

RESOLUTION NO. 2006-671

Adopted by the Sacramento City Council

September 5, 2006

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PLAN FOR THE R STREET CORRIDOR URBAN DESIGN AMENDMENTS TO THE CENTRAL CITY COMMUNITY PLAN AND THE CENTRAL CITY NEIGHBORHOOD DESIGN GUIDELINES (M04-053)

BACKGROUND

A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on the R Street Corridor Urban Design amendments to the Central City Community Plan and the Central City Neighborhood Design Guidelines (M04-053) ("Project") to determine if the Project may have a significant effect on the environment.

B. The initial study identified potentially significant effects of the Project. Revisions were made to the Project before the proposed Mitigated Negative Declaration and Initial Study were released for public review which were determined by the 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 June 21, 2006 a Notice of Intent (NOI) to Adopt the MND dated June 22, 2006 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 June 22, 2006 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.

C. 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.

D. 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.

E. 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. The City Clerk is the custodian of records for all matters before the City Council.

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

Section 1. The City Council adopts the MND for the Project.

Section 2. Pursuant to CEQA Guidelines Section 15074, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Plan attached as Exhibit A to require all reasonably feasible mitigation measures be implemented.

Section 3. 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.

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Exhibit A. Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on September 5, 2006 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember McCarty.

Heather Fargo
Mayor, Heather Fargo

Attest:
Shirley Concolino
Shirley Concolino, City Clerk

Mitigation Monitoring Program

R Street Urban Design Guidelines and Related Actions

The Mitigation Monitoring Program includes:

- A list of mitigation measures with a space for the monitoring progress and completion dates,
- The full text of the mitigation measures, and
- Monitoring details, including:
 - a. Agency responsible for implementation,
 - b. Timing, and
 - c. Standards of success

MITIGATION MEASURE #1: Parking.

At the design phase of implementation of new street improvements along R Street between 9th and 19th Streets, a block by block parking evaluation shall be undertaken to ensure that the loss of designated parking spaces is minimized and to ensure continued access to any loading docks, loading areas or driveways essential to existing businesses.

Party Responsible

For Mitigation: City of Sacramento Department of Transportation for public street improvements, and private development sponsors for frontage improvements.

Monitoring Agency: City of Sacramento Environmental Planning Services

Timing Process: As part of the design phase for each phase of street improvements, and as part of the preliminary and final design plan check.

Standards of Success: This mitigation measure will be deemed successful when new on-street parking which meets City standards has been installed and the loss of existing casual parking spaces and loading area access has been minimized.

MITIGATION MEASURE #2: Tree Resources

1. At the design phase of street improvement projects for the area between 9th and 19th of the R Street area, the City of Sacramento Arborist shall be consulted regarding the dimension of tree planters for street segments which include tree plantings. Adequate light and growing space shall be provided for designated areas planned for planting in the Urban Design Guidelines.
2. In addition, prior to and during construction of any street improvement project, the City, CADA or development sponsor shall comply with all permitting and mitigation requirements as specified by the City's Urban Forest Division, Department of Parks and Recreation to protect existing public trees. These requirements are designed to reduce and mitigate impacts to the urban forest.

Party Responsible

For Mitigation: City of Sacramento Department of Transportation for public street improvements, and private development sponsors for frontage improvements and building improvements.

Monitoring Agency: City of Sacramento Environmental Planning Services and City Urban Forest Division

Timing Process: As part of the design phase for each phase of street improvements, and private frontage improvement projects, the City Arborist shall be consulted the preliminary and final design plan check.

Standards of Success: This mitigation measure will be deemed successful when final street designs are completed showing planting spaces with adequate space and light for tree survival.

Monitoring Notes and

Dates:

MITIGATION MEASURE #3: Impacts to Historically Important Streetscape Elements (revised August 10, 2006).

