

RESOLUTION NO. 2004-291

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 20 2004

A RESOLUTION RATIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING PLAN FOR THE TOWN OF FREEPORT ANNEXATION, LOCATED AT THE SOUTHWESTERN CORNER OF THE CITY OF SACRAMENTO ADJACENT TO STATE HIGHWAY 160.

(M00-047) (APN: 119-0010-027 thru 029, 119-0010-062 thru 065, 119-0030-001, 119-0030-002, 119-0030-004 thru 119-0030-007, 119-0030-010 thru 119-0030-017, 119-0030-019 thru 119-0030-025, 119-0040-001 thru 119-0040-011, 119-0040-014 thru 119-0040-18, 119-0050-001, 119-0050-005 thru 119-0050-010, 119-0050-013 thru 119-0050-018, 119-0050-21, 119-0050-022, 119-0190-007, 119-0190-009, 119-0190-010, 119-0190-021, 119-0190-033, 119-0190-035, 119-0190-037, 119-0190-040 thru 119-0190-42, 119-0190-047 thru 119-0190-0503)

WHEREAS, Environmental Planning Services has prepared an Initial Study and Mitigated Negative Declaration for the above-identified project;

WHEREAS, the Initial Study and Mitigated Negative Declaration were prepared and circulated for the above-identified project pursuant to the requirements of CEQA;

WHEREAS, the proposed Mitigated Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;

WHEREAS, based upon the Mitigated Negative Declaration and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment, provided that mitigation measures are incorporated into the above identified project.

WHEREAS, this Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis;

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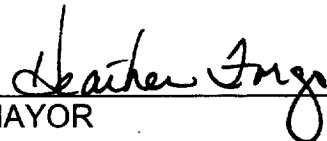
DATE ADOPTED: APR 20 2004

WHEREAS, Environmental Planning Services has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan and Reporting Program be developed for implementing mitigation measures as identified in the Initial Study for the project;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The Mitigated Negative Declaration for the Freeport Annexation (M00-047) and related Mitigation Monitoring Plan are approved for the proposed Freeport Annexation based on the following findings:
 - a. One or more mitigation measures have been added to the above identified project;
 - b. A Mitigation Monitoring and Reporting Program, has been prepared to ensure compliance and implementation of the mitigation measures for the above identified project, a copy of which is attached as Exhibit 1.


MAYOR

ATTEST:


CITY CLERK

M00-047

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DATE ADOPTED: APR 20 2004

Town of Freeport Annexation (M00-047)

MITIGATION MONITORING AND REPORTING PROGRAM

Prepared by:

City of Sacramento
Planning and Building Department
1231 I Street, Ste. 300
Sacramento, CA 95814

January 2004

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**TOWN OF FREEPORT ANNEXATION (MOO-047)
MITIGATION MONITORING AND REPORTING PROGRAM**

This Mitigation Monitoring and Reporting Program (MMRP) has been required by and prepared for the City of Sacramento Planning and Building Department, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Section 21081.6.

PROJECT DESCRIPTION

Project Name: Town of Freeport Annexation (M00-047)

Contact Person: Lezley Buford, CEQA Project Manager

Planning and Building Department
City of Sacramento
1231 I Street, Ste 300
Sacramento, CA 95814
(916) 264-5381

Project Location

The proposed project site is located within the City's Sphere of Influence immediately south of the City, adjacent to the Sacramento River and west of Interstate 5. The site is bounded on the west by the centerline of the Sacramento River, on the north by the Sacramento City limits, on the east by Interstate 5 (Caltrans right-of-way). The south property line of the golf course constitutes the southern project boundary.

Project Description

The Proposed Project consists of the annexation of 79 parcels totaling 145± gross acres from Sacramento County to the City of Sacramento. The Proposed Project would result in several actions to be undertaken by both the City of Sacramento (City) and the Sacramento Local Agency Formation Commission (LAFCo). For purposes of the California Environmental Quality Act (CEQA), the City is the Lead Agency, while LAFCo will serve as a Responsible Agency. City actions include the rezoning of the project site; amendments to the City's General Plan and Airport-Meadowview Community Plan; and the establishment of the Town of Freeport Special Planning District.

LAFCo will require that the City prezone the territory to be annexed. However, the Commission will not specify how, or in what manner, the territory will be rezoned. During the LAFCo proceedings, the Commission will consider the applicable general plan and pre-zoning information.

All City actions are contingent on LAFCo approving the reorganization, consisting of the City's annexation request and detachments from affected special districts as described below. Land

use authority is not changed until the reorganization is completed. The following discussion provides details concerning each of the actions to be taken by the City and the LAFCo.
MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

CEQA requires review of any plan or project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This MMRP is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the Proposed Project.

Mitigation Measures

The mitigation measures are taken verbatim from the Initial Study and are assigned the same number they have in the document. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP Components

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Initial Study are presented, and numbered accordingly. The mitigation measures are presented by topic (e.g., Air Quality).

Implementing Responsibility: This item identifies the entity that will undertake the required action.

Monitoring Responsibility: This item identifies the entity that will monitor the required action.

Compliance Standards: This item identifies the specific actions that are required in each mitigation measure.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction, or on an ongoing basis. The timing for each measure is identified.

Verification of Compliance: The individual assigned to assure compliance with identified mitigation measures will initial the form when the measure has been successfully implemented. The individual assigned to assure compliance will date the form when the measure has been successfully implemented.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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MITIGATION 1 – CULTURAL RESOURCES

- a. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.
- b. Pursuant to State Health and Safety Code §7050.5(c) and State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Sacramento 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 it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinterment 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 been implemented.
- c. The City shall complete a historical survey for any buildings constructed prior to 1950 that may be potentially affected by future trail construction.

