

## **RESOLUTION NO. 2009-554**

Adopted by the Sacramento City Council

August 25, 2009

### **ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE CURTIS PARK VILLAGE COMBINED SEWER REGIONAL STORAGE PROJECT (X14010001)**

#### **BACKGROUND**

- A. The Curtis Park Village Combined Sewer Regional Storage project (the "Project") is a component of the City's Combined Sewer System Improvement Plan (CSSIP) approved by the City Council in October 1995, and will reduce flooding in the Curtis Park and nearby Land Park areas.
- B. Project facilities to be constructed will include new 36 and 54 inch combined sewer pipes in 21<sup>st</sup> Street between Markham Way and Pelham Way and from Pelham Way to the project site, approximately 325,000 cubic foot underground storage vaults located below a planned landscaped parkway in the future Curtis Park Village project site, a weir structure, and a pump station to empty the storage structure.
- C. The Project initial study identified potentially significant environmental effects. 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 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 October 1, 2008 a Notice of Intent (NOI) to adopt the MND dated September 24, 2008 was circulated for public comment for 30 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 October 1, 2008 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. All components of the project were evaluated in the MND. No substantial revision to the MND is required, and recirculation is not required pursuant to the CEQA Guidelines Section 15073.5.

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

- Section 1. 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, the comments received during the public review process and all information and evidence presented to the City Council, and determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed Project.
- Section 2. 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's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
- Section 3. The City Council adopts the MND for the Project.
- Section 4. 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 mitigation measures be implemented as set forth in the Mitigation Monitoring Program.
- Section 5. Upon approval of the Project, the City's Environmental Planning Services 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 CEQA Guidelines.
- Section 6. Pursuant to CEQA 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.

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Exhibit A: Mitigation Monitoring Program

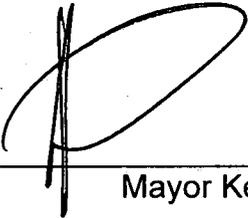
Adopted by the City of Sacramento City Council on August 25, 2009 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Cohn.



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Mayor Kevin Johnson

Attest:



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Shirley Concolino, City Clerk

## Exhibit A

# **Curtis Park Village Combined Sewer Regional Storage Mitigation Monitoring Program**

*– July 2009*

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study / Mitigated Negative Declaration for the Curtis Park Village Combined Sewer Regional Storage project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

**Curtis Park Village Combined Sewer Regional Storage**

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Impact	Mitigation Measures	Implementing Party	Monitoring Agency	Implementation Schedule	Sign-Off
	<i>of the trailer) or cover loads.</i>				
<b>6. Transportation and Circulation</b>					
6.(a)	<i>MM-3. Prior to the start of construction, the project contractor shall submit a construction traffic management plan that ensures adequate emergency access and maintains circulation to neighboring properties during construction, for the review and approval of the City Engineer. The plan shall include detour routes, appropriate signage, and construction personnel to facilitate the safe flow of traffic. The construction traffic management plan shall be reviewed by other affected agencies such as Caltrans and Regional Transit.</i>	Project Contractor	City Engineer  Caltrans  Regional Transit	Prior to the start of construction	
<b>7. Biological Resources</b>					
7.(a)	<i>MM-4. Prior to construction, the contractor shall arrange for surveys for burrowing owls to be conducted during the height of the nesting season, between April 15 and July 15 in accordance with the survey requirements detailed in CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997). The survey shall be conducted by a qualified biologist to determine the number of burrowing owls present during the nesting season and to delineate the extent of burrowing</i>	Project Contractor	California Department of Fish and Game (CDFG)  Community Development Department	Prior to construction	





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	<p><i>adjacent to the impact areas for raptor nests.</i></p> <p><i>If the above survey does not identify any nesting raptor species on the project site, further mitigation is not required. However, should any raptor species be found nesting on the project site, Mitigation Measures 7 and 8 shall be implemented.</i></p> <p><i>MM-9. Prior to the issuance of grading permits, the following mitigation measures shall be completed for the review and approval of CDFG. The project applicant, in consultation with CDFG, shall avoid all birds of prey nest sites located in the project site during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with CDFG. Highly visible temporary construction fencing shall delineate the buffer zone.</i></p> <p><i>MM-10. If a legally protected species nest is located in a</i></p>	<p>Project Contractor</p>	<p>CDFG Community Development Department</p>	<p>Prior to issuance of grading permits</p>	

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	<i>tree designated for removal, the removal shall be deferred until after August 30<sup>th</sup>, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist.</i>	Project Contractor	Community Development Department  CDFG	Prior to issuance of grading permits	
<b>9. Hazards and Hazardous Materials</b>					
9.(a, c, d)	<i>MM-11. Prior to any ground disturbing activities, the Contractor and Department of Utilities shall have on file a copy of a clearance letter from the Department of Toxic Substance Control (DTSC) verifying that remediation of the site has been completed in compliance with the Remediation Action Plan (RAP).</i>	Project Contractor	Sacramento Department of Utilities  Department of Toxic Substances Control (DTSC)	Prior to any ground disturbing activities	
<b>10. Noise</b>					
10.(a, b)	<i>MM-12. Noise impacts due to construction activities would be reduced by implementing the noise performance standards in Section 8.68.080 of the Sacramento Noise Ordinance which seeks to limit construction noise to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday and 9:00 a.m. and 6:00 p.m. on Sunday.</i>	Project Contractor	Community Development Department	Prior to approval of construction contract agreements	

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	<p><i>However, because of the project's proximity to noise sensitive receptors, construction activities shall be further restricted by incorporating the following conditions in related construction contract agreements:</i></p> <ul style="list-style-type: none"> <li>• <i>Properly muffle and maintain all construction equipment powered by internal combustion engines;</i></li> <li>• <i>Prohibit unnecessary idling of internal combustion engines. Equipment shall be turned off when not in use;</i></li> <li>• <i>Locate all stationary noise-generation construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment;</i></li> <li>• <i>Select quiet construction equipment, particularly air compressors, whenever possible; and</i></li> <li>• <i>Designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor's representative. The</i></li> </ul>				

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	<p><i>disturbance coordinator shall determine the cause of the noise complaint and would require that reasonable measures warranted the correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and shall be included in the notice sent to neighbors regarding the construction schedule.</i></p> <p><i>MM-13. If a pumping station is included in the project, prior to approval of Improvement Plans the Plans shall indicate, for the review and approval of the City Engineer, that an enclosure shall be constructed around the entire pumping station, sufficient to reduce the operational noise levels to within the normally acceptable residential level (60 dB Ldn) at the nearest residence.</i></p>	Project Contractor	City Engineer	Prior to approval of Improvement Plans	
<b>14. Cultural Resources</b>					
14.(a, b)	<p><i>MM-14. If subsurface archaeological historical remains (including unusual amounts of bones, stones or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist shall be</i></p>	Project Contractor	Community Development Department	During construction	