

## **RESOLUTION NO. 2009-170**

Adopted by the Sacramento City Council

March 24, 2009

### **ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION REPORTING PROGRAM FOR THE MCCLATCHY PARK MASTER PLAN UPDATE**

#### **BACKGROUND**

- A. The Environmental Services Manager has determined that the McClatchy Park Master Plan Update ("Project") will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared (referred to in the Notice of Intent to Approve the Mitigated Negative Declaration as the "McClatchy Park Conceptual Master Plan Project"). In compliance with Section 15070(B)(1) of the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), the City has incorporated mandatory mitigation measures into the project plans to avoid potential impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address potential impacts to Hazards and Cultural Resources. The proposed Negative Declaration was available for a 30-day public review period between November 24 and December 24, 2008. Staff is unaware of any comments received.

#### **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 identified potentially significant effects of the Project. Revisions to the Project made 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 would 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 November 25, 2008, a Notice of Intent to Adopt the MND (NOI) dated November 25, 2008, was circulated for public comments for 30 days (the Project was referred to in the NOI as the "McClatchy Park Conceptual Master Plan Project"). 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 November 25, 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. 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 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.

Section 4. The City Council adopts the MND for the Project.

Section 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 a Mitigation Reporting 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 Reporting Program.

Section 6. 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 7. Pursuant to 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.

**Table of Contents:**

Exhibit A – McClatchy Park Mitigation Reporting Plan

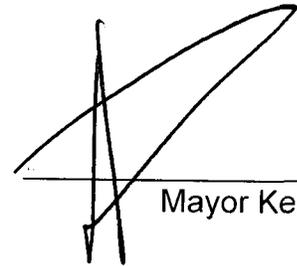
Adopted by the City of Sacramento City Council on March 24, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

**McClatchy Park Conceptual Master Plan  
MITIGATION REPORTING PROGRAM CHECKLIST**

**MITIGATION REPORTING PLAN**

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures included in this Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento Parks and Recreation Department in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Plan is being prepared by the Planning and Building Department, Environmental Planning Services, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811, (916) 808-8419, pursuant to the California Environmental Quality Guidelines, Section 21081.

The Parks and Recreation Department will submit its completed Reporting Plan to the Environmental Planning Services for inclusion in the annual report to the City Council.

**Project Name and Number:** McClatchy Park Conceptual Master Plan

**Project Location:** The proposed project site is located at 3520 5<sup>th</sup> Avenue, west of 37<sup>th</sup> Street, north of 6<sup>th</sup> Avenue, east of 33<sup>rd</sup> Street and south of 5<sup>th</sup> Avenue, in the East Broadway Community Plan Area, within the Oak Park neighborhood. The project site includes Assessor's Parcel Number 013-025-1002-0000.

**Project Description:**

The proposed project includes the following activities:

- demolition and removal of existing clubhouse.
- construction of a new clubhouse with approximately 2,500 square feet (to include a youth room, library, tech room, activity room and indoor restroom);
- demolition and removal of the existing pavilion and construction of a new stage/amphitheater with approximately 2,500 square feet (to include changing rooms and prop rooms);
- construction of a new multi-use common area, expanded pool area amenities, expanded playground area, and a new restroom/concession building (approximately 1,000 square feet); and
- installation of new park lighting, new walkways, refurbished sports fields, expanded parking, a jogging trail around the periphery of the park, a skate park and a small dog park.

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Mitigation Measure		VERIFICATION OF COMPLIANCE		
		Reporting/ Responsible Party	Initials	Date
<p><b>HAZ-1:</b></p> <p>A Phase I, Environmental Site Assessment shall be required by a qualified professional to determine the potential of hazardous material contamination including asbestos-containing materials. Prior to any disturbance of on-site building materials (including renovation or demolition) a comprehensive asbestos inspection by a California Asbestos Consultant (CAC) shall be required.</p> <p>In the event that hazardous material contamination is discovered during grading or construction activities, the applicant shall retain a qualified professional to evaluate the type and extent of the hazardous material contamination and make appropriate recommendations, including if necessary, the preparation of a site remediation plan (Pursuant to Section 25401.05 (a) (1) of the California Health and Safety Code). Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City of Sacramento and Sacramento County Environmental Management Department.</p> <p>In the event remediation is required, the applicant shall ensure preparation of a site-specific health and safety plan that meets the intent of Occupational Safety and Health Administration hazardous material worker requirements (CCR Title 8). The plan shall be prepared by a qualified professional prior to the commencement of site-disturbing activities. Preparation of a remediation plan shall include a certification that the remediation measures would clean up</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</p>	<p>City of Sacramento-Development Services Department;</p> <p>County of Sacramento, Environmental Management Department, Water Protection Division</p>		

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	prior to issuance of any grading or building permit.						
Mitigation Measure			Reporting Milestone	Reporting/Responsible Party	Initials	Date	VERIFICATION OF COMPLIANCE Remarks
<b>CR-1:</b>	<p>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>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance.</p>	<p>City of Sacramento-Development Services Department;</p>				
<b>CR-2:</b>	<p>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>a. If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be</p>	<p>The Development Services Department shall assure that measures are identified on construction plans and specification</p>	<p>Native American Heritage Commission</p>				

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<p>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 by the local Native American community as scholars of the cultural traditions.</p> <p>b. 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 51 requirements.</p>	<p>s and confirm compliance prior to issuance of any grading or building permit.</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-interment 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>				