

RESOLUTION NO. 2008-308

Adopted by the Sacramento City Council

May 20, 2008

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE CHURCH STREET STATION PROJECT (P07-066)

BACKGROUND

- A. On April 17, 2008, the Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Church Street Station Project;
- B. On May 20, 2008, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Ssection17.200.010(C)(2)(a), (b), and (c)(publication, posting, and mail 500'), and received and considered evidence concerning the Church Street Station Project.

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

- Section 1 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 February 1, 2008 a Notice of Intent (NOI) to Adopt the MND dated February 1, 2008 was circulated for public comments for 30 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.
 - b. On February 1, 2008 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

- Section 2 All written comments submitted regarding the environmental document have been considered. A comment letter dated February 28, 2008 was received from the Sacramento Metropolitan Air Quality District regarding the health risk assessment, and requesting recirculation. The MND was revised in response to this letter. Pursuant to CEQA Guidelines section 15073.5 (b)(1), the changes made in the document do not constitute a "substantial revision" and recirculation is not required. The comment and the revisions in the MND did not identify a new avoidable significant effect, mitigation measures, or project revisions.
- Section 3 Pursuant to CEQA Guidelines sections 15073.5(c)(2) and (4), recirculation is not required because revisions were added in response to written or verbal comments on the projects effects identified in the proposed MND which are not new avoidable significant effects. New information was added which merely clarified, amplified, or made insignificant modifications to the MND.
- Section 4 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 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 the Mitigation Monitoring Program 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 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 the State EIR Guidelines adopted pursuant thereto.
- Section 9 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 Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

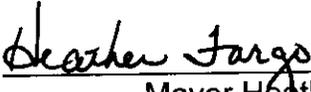
Adopted by the City of Sacramento City Council on May 20, 2008 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmembers Cohn & Fong.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

MITIGATION MONITORING PLAN

FOR

Church Street Station (P07-066)

**TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/ NEGATIVE DECLARATION**

PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

DATE:

January 30, 2008

ADOPTED BY:
CITY OF SACRAMENTO
CITY COUNCIL

DATE: May 20, 2008

ATTEST:

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Church Street Station (P07-066)
Owner/Developer- Name: David Sagan
Address: R.E.Y. Engineers, Inc.
905 Sutter Street, Suite 200
Folsom, California 95630
(916) 366-3040 Ext. 17

Project Location / Legal Description of Property (if recorded):

The proposed project site consists of approximately 4.4 acres (APN 237-0180-033, 237-0192-023 & 237-0192-024) and is located at 4111 Rio Linda Boulevard. The site is located north of Interstate 80, west of Taylor Street, east of Rio Linda Boulevard and south of Granger Avenue in the City of Sacramento.

Project Description:

The proposed project would rezone three parcels totaling approximately 4.4 acres from Agricultural (A) to Single-Family Alternative (R-1A) and subdivide the site into 47 single-family lots and 2 landscape lots in the North Sacramento Community Plan Area.

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Biological Resources, Hazards, Noise, and Cultural Resources. 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 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 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 from the 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 will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
Biological Resources	<p>B-1a To mitigate impacts to Swainson's hawk and other raptors during the nesting season (February 1 through September 15), the project applicant(s) shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the project site. The surveys shall be conducted prior to approval of grading and/or improvement plans (as applicable) and now more than 30 days before the beginning of construction. 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) shall be followed. If construction occurs outside of the nesting season, no surveys will be required.</p> <p>If no nests are found, no further mitigation is required.</p> <p>If active nests are found, impacts to nesting Swainson's hawks and other raptors shall be avoided by establishment of appropriate buffers around the nests. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is not longer active. DFG guidelines recommend implementation of 0.25-mile buffers for most raptors and 0.5-mile buffers for Swainson's hawk, but the size of the buffer may be adjusted if a qualified biologist and the City in consultation with DFG determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely</p>	<p>City of Sacramento, Development Services Department</p> <p>California Department of Fish and Game</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services 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
Biological Resources	<p>affect the nest.</p> <p>B-1b Trees on the site that need to be removed to accommodate construction shall be felled between September 15 and January 31, outside of the general nesting season for raptors and other birds. Alternately a pre-construction survey for nesting birds shall be conducted prior to tree removal between February 1 and September 15.</p>	<p>City of Sacramento, Development Services Department</p> <p>California Department of Fish and Game</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services 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>
Hazards	<p>H-1 The onsite septic system shall be properly abandoned in accordance with the County of Sacramento, Environmental Management Department, Water Protection Division regulations. If the tank has previously been abandoned, verification from the County of Sacramento, Environmental Management Department, Water Protection Division shall be required prior to grading permits.</p>	<p>City of Sacramento, Development Services Department</p> <p>County of Sacramento, Environmental Management Department, Water Protection</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department</p>

