RESOLUTION NO. 2014-0324

Adopted by the Sacramento City Council

September 23, 2014

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE SMUD STATION E SUBSTATION PROJECT (P14-019)

BACKGROUND

A. On August 14, 2014, the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the SMUD Station E Substation.

B. On September 23, 2014, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.010(A)(2): (a), (b), and (c) (publication, posting, and mail (500 feet)) and received and considered evidence concerning the SMUD Station E Substation.

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 Sacramento Municipal Utility District (SMUD) as the lead agency, prepared and circulated a Mitigated Negative Declaration (MND) and initial study for the project. The MND 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 3, 2014 a Notice of Intent to Adopt the MND (NOI) dated January 3, 2014 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 3, 2014 the project site was posted with the NOI, the NOI was published in the Sacramento Bee, a newspaper of general

circulation, and the NOI was posted in the office of the Sacramento County Clerk.

Section 2. The City of Sacramento is a Responsible Agency pursuant to CEQA Guidelines section 15096. 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, including mitigation measures from the Master EIR as appropriate, 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.

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Adopted by the City of Sacramento City Council on September 23, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Fong, Hansen, McCarty, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

Vacant: District 8

Attest:

Shirley A. Concolino

Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2014.09.30 12:48:29 -07'00'

Shirley Concolino, City Clerk

Table A-1: Mitigation Measures						
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Implementation Duration**	**Monitoring Duration**	**Responsibility**	
					Implementation	**Monitoring**
Air Quality	a.) Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation? — Less than Significant with Mitigation	***Mitigation Measure AIR-1*** *SMUD shall use SMAQMD's Construction Mitigation Calculator to implement a combination of the following measures to reduce construction NOx emissions to below 85 pounds per day. Mitigation would include one or more of the following:* *SMUD shall provide a plan for approval by the SMAQMD demonstrating that onsite heavy-duty (50 hp or more) off-road vehicles will achieve a project wide fleet-average of 20 percent NOx reduction or greater 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 would be used to identify an equipment fleet that achieves this reduction.* *Contractor shall be required, through contracting language, to ensure that heavy-duty trucks accessing the site shall be equipped with model year 2010 or newer engines, or have equivalent emission reductions using after-market control devices.* *SMUD shall pay a fee into the SMAQMD's Off-Site Mitigation Fee Program to offset Proposed Project NOx emissions prior to obtaining a grading permit. The SMAQMD uses these fees to purchase emission reductions in the Sacramento region. The SMAQMD's mitigation fee calculator would be used to determine the total amount of the mitigation fee.* *If, at the time of construction, the SMAQMD has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the SMAQMD prior to construction will be necessary to make this determination.* *Implementation of Mitigation Measure Air-1 will be verified as follows:* *1. SMUD shall submit to the SMAQMD an inventory of off-road construction equipment, equal to or greater than 50 hp, that will*	Construction	Construction	SMUD	SMUD

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		be used an aggregate of 40 or more hours during construction. The inventory shall include the horsepower rating, engine model year, and projected hours of use. The inventory shall be updated and submitted monthly during construction. No inventory shall be required for any 30-day period in which no construction activity occurs. 2. *At least 48 hours prior to the use of heavy-duty off-road equipment, SMUD shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The SMAQMD's Model Equipment List can be used to submit this information.* 3. *SMUD shall ensure that emissions from off-road diesel powered equipment used on the Proposed Project site do not exceed 40 percent opacity for more than 3 minutes in any 1 hour based on a visual survey conducted at least weekly. The inspections shall occur 1 hour per week by a CARB certified inspector. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the SMAQMD monthly. A monthly summary of the visual survey results shall be submitted during construction. No monthly summary shall be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles and the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this verification section shall supersede other SMAQMD, state, or federal rules or regulations.* 4. *With implementation of Mitigation Measure AIR-1, NOx emissions from construction vehicle operations would be reduced through the 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. If NOx emissions still exceed the 85 pounds per day threshold, the fee under SMAQMD's Off-Site Mitigation Fee Program would be used by SMAQMD to purchase emission reductions in the Sacramento region sufficient to achieve the*				

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		*identified threshold. Therefore, with implementation of these measures, the Proposed Project's NOx emissions would be reduced to below SMAQMD's significance threshold and would be considered a **less than significant** impact. No additional mitigation measures are required.*				
Biological Resources	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS? — Less Than Significant with Mitigation	***Mitigation Measure BIO-1*** *SMUD shall implement the following measures to avoid incidental take of VELB habitat during construction.* *1. No grading would occur within 20 feet of the dripline of the remaining shrubs.* *SMUD shall implement the following impact avoidance measures for activities conducted between 20 and 100 feet of elderberry shrubs to avoid incidental take during construction:* *1. The presence of elderberry shrubs in the construction area and vicinity will be documented on work orders and the SMUD Project Manager will be informed.* *2. Construction personnel will receive instruction regarding the presence of elderberry shrubs, VELB, the importance of avoiding impacts to VELB and its habitat, and the possible penalties for not complying with these requirements.* *3. A 20-foot exclusion boundary around elderberry shrubs will be clearly flagged or fenced in the field and marked on construction plans, and signs will be posted with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly readable and must be maintained for the duration of construction.* *4. A biological monitor will be required to supervise construction activities falling between 20 and 100-feet of elderberry shrubs and stop work should personnel be out of compliance with the VELB avoidance measures, or if there is a risk that incidental*	Construction	Construction	SMUD	SMUD

