

**RESOLUTION NO. 2013-0335**

Adopted by the Sacramento City Council

October 15, 2013

**ADOPTING THE MITIGATED NEGATIVE DECLARATION ADDENDUM AND THE MITIGATION MONITORING PLAN FOR THE FLORIN PLAZA SHOPPING CENTER PROJECT LOCATED AT 1360 FLORIN ROAD AND 7211 TO 7221 FREEPORT BLVD (P13-030) (APN: 047-0290-003-0000, 047-0290-004-0000, 047-0290-005-0000)**

**BACKGROUND**

- A. On September 12, 2013, the Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Florin Plaza Shopping Center project.
- B. On October 15, 2013, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 17.200.010(C)(2)(a) and (c) (publication and mail 500'), and received and considered evidence concerning the Florin Plaza Shopping Center 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. On March 15, 2011, 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 plan and approved CVS at Florin and Freeport (P10-044)(Resolution 2011-153).
- b. The Project Modification, Florin Plaza Shopping Center Project (P13-030), proposes to modify the previously approved Project as follows: Construction and operation of a 27,870 square-

foot grocery store, a 5,400 square-foot retail building, and a 4,000 square foot bank building on 4.66 net acres in the Limited Commercial Review Executive Airport EA-2 and EA-4 Overlay (C-1-R-EA-2 and C-1-R-EA-4) zone. The request requires a Rezone to amend Ordinance No. 89-046 to eliminate language prohibiting grocery stores over 6,400 square feet, a Special Permit to construct a building exceeding 20,000 square feet in the C-1 zone, and a Plan Review to construct two new commercial buildings.

c. Staff has 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 has 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. Additional mitigation measures are included to respond to site-specific conditions, and the mitigation measures themselves do not result in any new significant effects. No new information of

substantial importance has been found that shows any of the following:

- i. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;
- ii. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;
- iii. 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
- iv. 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. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project Modification, the City Council adopts the Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project Modification conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan.

Section 5. 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 the State EIR Guidelines adopted pursuant thereto.

Section 6. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811-0218. The custodian of these documents and other materials is the Community Development Department, Environmental Planning Services.

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Exhibit A-Revised Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on October 15, 2013 by the following vote:

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


Noes: None

Abstain: None

Absent: None

Attest:

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: 2013.11.05 14:02:52 -08'00'



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Shirley Concolino, City Clerk

## Exhibit A: Revised Mitigation Monitoring Plan

### **REVISED 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.

*The MMP has been revised with updated Environmental Noise Assessment recommendations for the project design to achieve compliance with the exterior noise level limits.*

#### 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
<b>Light and Glare</b>	<p><b>LG1</b> Structures proposed on the project site shall be designed to avoid the use of the following features:</p> <ul style="list-style-type: none"> <li>(1) reflective glass that exceeds 50 percent of any building surface and on the ground three floors;</li> <li>(2) mirrored glass;</li> <li>(3) black glass that exceeds 25 percent of any surface of a building; and,</li> <li>(4) metal building materials that exceed 50 percent of any street-facing surface of a primarily residential building.</li> </ul> <p><b>LG2</b> 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.
<b>Air Quality</b>	<p><b>AQ-1.</b> 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><b>AQ-2.</b> 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><b>AQ-3.</b> 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><b>AQ-4.</b> Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).</p> <p><b>AQ-5.</b> 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><b>AQ-6.</b> 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.

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	<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><b>AQ-7.</b> 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><b>Cultural Resources</b></p>	<p><b>CR-1</b> 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><b>CR-2</b> 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>



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	<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><b>CR-3</b> 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>		
<b>Hazards</b>	<p><b>Haz 1</b> 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>

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			compliance prior to issuance of any grading or building permit.
Noise	<p><b>N-1</b> All mechanical building equipment, including heating, air conditioning and ventilating equipment and other mechanical equipment, shall be completely screened.</p> <p><b>N-2</b> Landscape maintenance activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m.</p> <p><b>N-3</b> 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> <ul style="list-style-type: none"> <li>• <b>Loading and delivery activities shall be limited to daytime hours; and,</b></li> <li>• <b>Delivery trucks, including refrigerated trucks, shall be prohibited from idling along the southeast property line of the project site.</b></li> </ul>	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><b>T-1</b> Prior to beginning construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction on 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"> <li>• The number of truck trips, time, and day of street closures</li> <li>• Time of day of arrival and departure of construction vehicles</li> <li>• 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</li> <li>• Provision of a truck circulation pattern</li> <li>• Provision of a driveway access plan so that vehicular, pedestrian and bicycle movements are</li> </ul>	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 or building</p>

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	<p>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"> <li>• Maintenance of safe and efficient routes for emergency vehicles</li> <li>• Manual traffic control, if necessary</li> <li>• Proper advance warning and posted signage concerning street closures</li> <li>• Provisions for pedestrian safety.</li> </ul> <p><b>T-2</b> 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"> <li>• 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.</li> <li>• Proposed driveway at Florin Road shall be right-in/right-out only.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>T-3</b> 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"> <li>• The project applicant shall construct a second left-turn lane on the northbound direction of Freeport Boulevard at Florin Road.</li> <li>• The project applicant shall construct a</li> </ul>		<p>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
	<p>northbound right-turn lane with the development of Phase 1 of the project (the CVS pharmacy store).</p> <ul style="list-style-type: none"> <li>• The proposed southern driveway at Freeport Boulevard shall be right-in/right-out only.</li> <li>• The project applicant shall construct a deceleration lane on both proposed driveways along Freeport Boulevard.</li> </ul> <p><b>T-4</b> 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"> <li>• The project applicant shall construct a second left-turn lane on the northbound direction of Freeport Boulevard at Florin Road.</li> <li>• The project applicant shall construct a northbound right-turn lane with the development of Phase 1 of the project (the CVS pharmacy store).</li> <li>• The proposed southern driveway at Freeport Boulevard shall be right-in/right-out only.</li> <li>• The project applicant shall construct a deceleration lane on both proposed driveways along Freeport Boulevard.</li> </ul>		