

RESOLUTION NO. 2018-0486

Adopted by the Sacramento City Council

December 11, 2018

Adopting the Mitigated Negative Declaration and the Mitigation Monitoring Plan for the Sacramento Self Storage and Tentative Map for Woodlake Development Project (P17-063)

BACKGROUND

- A. On September 27, 2018, after conducting a public hearing, the City Council passed a motion to deny the Sacramento Self Storage and Tentative Map for Woodlake Development (P17-063).
- B. On October 2, 2018, the applicant filed an appeal of the City City Council decision, pursuant to Sacramento City Code section 17.228.900.J.
- C. On December 11, 2018 after giving notice as requested by the Sacramento City Code section 17.812.010 (2)(b), the City Council conducted a public hearing on the Project, receiving and considering evidence concerning it.

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

Section 1. The City Council finds as follows:

The Project initial study identified potentially significant effects of the Project. 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:

- a. On July 19, 2018 a Notice of Availability and Intent to Adopt the MND (NOI) was circulated for public comments for 30 days. The NOA 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 and persons requesting special notice. The comments of such persons and agencies were sought.

- b. On July 19, 2018 the NOA was published in a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
 - c. On July 18, 2018 the NOA was filed with the State Clearinghouse for review by state agencies.
 - d. On July 18, 2019 the NOA was posted on the Community Development Department web site for environmental documents at <http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports> and made available in the offices of the Community Development Department for review. None of the comments received requires changes in the analysis or conclusions of the Mitigated Negative Declaration, and recirculation of the MND is not required. CEQA Guidelines section 15096.
2. 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.
 3. 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.
 4. The City Council adopts the MND for the Project.
 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan.
 6. Upon approval of the Project, the Planning Director 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.

7. 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 - Mitigation Monitoring Program

Adopted by the City of Sacramento City Council on December 11, 2018, by the following vote:

Ayes: Members Carr, Guerra, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: Members Hansen and Harris

Abstain: None

Absent: Member Ashby

Attest:

Mindy Cuppy Digitally signed by Mindy Cuppy
Date: 2019.02.21 10:17:22 -08'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

MITIGATION MONITORING AND REPORTING PROGRAM SACRAMENTO STORAGE

Purpose of Mitigation Monitoring and Reporting Program: The California Environmental Quality Act (CEQA), Public Resources Code Section 21081.6, requires that a Mitigation Monitoring and Reporting Program (MMRP) be established upon completing findings. CEQA stipulates that “the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This MMRP has been prepared in compliance with Section 21081.6 of CEQA to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the project, as required. A table (attached) has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, monitoring/mitigation timing, the responsible person/agency for implementing the measure, and space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Initial Study and Mitigated Negative Declaration.

The City of Sacramento is the lead agency for the project under CEQA and shall administer and implement the MMRP. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition. The City shall rely on information provided by the project site observers/monitors (e.g., construction manager, project manager, biologist, archaeologist, etc.) as accurate and up-to-date and shall provide personnel to field check mitigation measure status, as required.

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**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST FOR THE
SACRAMENTO STORAGE**

Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES				
<p>MM BIO-01: Avoid and minimize impacts to Swainson’s Hawk. If construction activities occur during the breeding season (between February 16 and August 31), the construction contractor shall retain a qualified biologist to conduct preconstruction surveys for Swainson’s hawk, nesting raptors and migratory birds and to identify active nests on and within 0.25 mile of the demolition and construction site. The surveys shall be conducted no more than 30 days before the beginning of construction activities that could remove trees or otherwise disturb nesting raptors. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley (Swainson’s Hawk Technical Advisory Committee 2000) will be followed. Preconstruction surveys for Swainson’s hawk, nesting raptor, and migratory birds are not required if construction activities occur outside of the breeding season (September 1 through February 15).</p> <p>If active nests are found, the construction contractor shall establish appropriate buffers around the nests. The qualified biologist will determine an adequate buffer for the species and nest. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. Monitoring of the nest by a qualified biologist shall be required if the activity has the potential to adversely affect the nest. For Swainson’s hawk nests, CDFG guidelines (1994) recommend maintenance of 0.25 mile buffers around Swainson’s hawk nests in developed areas, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest.</p>	Prior to construction – this mitigation measure shall be included in all project conditions of approval and implemented 30 days prior to the start of construction activities.	City of Sacramento; Construction Contractor		
CULTURAL RESOURCES				

<p>MM CUL-01: Cultural and Tribal Cultural resources sensitivity and awareness training program. The City shall require the applicant/contractor to provide a cultural and tribal cultural resources sensitivity and awareness training program for all personnel involved in project construction, including field consultants and construction workers. The training will be developed in coordination with interested culturally affiliated Native American Tribes. The training will be conducted in coordination with qualified cultural resources specialists. The City may invite Native American Representatives from interested culturally affiliated Native American Tribes to participate. The training shall be conducted before any construction activities begins on the project site. The program will include relevant information regarding sensitive tribal cultural resources and archaeological resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.</p> <p>The worker cultural resources sensitivity and awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and who to contact if any potential Tribal Cultural Resources or archaeological resources or artifacts are encountered.</p> <p>The program will emphasize the requirement for confidentiality and culturally-appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American Tribal values.</p>	<p>This mitigation measure shall be implemented prior to construction or earthmoving activities.</p>	<p>City of Sacramento; Archeologist or Qualified Cultural Resource Monitor; and Construction Contractor</p>		
<p>MM CUL-02: Avoid and minimize impacts to previously unknown archaeological resources. If archaeological resources, or tribal cultural resources, are</p>	<p>Prior to and during construction – this mitigation measure shall be included in all</p>	<p>City of Sacramento; Archeologist or Qualified Cultural Resource Monitor;</p>		