1. During the design phase for the implementation of any streetscape improvements in the roadbed of the R Street Corridor between 9th and 19th Streets, the City of Sacramento shall consider whether it is feasible to preserve the rail tracks and related historic features (cobblestones, spurs or related rail elements) in place during construction or if the tracks and related features will need to be temporarily removed and re-installed during construction.
2. In the event it is determined during the design phase that it is not technically feasible to retain the central line of the rail or spurs in place during the construction, the project sponsor shall consult with the City's Preservation Director to make a preliminary determination regarding the eligibility of the contributing features to be removed, pending any required additional cultural research for the streetscape project as described in Section 3 of this Mitigation Measure (below).
3. Prior to construction of any streetscape improvements in the roadbed of the R Street Corridor between 9th and 19th Street, the City shall require a field study by a qualified historian to record and document in both document and photo media any exposed elements of the railroad line and any features to be removed or disturbed by the project. Documentation shall follow to the extent applicable the procedures outlined for a HABS report, State Department of Parks and Recreation 523 form or equivalent.
4. During construction or excavation of the street bed in the R Street Corridor, a qualified historian or archeologist shall be present to monitor and identify any subsurface resources unearthed. Works shall stop for recovery of significant resources and such resources shall be cataloged and stored in accordance with Section 3 of this Mitigation Measure (above).
5. Final post-construction treatment of identified historic resources shall be reviewed and confirmed with the City Preservation Director, and a post-project completion City maintenance program for the improved segment of R Street shall ensure the continued protection of historic resources in the right-of-way (i.e. avoid paving or resurfacing over any exposed resources or other maintenance activities that would damage or alter the historic integrity of the resources).

Party Responsible

For Mitigation: City of Sacramento Department of Transportation for public street improvements, and private development sponsors for frontage improvements.

Monitoring Agency: City of Sacramento Environmental Planning Services and the City Preservation Director.

Timing Process: The City Preservation Director shall be review all preliminary designs, plans and methods of construction and shall consult during the design phase of street and frontage improvements as to the best methods for preservation of historic railroad artifacts including rail tracks and spurs. The Preservation Director shall also consult with the engineer responsible for street improvement projects regarding the selection of a qualified archeologist and historic resources assess and monitor for construction phases of the project. The City Preservation Director shall also be notified when work is completed to conduct a post-construction inspection of the project and the treatment of historic features.

Standards of Success: This mitigation measure will be deemed successful when street improvement projects have been successfully completed with minimal disruption and or adequate restoration of historic railroad features.

Monitoring Notes and

Dates:

MITIGATION MEASURE #4: Impacts to Subsurface Historic or Cultural Features

1. In the event cultural materials or potential cultural materials are encountered during excavation activities, work shall cease within 100 feet of the feature discovered until consultation with qualified archaeologist and Native American Heritage Commission (NAHC) representative. If necessary, further mitigation measures may be developed and implemented by the qualified archaeologist and NAHC representative.
2. Immediate cessation of work within the vicinity of finding human bone of unknown origin and immediate contact of County Coroner; the Coroner will notify the NAHC if the remains are determined to be Native American and NAHC will notify the person it believes to be the most likely descendant who will 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 in the immediate vicinity of the find until the appropriate actions have been carried out.
3. If human burials are encountered, all work in the area shall stop immediately and the County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98. The NAHC will notify the person it believes to be the most likely descendant who will 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 in the immediate vicinity of the find until the appropriate actions have been carried out.

Party Responsible

For Mitigation: City of Sacramento Department of Transportation for public street improvements, and private development sponsors for frontage improvements.

Monitoring Agency: City of Sacramento Environmental Planning Services and the City Preservation Director.

Timing Process: All construction documents for work involving excavation shall include the above language or similar language to require the contractor to comply with the mitigation language above.

Standards of Success: This mitigation measure will be deemed successful when street improvement projects have been successfully completed with minimal disruption of and proper handling of any significant cultural resources.

Monitoring Notes and

Dates:
