

RESOLUTION NO. 2011-153

Adopted by the Sacramento City Council

March 15, 2011

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE CVS AT FLORIN AND FREEPORT PROJECT (P10-044)

BACKGROUND

- A. On February 10, 2011 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the CVS at Florin and Freeport Project.
- B. On March 15, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the project.

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 Project initial study determined, based on substantial evidence, that the Project is an anticipated subsequent project identified and described in the 2030 General Plan Master EIR; that the Project is consistent with the 2030 General Plan land use designation and the permissible densities and intensities of use for the project site; that the discussions of cumulative impacts, growth inducing impacts, and irreversible significant effects in the Master EIR are adequate for the Project; and that the Project would have additional potentially significant environmental effects not previously examined in the Master EIR. Mitigation measures from the Master EIR were applied to the Project as appropriate, and revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by 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 may 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 January 11, 2011 a Notice of Intent to Adopt the MND (NOI) dated January 11, 2011 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 January 11, 2011 the NOI was published in the Daily Bulletin, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
3. Following public review, the Project was revised to include a request for rezoning from C-1R-EA-2 to C-2R-EA-2. Rezoning is required because drive-through services are not allowed in the C-1 zone. The potential effect of the drive-through facility was evaluated in the MND document that was circulated for public comment. The rezoning of the parcel would have no effects that were not identified and evaluated in the MND, and no changes to the environmental document are required. Recirculation of the MND is not required pursuant to CEQA Guidelines Section 15073.5.

Section 3. 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 4. The Project is located within the boundaries of the Sacramento Executive Airport comprehensive airport land use plan, and the City Council has considered whether the Project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the Project area.

Section 5. 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 6. The City Council adopts the MND for the Project.

Section 7. 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 8. 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.

Section 9. 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.

Section 10. Exhibit A is a part of this Resolution.

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Exhibit A: Mitigation Monitoring Program

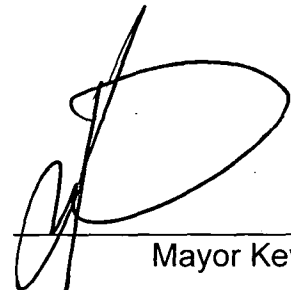
Adopted by the City of Sacramento City Council on March 15, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

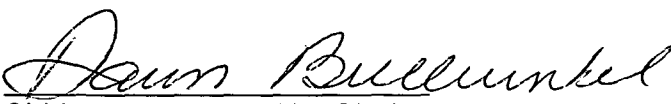
Abstain: None.

Absent: Councilmember McCarty.



Mayor Kevin Johnson

Attest:

for

Shirley Concolino, City Clerk

**CVS AT FREEPORT AND FLORIN (P10-044)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to Public Resources Code of California, Statute, 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Name/File Number: CVS at Freeport and Florin (P10-044)

Owner/Developer/Applicant: Josh Eisenhut
Armstrong Development
1375 Exposition Blvd., Ste. 101
Sacramento, CA 95818

City of Sacramento Contact: Dana Allen, Associate Planner
Environmental Planning Services
Community Development Department
300 Richards Boulevard
Sacramento, CA 95811
Phone: (916) 808-2762

Project Location

The proposed project site is located at the southeast corner of Freeport Boulevard and Florin Road (APN 047-0021-018-0000 and 047-0091-015).

Project Components

The proposed project includes a request for approval of a tentative map to subdivide two parcels located into five separate parcels. The project site is approximately 7.5 acres in size. The project seeks entitlements required for the construction of pharmacy retail store at the corner of Freeport Boulevard and Florin Road. The requested map would create a parcel of approximately 1.7 acres to serve as the site for the pharmacy. The proposed store would be approximately 16,500 square feet in floor area.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Light and Glare, Air Quality, Cultural Resources, Hazards, Noise, Transportation impacts. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study/Mitigated Negative Declaration for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer/applicant identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken verbatim from the Mitigated Negative Declaration/Initial Study and are assigned the same number they have in the document. The MMP 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. The developer would be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, would be responsible for ensuring compliance.

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
Light and Glare	<p>LG1 Structures proposed on the project site shall be designed to avoid the use of the following features:</p> <ul style="list-style-type: none"> (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. <p>LG2 Security or exterior lighting on building facades facing residential areas shall be designed to avoid any direct light or glare onto neighboring properties.</p>	City of Sacramento-Community Development Department	Prior to issuance of any building permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any building permit.
Air Quality	<p>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.</p> <p>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.</p> <p>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.</p> <p>AQ-4. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).</p> <p>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.</p> <p>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</p>	City of Sacramento-Community Development Department	Prior to issuance of any grading permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading permit.

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	<p>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.</p> <p>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.</p>		
<p>Cultural Resources</p>	<p>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.</p> <p>CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>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</p>	<p>City of Sacramento-Community Development Department;</p> <p>Native American Heritage Commission</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	<p>by the local Native American community as scholars of the cultural traditions.</p> <p>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.</p> <p>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.</p>		
Hazards	<p>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.</p>	<p>City of Sacramento-Community Development Department;</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
			compliance prior to issuance of any grading or building permit.
Noise	<p>N-1 All mechanical building equipment, including heating, air conditioning and ventilating equipment and other mechanical equipment, shall be completely screened.</p> <p>N-2 Landscape maintenance activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m.</p> <p>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.</p>	City of Sacramento-Community Development Department	Prior to issuance of building permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.
Transportation	<p>T-1 Prior to beginning construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of 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:</p> <ul style="list-style-type: none"> • 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 	City of Sacramento-Community Development Department	<p>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.</p> <p>Prior to issuance of any grading</p>

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	<p>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</p> <ul style="list-style-type: none"> • 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. <p>T-2 Prior to issuing the first building permit, the applicant shall submit improvement plans and coordinate with the City to implement the following:</p> <ul style="list-style-type: none"> • 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. <p>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:</p> <ul style="list-style-type: none"> • The project applicant shall construct a second left-turn lane on the northbound direction of Freeport Boulevard at Florin Road. 		<p>or building permit, measures identified on plans shall be verified for compliance. The Community Development Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of the first building permit.</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	<ul style="list-style-type: none"> • 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. <p>T-4 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:</p> <ul style="list-style-type: none"> • 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. 		