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		Division	shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit
Hazards	H-2 The drinking water well should be properly abandoned in accordance with the County of Sacramento, Environmental Management Department, Water Protection Division regulations. If the well has previously been abandoned, verification from the County of Sacramento, Environmental Management Department, Water Protection Division shall be required prior to grading permits.	City of Sacramento, Development Services Department County of Sacramento, Environmental Management Department, Water Protection Division	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit
Noise	N-1 A noise barrier shall be constructed	City of	Prior to

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	<p>with solid construction, such as masonry or stucco, with no gaps or holes that would compromise noise insulation performance along the southern, western and eastern property lines of the proposed project. A solid noise barrier of 8 feet high above building pad elevations shall be required on the southern side of, lots 21 through 22. A solid noise barrier of 7 feet shall be required along the western side of lot 21. A solid noise barrier of 6 feet shall be required for the western side of the proposed project along lots 15 through 20. A solid noise barrier of 6 feet shall be required along the eastern side of lots 1, 47 and 22</p>	Sacramento, Development Services Department	<p>issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services 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>
Noise	<p>N-2 The second-floor windows at south, west and east-facing building facades on Lots 20 through 33 shall have sound transmission class (STC) performance of no less than 35. The second-floor windows at west and east-facing facades on Lots 16 through 19, west facing facades on Lots 34 through 36, and east facing facades on Lots 1 and 47, shall provide STC 32 or higher.</p>	City of Sacramento, Development Services Department	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
			measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit
Noise	N-3 All project buildings shall include mechanical systems that provide appropriate heating, cooling and ventilation so that windows and doors may remain closed when needed for noise insulation.	City of Sacramento, Development Services Department	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit
Cultural Resources	CR-1 The applicant shall hire a qualified archaeologist to conduct a records search for the project site, including a search of	City of Sacramento, Development	Measure shall be implemented

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	<p>the North Central Information System at CSU, Sacramento. The qualified archaeologist shall provide recommendations for mitigation should any resource be identified on the project site by the records search. Prior to issuance of grading permits, the applicant shall provide proof that the records search has been performed and that any cultural resources identified on the project site have been mitigated according to the recommendations of the qualified archaeologist.</p>	<p>Services Department, Native American Heritage Commission</p>	<p>prior to issuance of grading permits and during construction activities. Measures shall be implemented during construction activities, as specified.</p>
Cultural Resources	<p>CR-2a 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 the current professional standards.</p>	<p>City of Sacramento, Development Services Department, Native American Heritage Commission</p>	<p>Measure shall be implemented prior to issuance of grading permits and during construction activities. Measures shall be implemented during construction activities, as specified.</p>
Cultural Resources	<p>CR-2b If a Native American site is discovered, the evaluation process shall</p>	<p>City of Sacramento,</p>	<p>Measure shall be</p>

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	<p>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 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>Development Services Department,</p> <p>Native American Heritage Commission</p>	<p>implemented prior to issuance of grading permits and during construction activities.</p> <p>Measures shall be implemented during construction activities, as specified.</p>
Cultural Resources	<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>	<p>City of Sacramento, Development Services Department,</p> <p>Native American Heritage Commission</p>	<p>Measure shall be implemented prior to issuance of grading permits and during construction activities.</p> <p>Measures shall be implemented during construction activities, as specified.</p>