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		take may occur. 5. *Disturbance shall be minimized to the extent feasible, and the site will be restored following construction.* Implementation of the above measures shall avoid direct and indirect take of VELB by establishing and maintaining a protective buffer area around mature elderberry shrubs, and no additional mitigation is required.				
Biological Resources	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? — Less Than Significant with Mitigation	***Mitigation Measure BIO-2*** *SMUD would avoid project construction in areas where nesting birds are present to the extent feasible.* *If ground disturbance is initiated during the nesting season, a qualified biologist will conduct a focused survey of the Proposed Project area and out 250 feet from the Proposed Project site to determine if active nests occur within 14 days prior to ground disturbance. If no active nests are identified, no further mitigation is required.* *If active nests are identified, work within 250 feet of the active nest will be postponed until a qualified biologist determines that nesting is complete, such as if the young have fledged from the nest or the nest is abandoned. If it is not feasible to delay construction, then SMUD will consult with the CDFW and/or USFWS as appropriate to identify additional impact avoidance measures. Typical measures may include establishing visual screening between the construction area and the nest, modifying work activities adjacent to the nest, and/or providing an onsite biological monitor to observe bird behavior with authority to stop work if it is determined that construction is adversely affecting nest behavior.* Implementation of Mitigation Measure BIO-2 is expected to avoid impacts to actively nesting birds, and would therefore reduce this impact to **less than significant.**	Construction	Construction	SMUD	SMUD
Biological Resources	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? — Less Than Significant with Mitigation	***Mitigation Measure BIO-3*** *Prior to tree removal, SMUD will obtain a permit from the City of*	Construction	Construction	SMUD	SMUD

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		Sacramento to remove a heritage-sized tree. Payment of the appropriate permit application fee would go to the City's urban forestry programs to plant and maintain other trees within the City of Sacramento. Obtaining the tree removal permit and payment of the appropriate impact fee, with the funds supporting the City's tree program, would mitigate the impact of tree removal to a ***less-than-significant*** *level, and no other mitigation is required.*				
Cultural Resources	a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? — Less Than Significant with Mitigation	***Mitigation Measure CUL-1*** *If cultural resources are discovered during the Proposed Project's construction activities, they shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the United States Secretary of Interior's professional standards in archaeology and architectural history. If any of the resources meet the eligibility criteria identified in Public Resources Code Section 5024.1, or CEQA Section 21083.2(g), SMUD will develop and implement mitigation measures according to CEQA Guidelines Section 15126.4(b) before construction begins or resumes.* *For resources eligible for listing in the CRHR that would be rendered ineligible by the effects of project construction, mitigation measures will be implemented. Mitigation measures for archaeological resources shall be selected from the following: avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Mitigation measures for historic architectural resources shall consist of treating these resources according to the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Implementation of the approved mitigation would be required before beginning/resuming any construction activities with potential to affect identified eligible resources at the site.* Implementation of the Mitigation Measure CUL-1 would ensure	Construction	Construction	SMUD	SMUD

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		impacts on historical resources discovered during the Proposed Project's construction are reduced to a **less-than-significant** level by avoiding, protecting, or appropriately excavating the resources.				
Cultural Resources	c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? — Less Than Significant with Mitigation	***Mitigation Measure CUL-2*** *If paleontological resources are uncovered during any on-site construction activities, all work must stop immediately within 100 feet of the area and a Professional Paleontologist shall be retained to evaluate the deposits. Work in the area may only resume after authorization is granted by SMUD's project manager in consultation with the Professional Paleontologist.*	Construction	Construction	SMUD	SMUD
Cultural Resources	d) Disturb any human remains, including those interred outside of formal cemeteries? — Less than Significant with Mitigation	***Mitigation Measure CUL-3*** *If human remains are discovered during the project's construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall be halted in the area of the remains, with a minimum radius of 50 feet, and the local County Coroner shall be notified. 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 (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Pursuant to the provisions of California Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.*	Construction	Construction	SMUD	SMUD
Geology and Soils	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) Seismic-related ground failure, including liquefaction? — Less Than Significant with Mitigation	***Mitigation Measure GEO-1*** *To mitigate potential liquefaction hazards, the Proposed Project shall implement one or more of the geotechnical recommendations, as applicable, in the Geotechnical Engineering Study (Youngdahl, 2011) or as further recommended by Youngdahl. Applicable recommendations are summarized below.* ***1. Surficial Improvements such as pavement and drive areas:***	Prior to and During Construction	Prior to and During Construction	SMUD	SMUD

