

## **RESOLUTION NO. 2007-900**

Adopted by the Sacramento City Council

December 11, 2007

### **ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PROGRAM FOR THE R STREET CORRIDOR SPECIAL PLANNING DISTRICT AMENDMENTS (M05-048)**

#### **BACKGROUND**

- A. In September 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the R Street Corridor Special Planning District Amendments Project.
- B. On December 11, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code sections 17.208.010 and 17.200.010(C)(2)(a)(publication), and received and considered evidence concerning the R Street Corridor Special Planning District Amendments.

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

Section 1. The City Council finds as follows:

- A. On September 5, 2006, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, the City Council adopted a mitigated negative declaration (MND) and a mitigation monitoring program for the R Street Urban Design and Development Project and approved the Project with the exception of proposed amendments to the R Street Corridor Special Planning District.
- B. The R Street Corridor Special Planning District Amendments [M05-048] (Project Modification) proposes to modify the originally proposed amendments to the R Street Corridor Special Planning District as follows:

- No height increases in the RMX-SPD zone on the south side of Q Street between 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> Streets;
  - Special setbacks apply to all development in the RMX-SPD zone of projects adjoining historic buildings (landmarks or contributing resources in historic districts). Upper floors shall set back so that within 20 feet of the nearest wall of the historic building, and new construction shall not exceed the highest point of the historic building;
  - Except for the block bounded by R Street, S Street, 3<sup>rd</sup> Street, and 4<sup>th</sup> Street, all development in the RMX-SPD zone will be stepped back 25 feet from the property line at the façade's 25 feet height line along Q Street or S Street;
  - Except for the block bounded by R Street, S Street, 3<sup>rd</sup> Street, and 4<sup>th</sup> Street, all development in the RMX-SPD zone will be stepped back 20 feet from the property line at the façade's 25 feet height line along all numbered streets;
  - Language will be included that allows the design review or preservation review conducted on a development project in the R Street corridor special planning district to address and modify the required yard area and setbacks to achieve the intent and purposes of the Central City Design Guidelines, the R Street Corridor Urban Design Guidelines, to ensure that an adequate and appropriate street tree canopy is created and maintained, and to mitigate visual impacts on listed historic resources; provided, that the design or preservation review is performed at the director or commission level;
  - When setbacks are called for in the RMX-SPD zone along R Street, they will be at 25 feet rather than 45 feet. Where the setback depths in the RMX-SPD zone were previously 30 feet, the revised changes will apply a 25 foot setback depth.
  - The RMX-SPD zone on R Street between 10<sup>th</sup> and 18<sup>th</sup> Streets (Capitol Area) will continue to have no setback requirements except to preserve existing trees.
  - The RMX-SPD zone on R Street between 18<sup>th</sup> and 19<sup>th</sup> Streets will be proposed as a maximum height of 75 feet.
- C. The initial study on the Project Modification determined that the proposed changes to the original Project did not require the

preparation of a subsequent environmental impact report or negative declaration. An addendum to the previously adopted MND was then prepared to address the modification to the Project.

Section 2. The City Council has reviewed and considered the information contained in the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification. The City Council had determined that the previously adopted MND and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

- A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- C. No new information of substantial importance has been found that shows any of the following:
  - 1. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;
  - 2. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;
  - 3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or
  - 4. Mitigation measures which are considerably different from those analyzed in the previously adopted MND would

substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously adopted MND for the Project, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification, the City Council finds that the MND and addendum reflect the City Council's independent judgment and analysis and adopts the MND and the addendum for the Project Modification and readopts the findings of fact in support of the MND.

Section 4. The mitigation monitoring program for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

1. The mitigation monitoring program has been adopted and implemented as part of the Project;

2. The addendum to the MND does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

3. The mitigation monitoring program meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15074.

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 the State EIR Guidelines adopted pursuant thereto.

Section 6. 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.

#### **Table of Contents:**

Exhibit A: Mitigation Monitoring Program

Adopted by the City of Sacramento City Council on December 11, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember McCarty (Reclused).

  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

  
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Shirley Corcolino, City Clerk

**Exhibit A**

## **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 #2: Tree Resources**

1. At the design phase of street improvement projects for the area between 9<sup>th</sup> and 19<sup>th</sup> 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 9<sup>th</sup> and 19<sup>th</sup> 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 9<sup>th</sup> and 19<sup>th</sup> 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:**
