transport of soil to the holding area.	Verify that a secure area for interim storage of contaminated soil is accessible and provide a transport plan.	Project Applicant.	Prior to issuing grading permits.	Development Services/DTSC.	
h) Developers shall be required to employ construction dewatering techniques, should they become necessary, that minimize potential for pulling groundwater contaminants to the surface. Contingency plans for	Verify that construction dewatering	Project Applicant.	Prior to construction.	Development Services/ DTSC/ RWQCB.	

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pretreatment of contaminated groundwater, if necessary, shall be in place prior to the start of construction in the event that extracted water cannot be sent to the regional wastewater treatment plant.	techniques are implemented and that contingency plans for pretreatment of groundwater are in place, if necessary.				
i) Project developers and their contractors shall coordinate with the City of Sacramento, DTSC, and other involved agencies, as appropriate, to assure that project construction shall not interfere with any adjacent and/or on-site existing and/or planned remediation activities or unduly delay of existing and/or planned site remediation activities.	Verify that construction activities do not interfere with or other remediation activities.	Project Applicant and/or project contractors.	Ongoing during remediation and construction activities.	Development Services/DTSC.	
j) The project developers and their contractors shall comply with all applicable site controls established for site remediation activities through the approved RAPs and RDIP and shall ensure that project construction does not prevent such compliance.	Verify that all project construction does prevent compliance with RAPs and RDIP.	Project Applicant and/or project contractors.	Ongoing during remediation and construction activities.	Development Services/DTSC.	
Noise and Vibration					
a) The contractor shall ensure that the following measures are implemented during all phases of project construction: Whenever construction occurs adjacent to occupied residences (on or offsite), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Sacramento Building Official.	Verify that temporary noise barriers are erected as specified when construction activities occur adjacent to residential uses.	Project Applicant and/or project contractors.	Prior to ground disturbance and construction activities adjacent to occupied residences.	Development Services.	
b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.	Verify that all construction activities comply with the Noise Ordinance.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	

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c) Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.	Verify that construction equipment storage areas are as far as possible from residential areas.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	
d) Quieter "sonic" pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations; and	Verify that "sonic" pile drivers are used, if feasible.	Project Applicant and/or project contractors.	Prior to issuance of a building permit; implement measures during ground disturbing and construction activities.	Development Services.	
e) Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.	Ensure that construction activities that generate high noise levels are restricted to the hours of 7:00 am to 6:00 pm Monday through Friday.	Project Applicant and/or project contractors.	Ongoing during grading and construction activities.	Development Services.	
f) During construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid further structural damage.	See MM 6.8-1.	See MM 6.8-1.	See MM 6.8-1.	See MM 6.8-1.	

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g) The City shall work with UPRR and RT to identify methods of vibration reduction that could be implemented during UPRR track relocation and LRT track construction. Such methods could include, but would not be limited to: <ul style="list-style-type: none"> ▪ soil densification under the tracks; ▪ use of deep piles under the track bed; ▪ use of tire derived aggregate below the track bed; ▪ floating slab tracks; ▪ for light rail, use of a resiliently supported fastener system; and ▪ for light rail, installation of a ballast mat beneath the track. 	Document discussions with RT and UPRR regarding use of applicable measures to reduce vibration.	City.	Prior to relocation of the tracks.	Development Services/RT/UPRR.	
h) Prior to use of the relocated tracks, the historic structures to be retained in the Central Shops Historic District shall be stabilized using methods that would protect against vibration levels identified in the screening analysis.	Stabilize historical structures within the Central Shops Districts against vibration impacts.	Project Applicant.	Prior to use of the relocated UPRR tracks.	Development Services/Preservation Director.	