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		Surficial improvements such as pavement and drive areas shall be supported by native soils, and /or engineered fills, when composed of like materials and processed and compacted. 2. ***Shallow Foundations:*** *To provide a uniform support condition for shallow foundations for the west, middle, and east one-thirds of the site, the Proposed Project shall overexcavate and recompact undocumented fills.* 3. ***Structural Improvements:*** *Structural improvements shall be supported by cast-in drilled holes (CIDH) piles, as an alternative to soil over-excavation and shallow foundation construction.* 4. ***Site Design:*** *The site design shall be performed by a structural engineer and shall be reviewed by a geotechnical consultant to ensure consistency with the design recommendations included in the Geotechnical Engineering Study for North City Substation Relocation, Sacramento, California (Youngdahl, 2011).* Implementation of Mitigation Measure GEO-1 would reduce liquefaction potential on the Proposed Project site to a **less-than-significant** level by reducing the exposure of site structures to liquefiable soils and ensuring the facility's foundations are suitable for the site conditions.				
Geology and Soils	b) Result in substantial soil erosion or the loss of topsoil? — Less Than Significant with Mitigation	***Mitigation Measure GEO-2*** *The Proposed Project shall comply with the City of Sacramento's stormwater ordinances (13.16 and 15.88), and the City's NPDES Permit (i.e., SQIP). In addition, the project shall comply with the NPDES General Construction Permit because the Proposed Project's construction activities would disturb more than 1 acre. Compliance with these regulations and permits would require preparing and implementing a Stormwater Pollution Prevention Plan (SWPPP), including spill prevention and control measures, an erosion control plan, a grading plan, and a storm water management plan for the Proposed Project. These plans would collectively require the project to implement best management practices (BMPs) during the construction period to prevent and control the transport of pollutants, including sediments, trash, pathogens, and hazardous materials.*	During Project Construction and Operations	During Project Construction and Operations	SMUD	SMUD

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		Typical SWPPP BMPs include: • *Implementing practices to minimize the contact of construction materials, equipment, and maintenance supplies with storm water.* • *Limiting fueling and other activities using hazardous materials to designated areas, providing drip pans under equipment, and daily checks for vehicle condition.* • *Implementing practices to reduce erosion of exposed soil, including stabilization for soil stockpiles, watering for dust control, installing perimeter silt fences, and/or placement of fiber rolls.* • *Implementing practices to maintain water quality including silt fences, stabilized construction entrances, and storm drain inlet protection.* • *Developing spill prevention and emergency response plans to handle potential fuel or other spills.* • *SMUD shall maintain the proposed 0.88-acre retention basin in a manner that protects water quality, including removing trash and/or sediments from the basin, per the requirements of the City's stormwater quality design manual and SQIP. This would maintain the project's construction and operation to comply with water quality standards or waste discharge requirements associated with the City's NPDES Permit and the General Construction Permit.* Implementation of these plans and their BMPs would minimize the potential for the project's construction activities to violate water quality standards or waste discharge requirements.				
Greenhouse Gas Emissions	a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? — Less than Significant with Mitigation	***Mitigation Measure GHG-1*** *SMUD shall implement applicable and feasible BPSs to reduce greenhouse gas emissions from construction activities to meet SMAQMD practices as described below.* • *Improve fuel efficiency from construction equipment by implementing the following:* — *Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3*	Construction	Construction	SMUD	SMUD

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		minutes (5 minute limit is required by the state airborne toxics control measure [Title13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site. — *Train equipment operators in proper use of equipment.* — *Maintain construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.* — *Use the proper size of equipment for the job.* — *Use equipment with new technologies (repowered engines, electric drive trains) to the extent feasible.* — *Perform on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines).* — *Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power to the extent feasible.* • *Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.* • *Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75% by weight).* • *Develop and implement a plan to efficiently use water for adequate dust control.* Implementation of the above measures would ensure the Proposed Project would be consistent with SMAQMD's Basic Emission Control Practices, and that the Proposed Project's construction-related GHG impacts would be **less than significant**.				
Hazards and Hazardous Materials	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? — Less than Significant with Mitigation.	***Mitigation Measure HAZ-1*** *A hazardous materials transportation and handling safety plan shall be developed that identifies specific protocols for the transport of hazardous materials to and from the project site, and the handling of these materials once they arrive on the project site. These protocols shall include the identification of appropriate*	Prior to and During Construction	Prior to and During Construction	SMUD	SMUD

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		transportation routes that avoid sensitive land uses such as the Courtyard Elementary School. These protocols shall also identify how materials will be used and stored on the project site during both construction and operations. The transport and handling of hazardous materials shall be consistent with the requirements of State law. The identified protocols shall be implemented by SMUD and its contractors during project construction and operations.				
Hydrology and Water Quality	a) Violate any water quality standards or waste discharge requirements? — Less Than Significant with Mitigation	***Mitigation Measure HYD-1*** *Implement Mitigation Measure GEO-2.*	Operation	Operation	SMUD	SMUD