

RESOLUTION NO. 2013-0071

Adopted by the Sacramento City Council

March 5, 2013

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE OAK PARK COMBINED SEWER SYSTEM REGIONAL STORAGE FACILITY PROJECT (X14010080)

BACKGROUND

- A. The final design has been completed for the Oak Park Combined Sewer System Regional Storage Facility Project (X14010080) (the "Project"). The Project will implement the City's Combined Sewer System (CSS) Improvement Plan by reducing local flooding in the Oak Park neighborhood and regional flooding within the CSS.
- B. On March 5, 2013, the City Council conducted a public meeting and received and considered information and evidence relative to the initial study and Mitigated Negative Declaration for 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 Department of Utilities 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 January 11, 2013, a Notice of Intent (NOI) to Adopt the MND, dated January 11, 2013, was circulated for public comments 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 January 11, 2013, 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.

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 public meeting 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 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, attached hereto as Exhibit A, 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 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. Exhibits A and B are made a part of this Resolution.

Exhibit A: Mitigation Monitoring Program
Exhibit B: Mitigated Negative Declaration

EXHIBIT A

**OAK PARK COMBINED SEWER SYSTEM REGIONAL STORAGE FACILITY PROJECT
MITIGATION MONITORING PROGRAM**

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures applicable to this project and included in the Mitigated Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento Department of Transportation in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Program is being prepared for the Community Development Department, Environmental Planning Services, 300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811, pursuant to the California Environmental Quality Guidelines, Section 21081.

Project Number: X14010080

Project Name: Oak Park Combined Sewer System Regional Storage Facility Project

Project Location: The proposed storage facility is located within Oak Park, a community park in the City of Sacramento, Sacramento County. The project also includes underground pipe improvements within San Carlos Way and a portion of 8th Avenue. The project site is located between 8th Avenue to the north, 12th Avenue to the south, Martin Luther King Jr. Way to the west, and 40th Avenue to the east. Assessor Parcel Numbers (APNs) for the parcels on the project site include APNs 014- 0231-048 and 014-0231-043. In addition, an adjacent vacant parcel (APN 014-0231-047) owned by the City would be utilized during construction of the proposed project.

Project Description: The project includes the construction and operation of an underground storage facility that would function as a component of the City's Combined Sewer System (CSS). The facility would provide storage during heavy rainfall periods in order to lower the hydraulic grade line, which would regionally and locally reduce the potential for flooding and combined sewer outflows. Combined sewage from the City's CSS would be piped to the project site and temporarily stored during heavy rainfall periods, then would be metered out once flows have again reduced. The facility would fill and empty via gravity flow; however, two small pumps are anticipated to be required in order to completely empty the facility. Although the proposed project would be part of the City's CSS, because storage would occur during heavy rainfall periods only, the majority of water stored would be stormwater (i.e., typically 90 to 95 percent) with a minority of sewage.

**MITIGATION REPORTING PROGRAM CHECKLIST FOR THE
OAK PARK REGIONAL STORAGE FACILITY PROJECT (Project #X14010080)**

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Agency	VERIFICATION OF COMPLIANCE	
				Initials	Date
2. AIR QUALITY					
<p>MITIGATION MEASURE</p> <p>2-1 Prior to initiation of construction, the project contractor shall provide a plan for approval by the SMAQMD demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used during construction of the project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NO_x reduction compared to the most recent CARB fleet average. 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. The SMAQMD's Construction Mitigation Calculator (available at: http://www.airquality.org/ceqa/mitigation.shtml) can be used to identify an equipment fleet that achieves this reduction.</p>	Project Contractor	Prior to grading and construction	City of Sacramento Department of Utilities		
3. BIOLOGICAL RESOURCES					
<p>MITIGATION MEASURE</p> <p>Implementation of Mitigation Measures 3-1 and 3-2 below would reduce the impact identified above related to nesting of burrowing owls, special-status raptors, and other special-status bird species to a less-than-significant level.</p> <p>3-1 Prior to construction, the project contractor shall initiate preconstruction surveys of the project site to determine if burrowing owls are present during the non-nesting season prior to any breeding season construction. If burrowing owls are not present, further mitigation is not required. If occupied burrows are found during the non-breeding season, the project contractor shall implement standard "passive relocation" measures to exclude burrowing owls from burrows that need to be disturbed, consistent with CDFG guidelines. If breeding owls are</p>	Project Contractor	Prior to grading and construction	City of Sacramento, Department of Utilities		