Individual project applicants and City of Sacramento

City Planning and Building Department

For individual projects, the City shall require that notes be placed on construction plans and specifications to assure compliance with Mitigation 1(a) and (b).

Measures 1(a) and (b) shall be implemented in the field during grading and construction.

The City shall ensure that studies are completed for those structures in the trail project area that were constructed prior to 1950. Structures found to be historically significant shall be addressed in the project level environmental analysis conducted for the trail alignment.

Measures 1(a) and (b) shall be reflected on plans and undertaken during grading and construction.

The historical survey shall be undertaken following identification of trail alignment and prior to trail construction activities.

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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GROWTH INDUCING MITIGATION 1 – AIR QUALITY:

Mitigation measures, such as the following, shall be employed to reduce air quality impacts to a less than significant level:

- Enclose, cover, or water twice daily all soil piles,
- Install automatic sprinkler system on all soil piles,
- Water all exposed soil twice daily
- Water all haul roads twice daily
- Pave all haul roads,
- Cover load of all haul/dump trucks securely,
- Apply nontoxic soil stabilizer to all inactive construction areas,
- Replace groundcover in disturbed areas,
- Reduce speeds on all unpaved roads to 15 miles per hour or less,
- Properly maintain equipment,

Individual project applicants

City Planning and Building Department

Approved measures shall be incorporated, as appropriate, into the grading plans and final building plans.

The City's Planning and Building Department shall assure that adequate measures are identified to reduce the air quality effects to a less than significant level.

The list of measures shall be identified prior to the approval of future entitlements.

The measures shall be identified prior to the issuance of grading permits for phases of development not requiring future entitlements.

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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In the unlikely event that ROG thresholds are exceeded, the following mitigation measures shall be considered:

- Properly maintain equipment,
- Use methanol, natural gas, propane, or butane powered equipment instead of diesel,
- Develop and implement trip reduction plans,
- Use asphalt with a VOC content less than compliance levels,
- Use architectural coatings with VOC content less than compliance levels.

In the unlikely event that NOx thresholds are exceeded, the following mitigation measures shall be considered:

- Properly maintain equipment,
- Develop and implement trip reduction plans,
- Use NO_x-reducing alternative fuels in construction equipment engines.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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GROWTH INDUCING MITIGATION 2 – VICTORY TREES:

- a. An ISA (International Society of Arboriculture) certified arborist shall perform an examination of damage to trees and roots during excavation. An appraisal of damage will be assessed, and this damage should be mitigated by measures such as planting new trees. Damages will be assessed using the "Guide to Plant Appraisal" ninth edition published by the ISA.
- b. If the project arborist determines that excavation and/or root severing has weakened the tree or surrounding soil, a safety evaluation will be performed. If the tree is deemed to be unsafe due to possible soil failure and felling of the tree, the tree may need to be removed. Steel bracing will be used in trenches to protect workers and equipment from soil failure.
- c. All roots shall be cut clean. Any roots greater than 2-inches in diameter require an inspection by an ISA certified arborist prior to severing. Any tree roots to be severed shall be the maximum feasible distance from the trunk. Any roots over one-inch in diameter that are damaged as a result of construction activities shall be traced back and cleanly cut behind any split, cracked, or damaged area.
- d. Any pruning required for equipment clearance or other construction activities shall be carried out or supervised by an ISA certified arborist.
- e. The contractor shall be held liable for any damage to existing trees (e.g. trunk wounds, broken limbs, pouring of any deleterious materials or washing out concrete under the drip line of the tree, etc.). The contractor will hire an ISA certified arborist to do the appraisal, submit a report for review by the City Arborist, and mitigate for damages.

Individual project applicants

City of Sacramento Planning and Building Department and City Arborist

Measures a-f shall be included on the construction plans for individual projects. The draft plans for individual projects shall be reviewed by the City Arborist. Any changes resulting from City Arborist review, shall be reflected on the final plans.

Measures a-f shall be reflected on the construction plans prior to final plan approval. Applicable City Arborist changes shall be reflected on the construction plans prior to plan approval. The City Arborist shall confirm adequate implementation of measures by conducting at least one site visit during construction activities. Final verification from the City Arborist is required to adequately comply with these measures.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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f. To maintain the aeration and soil conditions under the drip line of the trees, existing unpaved areas between the existing curbs and sidewalks should not be used as areas for the temporary storage of construction related equipment and fill material.

GROWTH INDUCING MITIGATION 3 – NOISE:

- a. Shutting down of idling equipment: The contractors shall be required to turn off powered construction equipment when not in use.
- b. Use of "Quiet Equipment": The contractors shall use "quiet" models of any conventionally noisy equipment such as air compressors, jack hammers and other impact tools.

The measures shall be placed on, and approved as part of, the construction plans.

Measures a and b shall be placed on the construction plans.

City of Sacramento Planning and Building Department

Individual Project Applicants

GROWTH INDUCING MITIGATION 4 – CULTURAL RESOURCES:

- a. Implement the Cultural Resource Mitigation Measures identified in Section 4.14 of this Initial Study.

The mechanical ventilation units shall be included on the final plans prior to final plan approval. The mechanical ventilation units shall be included in the houses prior to the issuance of an occupancy permit.

The mechanical ventilation units shall be identified on the final plans.

City Planning and Building Department

Applicant

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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MITIGATION 6 – CULTURAL RESOURCES:

a. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

See Mitigation 1 above.

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b. Pursuant to State Health and Safety Code §7050.5(c) and State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Sacramento 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 it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinterment of the human remains

See Mitigation 1 above.

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
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and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.

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