<p>encountered in the project area during construction, the following performance standards shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of tribal cultural resources:</p> <ul style="list-style-type: none"> • Each resource will be evaluated for California Register of Historical Resources (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes. <p>If a tribal cultural resource is determined to be eligible for listing on the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:</p> <ol style="list-style-type: none"> i. Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. ii. Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following: <ol style="list-style-type: none"> iii. Protect the cultural character and integrity of the resource. iv. Protect the traditional use of the resource. i. Protect the confidentiality of the resource. ii. Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. <ol style="list-style-type: none"> iii. Rebury the resource in place. iv. Protect the resource. 	<p>construction documents for implementation during construction.</p>	<p>and Construction Contractor</p>		
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<p>Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and archaeological resources and will be accomplished, if feasible, by several alternative means, including:</p> <ul style="list-style-type: none"> • Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. • Recommendations for avoidance of Tribal Cultural Resources and Native American archaeological sites will be reviewed by the City representative, interested culturally affiliated Native American Tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. • Native American Representatives from interested culturally affiliated Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. • If the discovered resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a Tribal Cultural Resource or a Native American archaeological site will be determined in consultation with interested culturally affiliated Native American Tribes and such Tribes will be invited to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will 				
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<p>be determined in consultation with Native American Representatives from interested culturally affiliated Native American Tribes.</p> <ul style="list-style-type: none"> • The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. • Native American Representatives from interested culturally affiliated Native American Tribes and the City representative will also consult to develop measures for long term management of any discovered Tribal Cultural Resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within Tribal Cultural Resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure. <p>To implement these avoidance and minimization standards, the following procedures shall be followed in the event of the discovery of a tribal cultural resource:</p> <ul style="list-style-type: none"> • If any tribal archaeological resources or Native American materials, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or Native American architectural remains or articulated or disarticulated human remains are discovered on the project site, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural resources), and the construction contractor shall immediately notify the project’s City representative. • The City shall coordinate the investigation of the find with a qualified (meeting the Secretary of the Interior’s Qualification Standards for Archaeology) archaeologist approved by the City and with one or more interested culturally affiliated Native American Tribes that respond to the City’s invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American Tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations 				
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<p>should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.</p> <ul style="list-style-type: none"> • The City shall consider management recommendations for tribal cultural resources, including Native American archaeological resources, that are deemed appropriate, including resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by the City to be necessary and feasible to avoid or minimize significant impacts to the cultural resources. These measures may include inviting an interested culturally affiliated Native American Tribe to monitor ground-disturbing activities whenever work is occurring within 100 feet of the location of a discovered Tribal Cultural Resource or Native American archaeological site. • If an adverse impact to tribal cultural resources, including Native American archaeological resources, occurs then consultation with interested culturally affiliated Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 shall occur, in order to identify mitigation for the impact. 				
<p>MM CUL-03: Implement Procedures in the Event of the Inadvertent Discovery of Native American Remains. If an inadvertent discovery of Native American human remains is made at any time during project-related construction activities or project planning, the City will implement the procedures listed above in Mitigation Measure 2. The following performance standards shall be met prior to implementing or continuing actions such as construction, that may result in damage to or destruction of human remains: In accordance with the California Health and Safety Code, if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially</p>	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento; Archeologist and/or Qualified Cultural Resource Monitor; and Construction Contractor.</p>		

<p>damaging excavation in the area of the burial and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.</p> <p>If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the California Health and Safety Code Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.</p>				
<p>MM CUL-04: Paleontological Resources Should paleontological resources be identified during any phase of project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Sacramento Community Development Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the Community Development Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or</p>	<p>Prior to and during construction – this mitigation measure shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento; Archeologist and/or Construction Contractor.</p>		

infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.				
Noise				
MM NOI-01: Operational Noise. Rooftops with HVAC units located within 107 feet of the adjacent assisted living and memory care facility shall include an architectural parapet to reduce noise levels. The parapet shall be constructed along the edges of the structures' roofs. The parapet shall be at least one foot higher than the tallest rooftop equipment. No gaps or perforations shall be constructed in the parapet.	After construction – this mitigation measure shall be added as a condition of approval.	City of Sacramento; Construction Contractor		
MM NOI-02: Subsequent Analysis Subsequent projects, which utilize this ISMND, shall submit a separate noise analysis demonstrating that the design, construction, and operation of the buildings would not exceed City thresholds as outlined in the City's General Plan.	Prior to implementation and approval of subsequent projects related to this ISMND, this mitigation measure shall be added as a condition of approval.	City of Sacramento; Property Owner		
Transportation				
MM T-01: Fair Share Contribution. The project applicant shall pay a fair share contribution for impacts to bicycle and pedestrian access to the City of Sacramento, or construct equivalent improvements consistent with City standards.	Before construction this mitigation measure shall be added as a condition of approval	City of Sacramento; Project Applicant		

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