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Agency	VERIFICATION OF COMPLIANCE	
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<p>found on-site during the nesting season, the project contractor shall establish a no-disturbance buffer around nesting burrows until the nesting is completed. The buffer distance and verification of completion of nesting will be determined by a qualified biologist with experience working with burrowing owls and construction activities. If it is not feasible to avoid removal of nesting burrows, the project contractor shall consult with the CDFG to determine if any options for active nest relocation are feasible.</p> <p>3-2 One of the following mitigation options shall be implemented by the project contractor to avoid disturbing or removing any active nest tree at the time of project implementation:</p> <ul style="list-style-type: none"> • If project construction plans require removal of a tree that represents potential nesting habitat for migratory birds or other raptors including Swainson's hawk, the project contractor shall remove such trees during the non-nesting season, prior to initiation of major construction. <p>Or</p> <ul style="list-style-type: none"> • If suitable migratory bird or raptor nest trees are on-site and construction is planned during the nesting season for the species, preconstruction surveys shall be conducted to determine if migratory birds or other raptors including Swainson's hawk are using suitable nest trees. If active nests are present on the property, construction shall be avoided within a buffer area designated to protect the nesting pair. The size of the buffer will be determined by a qualified biologist with experience in nest protection and will be based on the location of the nest, the background level of disturbance in the nest area, and observed reactions of the nesting species to human activity. 	Project Contractor	Prior to grading and construction	City of Sacramento, Department of Utilities		

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Agency	VERIFICATION OF COMPLIANCE	
				Initials	Date
4. CULTURAL RESOURCES					
MITIGATION MEASURE					
<p>4-1 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the contractor shall consult with a qualified archeologist. Representatives of the City and a qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.</p>	Project Contractor	During Construction	City of Sacramento, Department of Utilities		
<p>4-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American ethnographic or spiritual resources are discovered, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p>	Project Contractor	During Construction	City of Sacramento, Department of Utilities		
<p>4-3 If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately. If the remains are</p>	Project Contractor	During Construction	City of Sacramento, Department of Utilities		

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Agency	VERIFICATION OF COMPLIANCE	
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determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.			Native American Heritage Commission		
9. NOISE					
<p>MITIGATION MEASURE</p> <p>Implementation of the following mitigation measures would reduce the above identified impact related to generation of noise levels in excess of standards and a temporary increase in ambient noise levels to a less-than-significant level.</p> <p>9-1 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. 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:</p> <ul style="list-style-type: none"> • Properly muffle and maintain all construction equipment powered by internal combustion engines; • Prohibit unnecessary idling of internal combustion engines. Equipment shall be turned off when not in use; • Locate all stationary noise-generation construction equipment such as air compressors as far as practical from existing nearby school and other noise-sensitive land uses. Acoustically shield such equipment; 	Project Contractor	Prior to Construction and During Construction	City of Sacramento, Department of Utilities		

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Agency	VERIFICATION OF COMPLIANCE	
				Initials	Date
<ul style="list-style-type: none"> Select quiet construction equipment, particularly air compressors, whenever possible; and 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 disturbance coordinator shall determine the cause of the noise complaint and would require that reasonable measures warranted to 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 any notices sent to neighbors regarding the construction schedule. 					
<p>9-2 Prior to approval of Improvement Plans, the Plans shall indicate, for the review and approval of the City Engineer, that the enclosure for the proposed pumps would be constructed sufficient to reduce the operational noise levels to within the normally acceptable residential level (60 dB Ldn) at the nearest receptor.</p>	Project Contractor	Prior to Construction and During Construction	City of Sacramento, Department of Utilities		

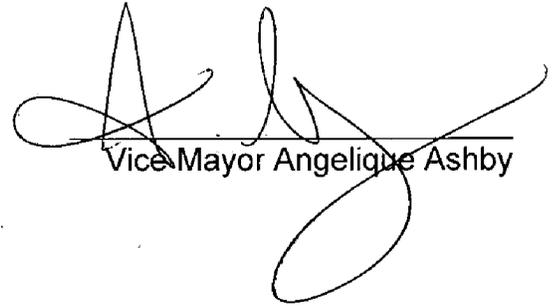
Adopted by the City of Sacramento City Council on March 5, 2013 by the following vote:

Ayes: Councilmembers Ashby, D Fong, Hansen, McCarty, Pannell, Warren, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Members Cohn and Schenirer



Vice Mayor Angelique Ashby

Attest:



Shirley Concolino
Shirley Concolino, City Clerk