CVS at Freeport and Florin (P10-044)--Mitigation Agreement

Name/File Number:	CVS at Freeport and Florin (P10-044)
Applicant:	Josh Eisenhut, Armstrong Development
Owner of Record:	Gary Wong, Florin Freeport LLC
Project Location:	Southeast corner of Freeport Boulevard and Florin Road, City of Sacramento, Sacramento, California (APN 047-0021-018-0000; 047-0091-015-0000)

The proposed project includes a request for approval of a tentative map to subdivide two parcels located at the southeast corner of Freeport Boulevard and Florin Road (APN 047-0021-018-0000 and 047-0091-015)) into five separate parcels. Project entitlements are requested to construct and operate a retail pharmacy on one of the parcels with drive-through service.

We agree to amend the project application P10-044 to incorporate the attached mitigation measures as identified in the Initial Study for the project. We understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts would be reduced to below a level of significance, thereby enabling the Community Development Department to prepare a Mitigated Negative Declaration for the project.

We also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan (Plan) for the project. This Plan will be prepared by the Community Development Department, pursuant to the California Environmental Quality Act Guidelines Section 21081.6 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

We understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of the mitigation measures.

Signature (Applicant)

Gary Wong

Signature (Owner of Record)

1/7/11

Date

Mitigation Measures

Light and Glare

LG1 Structures proposed on the project site shall be designed to avoid the use of the following features:

(1) reflective glass that exceeds 50 percent of any building surface and on the ground three floors:
(2) mirrored glass;
(3) black glass that exceeds 25 percent of any surface of a building; and,
(4) metal building materials that exceed 50 percent of any street-facing surface of a primarily residential building.

LG2 Security or exterior lighting on building facades facing residential areas shall be designed to avoid any direct light or glare onto neighboring properties.

Air Quality

AQ-1. 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.

AQ-2. 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 should be covered.

AQ-3. 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.

AQ-4. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).

AQ-5. 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.

AQ-6. 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.

AQ-7. 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.

Cultural Resources

CR-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 construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the 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. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If Native American archeological, ethnographic, or spiritual resources are involved, 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.

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 by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

CR-3 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are 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-internment 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.

Hazards

Haz 1 Prior to the issuance of building permits, the applicant shall submit written identification and confirmation of all reports required relating to potentially hazardous materials on the project site, including reports required by the air district relating to asbestos-containing materials and lead-based paint, compliance with applicable regulations relating to identification and disposal of all

such materials, and appropriate disposal of railroad ties that are located on the project site.

Noise

N-1 All mechanical building equipment, including heating, air conditioning and ventilating equipment and other mechanical equipment, shall be completely screened.

N-2 Landscape maintenance activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m.

N-3 Prior to issuance of building permits for any use on Parcels 2 through 5, inclusive, of the project site that includes a drive-through facility, the applicant shall provide written confirmation from a qualified noise consultant that the noise emitted at the project property line adjoining residences by any outside speaker used for communicating with customers will be within the applicable limit set forth in the City's noise ordinance.

Transportation

T-1 Prior to beginning construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction on the City Traffic Engineer and shall be subject to the review by all affected agencies. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include the following:

- The number of truck trips, time, and day of street closures
- Time of day of arrival and departure of construction vehicles
- Limitation on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting
- Provision of a truck circulation pattern
- Provision of a driveway access plan so that vehicular, pedestrian and bicycle movements are maintained. The driveway access plan should include placement of steel plates, minimum distances for open trenches and private vehicle pick up and drop off areas
- Maintenance of safe and efficient routes for emergency vehicles
- Manual traffic control, if necessary
- Proper advance warning and posted signage concerning street closures
- Provisions for pedestrian safety.

A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified as least fourteen (14) days before the commencement of construction that would partially or fully obstruct roadways. Implementation of this mitigation measure would reduce the impact to less than significant.

T-2 Prior to issuing the first building permit, the applicant shall submit improvement plans and coordinate with the City to implement the following:

- Allow U-turn movement on the westbound traffic at Florin Road/Freeport Boulevard intersection. The project applicant shall be required to provide the appropriate signs per the City of Sacramento, Traffic Engineering satisfaction.
- Proposed driveway at Florin Road shall be right-in/right-out only.
- Adjust the traffic signal timing at Freeport Boulevard/ Florin Road intersection. The applicant shall pay a fair share contribution to the City of Sacramento Traffic Operation Center to monitor and adjust the signal timing, when needed.
- The existing westbound left-turn pocket at Florin Road/ Freeport Boulevard intersection needs to be modified with the buildup of the project site to provide a standard left-turn pocket length.

T-3 Prior to issuing the first building permit, the applicant shall submit improvement plans and coordinate with the City of Sacramento, Department of Transportation to implement the following:

- The project applicant shall construct a second left-turn lane on the northbound direction of Freeport Boulevard at Florin Road.
- The project applicant shall construct a northbound right-turn lane with the development of Phase 1 of the project (the CVS pharmacy store).
- The proposed southern driveway at Freeport Boulevard shall be right-in/right-out only.
- The project applicant shall construct a deceleration lane on both proposed driveways along Freeport Boulevard.